

Courtesy translation Statutes of the Hertie School

in the version of 26.02.2020

§ 1 Legal position

- (1) The Hertie School is an independent, state-recognized university, as defined by the Higher Education Act of the State of Berlin (BerlHG).
- (2) The name of the aforementioned university is Hertie School.
- (3) As an explanatory subtitle, the Hertie School can use the additional by-line “The University of Governance in Berlin”.
- (3) The Hertie School is located in Berlin.

§ 2 Legal Entity

The legal entity of the Hertie School is the Hertie School gemeinnützige GmbH.

§ 3 Duties and Objectives

- (1) The purpose of the Hertie School is to conduct and develop scientific study related to problems of governance and modern statehood through teaching, research and knowledge transfer.
- (2) The Hertie School offers master programmes in the fields of Public Policy and Public Management, which could have a national, European, or international focus. Furthermore, the School offers executive seminars for junior leaders as well as other forms of knowledge transfer. A special emphasis in teaching lays on internationality, tri-sectoral approaches and an applied perspective, while at the same time, academic excellence, inter-disciplinarity, and problem solving are highlighted.
- (3) The Hertie School maintains partnerships with national and international universities as well as other scientific institutions.
- (4) The Hertie School supports junior academics. The Hertie School may also assume additional tasks with the approval of the legal entity, in particular with regard to advanced trainings and executive education.
- (5) In all of its endeavors, the Hertie School strives to eliminate gender discrimination and promote equal rights, taking into consideration the different living situations of men and women (gender mainstreaming).

§ 4 Right to Academic Self-Administration

- (1) Notwithstanding of the rights of the legal entity, the Hertie School is entitled to academic self-administration. This particularly applies to
 - a) the programmes of study and examinations,
 - b) the training of junior academics,
 - c) the process of faculty appointments,
 - d) the professional and didactical training of academic staff,
 - e) decisions concerning enrolment and removal from the register of students,
 - f) the regulation of rights and duties which are connected with being a member of the Hertie School,
 - g) the conferral of academic degrees,
 - h) a comment on the annual budget,
 - i) the evaluation of teaching and research.

- (2) Hertie School administrative bodies (the Academic Senate and Managing Body of the School) can enact rules to govern their activities within the framework of self-administration. In the case that new rules have financial implications, they require approval of the legal entity.

§ 5 Freedom of Teaching and Research

- (1) Insofar as courses are part of the official duties of academic staff members they are entitled to freedom of teaching. Freedom of teaching may encompass especially content and methods of courses, as well as the right to express academic teaching opinions. Decisions and instructions are permitted only to the extent that they refer to the organization of teaching programmes and to the compilation of and compliance with study and examination regulations.

- (2) Insofar as research activities are part of the official duties of academic staff members they are entitled to freedom of research. Freedom of research may encompass especially research design, research methods, assessment of research results as well as their distribution. Decisions related to research are permitted only to the extent that they refer to the organization of research, the promotion and the coordination of research projects, and to the formation of core areas of research activities.

§ 6 Membership

Members of the Hertie School are:

- a) the Managing Body of the School and the Dean(s),
- b) academic staff with a main occupation at the Hertie School,
 - the professors,
 - the assistant professors,
 - the senior professors¹,
 - the research associates
- c) the non-academic employees,
- d) the enrolled students,
- e) the part-time lecturers (external lecturers or *Adjuncts*), who have taught at least one course per academic year within the previous two years.

§ 7 Right to Participate

- (1) The members of the Hertie School have both the right and obligation to participate in academic self-administration. Assuming an office in the School's self-administration may only be refused on important grounds. The Senate and Managing Body must mutually agree on all decisions in this respect. Participation is honorary. Members as defined in § 6 lit. e), are entitled, but not obliged to participate. Further exceptions regarding the participation in the Academic Senate are regulated in § 13.
- (2) Members of Hertie School administrative bodies are not bound to instructions and orders. No one may be discriminated against due to his/her activity in the School's self-administration.

