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## **Regulations governing structures, procedures and quality standards in the evaluation of professors at Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU Regulations) dated February 23, 2023**

amended by statute of April 28, 2023

Based on Section 9 (2) in conjunction with Section 66 (5)(9) of the Bavarian Higher Education Innovation Act (BayHIG) of August 5, 2022 (GVBl. p. 414, BayRS 2210-1-3-WK), amended by Section 3 of the Act dated December 23, 2022 (GVBl. p. 709), Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) hereby passes the following regulations:

### **Preamble**

Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) is keen to support excellent researchers, providing them with long-term and reliable career prospects.

With this in mind, FAU offers W1 and W2 professorships with a compulsory tenure track, which are initially filled for a fixed term and which provide successful candidates with the prospect of a permanent professorship (W2 or W3) at a later date. These regulations provide the structural framework for tenure track professorships at FAU.

The structures, procedures and quality standards for tenure track professorships are set forth in these regulations as a quality-assured evaluation procedure.

### **Part 1 General provisions**

#### **Section 1 Scope of application**

<sup>1</sup>These regulations stipulate the structures, the procedure and the quality standards for the evaluation of fixed-term professorships and tenure track professorships via appointment procedures without a call for applications, successful completion of the probationary period and the interim evaluation of W1 professors.

<sup>2</sup>Tenure track professorships are offered with a compulsory tenure track and are not subject to a certain position being available in the budget.

#### **Section 2 Quality standards for appointments and evaluations**

(1) <sup>1</sup>The initial appointment procedure is governed by the provisions stipulated in the second part of Chapter 5 (2) of the Bavarian Higher Education Innovation Act (BayHIG) in addition to the further provisions governing appointment procedures at FAU, in particular the Guidelines for appointments, in the currently valid version. <sup>2</sup>In addition to the requirements stipulated in Section 57 (1) and Section 63 (1) BayHIG, applicants for a tenure track professorship must have changed university after completing their doctoral degree or have held a research position outside FAU for at least two years.

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(2) The tenure evaluation via an appointment procedure without a call for applications shall be governed by Section 58(4) in conjunction with Section 66 (7)(1) nos. (1) and (2) and Section 66 (5)(9) BayHIG in conjunction with these regulations.

### **Section 3 Evaluation committee (probationary period, interim evaluation)**

(1) <sup>1</sup>The Faculty Council shall pass a resolution in consultation with the Executive Board to establish an evaluation committee for the interim evaluation of a W1 professor and for determining whether the probationary period has been completed successfully. <sup>2</sup>The interim evaluation and the assessment of whether the professor has completed the probationary period successfully may be combined.

(2) <sup>1</sup>The evaluation committee consists of at least three professors who have the necessary subject expertise to be able to assess the professor's performance. At least one woman must be included in the committee. <sup>2</sup>The dean appoints one of the committee members as the chair of the committee. <sup>3</sup>If one or more members are suspected of being partial, the Faculty Council shall replace them in consultation with the Executive Board.

(3) <sup>1</sup>If agreed by the Executive Board, the Faculty Council can transfer the tasks of the evaluation committee to a standing committee at faculty level which evaluates all W1 professors in the faculty. <sup>2</sup>At least one female professor must be included in the standing committee. <sup>3</sup>If a standing committee is formed, the provisions stipulated in these Regulations shall apply accordingly; the application for convening an evaluation committee shall be replaced by the application filed by the Faculty with the Executive Board for commencing the evaluation procedure.

### **Section 4 Appointment committee; tenure committee**

(1) For each tenure evaluation consisting of an appointment procedure without a call for applications, an appointment committee shall be convened upon a resolution passed by the Faculty Council in consultation with the Executive Board.

(2) The members of the appointment committee are determined pursuant to Section 66 (4) BayHIG.