§ 8 Terms for the Establishment and Termination of Employment

- (1) The legal entity shall establish and end employment of members of the Hertie School's Managing Body, professors and other lecturers with their main occupation at the Hertie School.
- (2) Before signing employment contracts with professors it must be ensured that the employment pre-requisites of § 100 BerIHG are met. For assistant professors the employment pre-requisites of § 102a BerIHG apply accordingly. The responsible authorities approve every single employment of personnel with a main occupation at the Hertie School, who fulfil tasks and duties carried out by professors and assistant professors at state universities.

¹ These are professors who retired already at another university.

- (3) The conclusion of employment relationships with research associates and non-academic employees is realized by the legal entity, represented by its management, based on the personnel plan prepared by the legal entity in the context of the annual budget or based on the allocation of funds within the framework of third party funded research projects.
- (4) The supervisor of the Hertie School Managing Body is the legal entity. The supervisor of professors and other lecturers as well as research associates and non-academic employees is the legal entity, represented by its management.

§ 9 Management of the School

- (1) The Hertie School Managing Body consists of the President (also Chairman, Academic Managing Director, and Spokesperson for the management of the gGmbH), the Administrative Managing Director (also the Administrative Managing Director of the gGmbH) and the Dean who is appointed according to § 12 Sec. 4 by the President. The Managing Body leads the School notwithstanding of the rights of the legal entity according to the Statutes and the Articles of Association. The Managing Body is responsible for properly implementing and safeguarding the School's mission and objectives, and for organizing teaching, academic studies, research, and transfer of knowledge.
- (2) The members of the Managing Body are obliged to regularly consult with the legal entity about essential developments and plans, and to submit regular reports to the Academic Senate concerning the tasks assigned to it in Sec. 1.

§ 10 Appointment and Tasks of the President

- (1) In preparation for the appointment of a President the Chairman of the Board of Trustees establishes a search committee and appoints its chairman. The search committee consists of a number of members appointed by the Board of Trustees as well as the same number of members elected by and among the members of the Academic Senate. At least 50% of the members of the search committee have to be professors. A member appointed by the Supervisory Board can attend session of the search committee in an advisory capacity.
- (2) The proposal of the search committee to appoint a President must be approved by the Academic Senate according to § 14 Sec. 2.
- (3) The President shall be appointed by the Supervisory Board for a term of four years. Re-appointment is possible under the same conditions. The President of the School is at the same time appointed as Academic Managing Director of the legal entity. As Academic Managing Director, the President is the spokesperson of the Hertie School of Governance gGmbH management. In this capacity the President holds the overall responsibility for the development of the Hertie School.

- (4) As President of the Hertie School can be appointed who
- meets the recruitment pre-requisites for professors according to § 100 BerlHG, and
 - is considered to be professionally qualified to fulfill the tasks of the President, particularly in terms of considerable relevant experience in leading positions in academia, business, or public administration.
- (5) The President leads the School. He/she is responsible for all matters connected with the academic management of the School in compliance with legal regulations and these Statutes. The President represents the School internally as well as externally and fosters relationships to national and international universities and academic institutions.
- (6) The President chairs the meetings of the Academic Senate. The President is also responsible for maintaining public order at the School and may exercise property rights on the School's premises.
- (7) The President may entrust professors and assistant professors of the School with special tasks and areas of responsibility after hearing the Academic Senate.
- (8) The President is obliged to suspend or abolish illegal decisions and measures taken by other bodies of the School.

§ 11 Appointment and Tasks of the Administrative Managing Director

- (1) The Administrative Managing Director of the School shall be appointed by the Supervisory Board of the legal entity for a term of three to five years. Re-appointment is possible. The Administrative Managing Director of the School is simultaneously appointed as the Administrative Managing Director of the legal entity.
- (2) The Administrative Managing Director of the School is responsible for the regulation of commercial and legal questions as well as all matters, which are related to the administration of the School.

§ 12 Tasks and Appointment of the Dean(s)

- (1) In coordination with the President, Deans shall assume responsibilities for specified areas of the School.
- (2) To appoint a Dean the President proposes a candidate which has to be approved by the Academic Senate according to § 14 Sec. 2. Dean(s) shall be appointed by the Board of Trustees of the legal entity. The term in office of Dean(s) is four years, but ends at the latest with the term of the President. Re-appointment is possible under the same conditions.
- (3) Candidates for the position of a Dean at the Hertie School must
- be a Hertie School professor or
 - be considered to be professionally qualified to fulfill the tasks of a Dean, given their considerable relevant experience in leading positions in academia, business, or public administration.