(3) <sup>1</sup>In the event of a permanent position being offered without conducting an appointment procedure pursuant to Section 58(2)(5) BayHIG, a tenure committee shall be convened upon a resolution passed by the Faculty Council in consultation with the Executive Board. <sup>2</sup>The tenure committee consists of at least three professors from FAU who have the necessary subject expertise to be able to assess the professor's performance. At least one woman must be included in the committee. <sup>3</sup>The dean appoints one of the committee members as the chair of the committee. <sup>4</sup>If one or more members are suspected of being partial, the Faculty Council shall replace them in consultation with the Executive Board.

(4) <sup>1</sup>In consultation with the Senate, the Executive Board may transfer responsibility for conducting a tenure evaluation via an appointment procedure without a call for applications and for conducting an evaluation within the context of appointment to a permanent position without an appointment procedure to an interdisciplinary standing committee. <sup>2</sup>If a standing committee is formed, the provisions stipulated in these regulations shall apply accordingly; the

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application for convening an appointment committee is replaced by the Faculty's application for commencing the evaluation procedure submitted to the Executive Board.

### **Section 5 Conflicts of interests**

Sections 20 and 21 BayVwVfG in conjunction with FAU's Guidelines on conflicts of interest shall apply with respect to conflicts of interests on the part of members of the committee.

## **Part 2**

### **Quality assurance procedure for the evaluation of W1 tenure track professors, successful completion of the probationary period and the interim evaluation of W1 professors**

#### **Section 6 Procedure**

(1) <sup>1</sup>The quality assurance procedure for W1 professorships consists of the following steps:

1. Target agreement (Section 8)
2. Guidance from a mentor (Section 7)
3. Successful completion of the probationary period (Section 9)
4. Interim evaluation (Section 10)
5. Orientation interview (Section 11)

<sup>2</sup>The W1 professorship with tenure track is completed after a positive tenure evaluation and is followed by an appointment procedure without a call for applications (Section 12).

#### **Section 7 Mentors**

(1) <sup>1</sup>After the candidate accepts the appointment offer, the Faculty Council and the newly appointed professor decide on a suitable professor to act as a mentor for the W1 professor for the duration of the W1 professorship. The mentor usually specializes in a related subject, but not necessarily the same subject as the W1 professor. An external professor may also be chosen as a mentor. <sup>2</sup>The mentor and a deputy shall be appointed by the Executive Board at the recommendation of the Senate. <sup>3</sup>A mentor must be appointed, but the W1 professor is under no obligation to accept the offer. <sup>4</sup>If the W1 professor accepts the offer of a mentor, mentoring shall take place at regular intervals.

(2) The mentor shall assist the W1 professor in meeting the criteria stipulated in the target agreement and shall guide and advise the W1 professor on preparing for their future academic role.

(3) <sup>1</sup>The mentor is not a member of either the evaluation committee or the appointment committee and is not involved in the interim or tenure evaluation procedure or the procedure for determining the successful completion of the probationary period. <sup>2</sup>The mentor shall not assess the professor's performance at any time. <sup>3</sup>The relationship between the mentor and the W1 professor shall be governed by Section 9 (3)(2).

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### **Section 8 Target agreement**

(1) <sup>1</sup>The dean shall draw up a target agreement with the W1 professor before appointment. <sup>2</sup>The target agreement sets forth the expectations and targets to be assessed during the evaluation of the probationary period, the interim evaluation and the tenure evaluation, and stipulates goals for the professor's later career. <sup>3</sup>The target agreement is countersigned by the mentor.

(2) <sup>1</sup>The target agreement is based on criteria according to the strategic FAU PERO fields of action (People, Education, Research and Outreach). <sup>2</sup>It includes a schedule and is split into an initial orientation phase lasting until the successful completion of the probationary period/ interim evaluation, followed by a second phase running until the tenure evaluation or until the end of the fixed term agreed for the W1 professorship.

(3) The evaluation committee receives a copy of the target agreement from the dean.

(4) In consultation with the W1 professor, the dean can amend the target agreement to make it more applicable to a subsequent tenure procedure, possibly after the orientation interview (Section 12).

### **Section 9 Successful completion of probationary period**

(1) <sup>1</sup>One year before the fixed term of the professorship is due to expire, the Faculty Council shall establish an evaluation committee upon the request of the W1 professor and in consultation with the Executive Board (Section 3). This evaluation committee shall assess the W1 professor's performance during the first phase of the W1 professorship on the basis of the target agreement (successful completion of the probationary period pursuant to Section 63 (2)(2) BayHIG). <sup>2</sup>Upon a justified request by the W1 professor, the Faculty Council may agree to commence the procedure pursuant to sentence 1 earlier, but no earlier than one year after the initial appointment if this is justified in the particular case in hand.

The decision as to whether the probationary period has been completed successfully is based on:

1. A self-evaluation report from the W1 professor
2. External reviews
3. A report from the committee and
4. Statements from the dean of studies and students.

<sup>4</sup>The evaluation procedure is completed once a decision is taken by the Executive Board after hearing the statement from the Senate (Section 11).

(2)<sup>1</sup>The evaluation committee shall ask the W1 professor to submit a written self-evaluation report, giving appropriate notice of at least one month. <sup>2</sup>The self-evaluation report shall include a personal statement including a comprehensive assessment of achievements to date in research and teaching, based on the targets stipulated in the target agreement. <sup>3</sup>In addition, the self-evaluation report shall include

1. Curriculum vitae
2. Publication list
3. Overview of acquired third-party funding
4. Documentation of scientific partnerships

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5. Documentation of the professor's own research focus areas, referring to the research of colleagues in the same subject at FAU and in the international context as well as other academic activities
6. If applicable, adjusted outline of goals in the area of research and teaching for the second phase of the W1 professorship and if applicable for the following tenure evaluation, if these goals deviate from the target agreement
7. Documentation of the teaching portfolio including the results of any teaching evaluations, as well as plans for introducing innovation in teaching
8. Report of activities relating to the administration of academic affairs
9. Proof of any training/professional development courses attended.

(3) <sup>1</sup>The evaluation committee shall appoint at least two professors from other universities as external reviewers with expert knowledge of the subject. They should have an international reputation and, if appropriate for the subject in question, belong to universities outside Germany. The W1 professor may propose candidates (Section 63 (2) sentences 3 and 4 BayHIG).

<sup>2</sup>The evaluation committee shall ensure that no-one matching any of the following descriptions is asked to provide an evaluation:

1. Anyone who has been involved in the W1 professor's qualification procedure in the last six years
2. Anyone who has closely collaborated in research with the W1 professor in the last six years
3. Anyone who has had any other professional relationship to the W1 professor in the last six years
4. Anyone who is excluded from participating pursuant to Section 20, 21 BayVwVfG

<sup>3</sup>The external reviewers should provide an assessment of the W1 professor's academic status and the extension of the W1 professorship on the basis of the self-evaluation report written by the W1 professor, with reference to the target agreement. <sup>4</sup>The assessment will include an evaluation of the research and visibility of the W1 professor in the academic community on the basis of the W1 professor's entire academic achievements to date. <sup>5</sup>The evaluations may also cover other questions posed by the evaluation committee.

(4) <sup>1</sup>On the basis of the self-evaluation report, the external reviews, the internal evaluation of teaching performance from the dean of studies and the elected students' representatives and the evaluation of the professor's contribution to the administration of academic affairs from the Faculty Council, the evaluation committee draws up a written report on the first phase of the W1 professorship. <sup>2</sup>The evaluation is conducted on the basis of the objectives stipulated in the target agreement as defined in Section 8 (2). <sup>3</sup>The professor's academic age shall be taken into account appropriately when making the evaluation (e.g. extensions pursuant to BayHIG). <sup>4</sup>In the report, the evaluation committee shall make a recommendation as to whether the W1 professorship should be extended or not.

(5) <sup>1</sup>The evaluation committee shall make its decision based on the majority of votes cast. <sup>2</sup>Those entitled to vote must participate in person; Section 30 (9) and (10) of the currently valid version of GrOFAU shall apply accordingly. <sup>3</sup>The right to vote may not be transferred.

(6) <sup>1</sup>The final version of the report is forwarded to the W1 professor. <sup>2</sup>The professor then has a period of two weeks after receiving the report to draft a response.

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(7) <sup>1</sup>The Faculty Council considers the report from the evaluation committee and any response submitted by the W1 professor and issues a statement on the outcome of the evaluation. <sup>2</sup>Thereafter, the Faculty Council forwards its recommendation to the Senate and the Executive Board, stating whether the W1 professorship should be extended or not. <sup>3</sup>Reasons must be given justifying the recommendation.

### **Section 10 Interim evaluation**

(1) The provisions governing successful completion of the probationary period for W1 professors (Section 9) also apply to the interim evaluation of W1 professors.

(2) <sup>1</sup>In addition, the interim evaluation includes the aspect of future potential, in particular in view of a later tenure evaluation. <sup>2</sup>In addition to Section 9(3) sentences 3 to 5 (evaluations), the external reviewers must submit a separate statement for the interim evaluation detailing the professor's future potential.

(3) Separate reports must be submitted confirming the successful completion of the probationary period as a university lecturer pursuant to Section 63(2)(2) BayHIG and the interim evaluation pursuant to Section 63(4) sentences 1 and 2 BayHIG.

### **Section 11 Final decision of Executive Board**

(1) <sup>1</sup>The Executive Board decides on the extension of the W1 professorship on the basis of the report from the evaluation committee and the proposal from the Faculty Council after a statement from the Senate (Section 63 (2)(7) BayHIG). <sup>2</sup>The dean informs the W1 professor in writing of the outcome of the decision and the reasons for it.

(2) <sup>1</sup>After the successful completion of the probationary period is confirmed, the W1 professor shall be awarded the right to teach at university, provided the faculty agrees (Section 98 (10)(3) BayHIG). <sup>2</sup>The binding confirmation of the scope of the right to teach is determined by a resolution passed by the Faculty Council on the basis of the report submitted by the evaluation committee (see Section 9 (4)).

### **Section 12 Orientation interview**

(1) <sup>1</sup>Following on from the successful completion of the probationary period and the interim evaluation, the W1 professor receives qualified feedback from the chair of the evaluation committee during a face to face meeting on how the W1 professorship has progressed so far. <sup>2</sup>Recommendations may be made for a future course of action, for example by discussing transitory provisions or indicating alternative career paths. <sup>3</sup>The main points of the discussion should be recorded in writing.

(2) If the W1 professor agrees, the mentor may join the meeting.

### **Section 13 Tenure evaluation with appointment procedure without a call for applications**

(1) Simplified procedures pursuant to Section 66 (7)(1) BayHIG shall apply to all tenure evaluations and may entail the following:

- The trial lecture is optional.
- The application for the waiver of the requirement for a call for applications may be linked to the application for convening the appointment committee.

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(2) <sup>1</sup>The tenure procedure involving an appointment procedure without a call for applications is started at the latest one year before the fixed term of the W1 tenure track professorship is due to expire, upon the request of the W1 professor. Upon the request of the W1 professor, a committee is convened for the tenure procedure (tenure committee) on the basis of a resolution passed by the Faculty Council in consultation with the Executive Board. <sup>2</sup>The Faculty Council submits an application for conducting the tenure procedure via an appointment procedure without a call for applications at the same time as convening the appointment committee (Section 58(4)(1) in conjunction with Section 66 (7)(1) BayHIG). <sup>3</sup>Under certain justified circumstances, the Executive Board can commence tenure proceedings at any time in consultation with the Faculty Council and the W1 professor.

(3) Tenure proceedings are intended to assess the achievements of the W1 tenure track professor in research, teaching and administration of academic affairs and to assess whether the requirements for an appointment procedure waiving a call for applications on the basis of the latest version of the target agreement have been met (Section 8 (2)(4)).

(4) <sup>1</sup>The appointment committee appoints at least two professors from other universities as external reviewers with expert knowledge of the subject. They should have an international reputation and, if appropriate for the subject in question, belong to universities outside Germany. <sup>2</sup> The external evaluations are written on the basis of the criteria set out in the target agreement and should indicate how the professor compares to others in the field on a national and international basis. <sup>3</sup>The evaluations shall state to what extent the W1 professor is suited to being appointed to a permanent professorship.

(5) After considering the external evaluations, the appointment committee decides whether the W1 tenure track professor ought to be proposed for appointment to a permanent professorship on the basis of their subject knowledge, teaching and personal performance according to the PERO criteria for appointment, and draws up a concluding report (appointment proposal) confirming that requirements for waiving a call for applications pursuant to Section 66 (7)(1)(2) BayHIG have also been met.

#### **Section 14 Final decision of Executive Board**

The Executive Board comes to a decision on the basis of the Senate's statement and the vote cast by the appointment committee on whether or not to appoint the W1 tenure track professor to a permanent professorship.

### **Part 3**

#### **Quality assurance procedure for the evaluation of W2 and W3 tenure track professors**

##### **Section 15 Target agreement**

The evaluation of a W2 or W3 tenure track professorship is conducted on the basis of a target agreement concluded prior to appointment between the dean and the professor and structured according to the PERO strategic fields of action at FAU (People, Education, Research,

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Outreach).

### **Section 16 Tenure evaluation with appointment procedure without a call for applications**

(1) The Faculty Council appoints an evaluation committee in consultation with the Executive Board and at the request of the W2 or W3 tenure track professor at the latest one year before the evaluation period is due to expire and at the earliest three years after the initial appointment.

(2) The appointment committee assesses the subject knowledge, teaching ability and personal suitability of the professor on the basis of the following documents:

1. Self-evaluation report from the professor
2. At least two external evaluations from external reviewers with expert knowledge of the subject. They should have an international reputation and, if appropriate for the subject in question, belong to universities outside Germany
3. Assessment from the dean
4. Statement from the dean of studies, the elected students' representatives, the women's representative and in the case of the Faculty of Medicine the Director of Universitätsklinikum Erlangen (in Kap. 1520).
5. Faculty Council's application for tenure.

(3) The assessment is based on the goals stipulated in the target agreement pursuant to Section 15.

### **Section 17 Final decision of Executive Board**

The Executive Board decides on the basis of the report from the appointment committee (appointment proposal) and the statement from the Senate about appointment to a permanent position.

## **Part 4 Final provisions**

### **Section 18 Procedure for jointly appointed professors**

If no special provisions have been agreed between FAU and the extramural research institution in the case of professors appointed jointly with extramural research institutions or within the context of other partnerships or foundations, then the evaluations shall be carried out in accordance with the provisions stipulated in these regulations.

### **Section 19 Fixed-term W2 and W3 professorships**

(1) <sup>1</sup>Sections 15 to 17 of these regulations shall apply accordingly to the evaluation of fixed-term W2 and W3 professors already appointed at the time these regulations come into effect and to fixed-term W3 professorships. <sup>2</sup>Sections 15 to 17 of these regulations shall apply accordingly for the evaluation of fixed-term W2 and W3 professorships before three years have expired after the initial appointment.



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(2) <sup>1</sup>If at least three years have passed since the initial appointment to a fixed-term W2 and W3 professorship, it is possible for the position to be changed into a permanent public servant position without conducting an appointment procedure, if the professor has demonstrated sufficient subject knowledge, teaching ability and personal suitability; Section 4(3) sets forth who is responsible. <sup>2</sup>If the professor was a member of the University at the date of appointment, conversion to a permanent position is only permitted in exceptional circumstances.

### **Section 20 Legal validity**

(1) These regulations shall come into effect on February 24, 2023.

(2) The Regulations governing structures, procedures and quality standards in tenure track professorships and the evaluation of professors at Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) dated May 29, 2017, last updated in the resolution dated December 22, 2021, shall cease to apply after February 23, 2023.