- (4) One Dean, who is a professor at the Hertie School, will be appointed by the President as his/her deputy in academic matters.

§ 13 Tasks and Composition of the Academic Senate

- (1) Notwithstanding of the rights of the legal entity, the Academic Senate is responsible for all academic matters of principal significance affecting the School.
- (2) These matters comprise in particular:
- a) Decisions on general objectives of the Hertie School in research and teaching in mutual agreement with the President and the Board of Trustees of the legal entity,
 - b) Decisions on the Hertie School's development plans in mutual agreement with the President and after consultation with the Board of Trustees of the legal entity,
 - c) Decisions on quality assurance procedures in research and teaching in mutual agreement with the President and after a comment of the Board of Trustees of the legal entity; the mutual agreement can only be refused on the grounds named at the end of this section,
 - d) Enactment and changes of the Hertie School Code of Conduct and Hertie School regulations directly affecting research and teaching, as long as no other legal regulations exist,
 - e) Decisions on proposals by the President concerning the denomination of vacant professorships according to § 15 Sec. 1,
 - f) Decisions on the appointment of recruitment committees according to § 15 Sec. 3,
 - g) Decisions on appointment proposals of recruitment committees for the recruitment of professors and assistant professors according to § 15 Sec. 4,
 - h) Decisions on the introduction and abolishment of study programmes and streams in mutual agreement with the President after consultation with the Board of Trustees of the legal entity; the mutual agreement can only be refused on the grounds named at the end of this section,
 - i) Enactment and changes of study and examination regulations for students, as well as regulations concerning international study programmes,
 - j) Enactment and changes of admission regulations for students after a comment by the Board of Trustees of the legal entity,
 - k) Decisions on the formation of examination committees,
 - l) Determination of principles for developing and promoting junior academics,
 - m) Decisions on proposals for the position of President presented by the search committee of the Board of Trustees according to § 10 Sec. 2,
 - n) Decisions on proposals by the President for the appointment of the Dean(s) according to § 12 Sec. 2,
 - o) Comments regarding the annual budget presented by the School's Managing Body.

Notwithstanding other statutory rules and the freedom of research and teaching, all decisions by the Academic Senate are conditional upon their sustainability, the School's budget and the strategic and economic risk assessment conducted by the management of the legal entity.

- (3) The Academic Senate may form committees in order to fulfill its tasks as specified in these Statutes. Such committees are obliged to report to the Academic Senate.
- (4) The Academic Senate consists of
 - a) the President, chairperson of the Academic Senate,
 - b) the Administrative Managing Director, who holds an advisory role,
 - c) the Dean(s),
 - d) all professors, assistant professors and senior professors with their main occupation at the Hertie School,
 - e) two representatives of the group of research associates,
 - f) two representatives of the group of non-academic employees,
 - g) one representative of the group of part-time lecturers according to § 6 lit. e),
 - h) one representative of the enrolled students from each study programme at the Hertie School,
 - i) one representative of the doctoral candidates, supervised by faculty members of the Hertie School and
 - j) one representative of the alumni of the Hertie School, who holds an advisory role.

If decided accordingly, the Academic Senate can invite other persons without voting rights to meetings of the Academic Senate.

Upon request by a member of the Academic Senate, the administrative managing director can be suspended from single agenda items. The right of the administrative managing director to comment on these agenda items remains unaffected. The request needs to be approved according to § 14 Sec. 2 sentence 1.

- (5) Representatives according to Section e) – j) are to be elected by each designated group, respectively. Elections must be carried out by secret ballot. The term of office for student representatives is one academic year and for all other School representatives two years. Re-election is possible.
- (6) Professors and assistant professors may ask the President to pause their membership in the Academic Senate for the maximum period of their sabbatical, while senior professors may do so for the duration of their contract. Moreover, all professors at the Hertie School may ask the President to pause their membership in the Academic Senate due to special circumstances (e.g. caring leaves, sickness) for the time period in question. The final decision is made by the President. It is possible to request an earlier reactivation of Senate membership in this period from the President, but once reactivated, the membership cannot be paused again during the same period. For all professors, it is explicitly not permitted to appoint a deputy to the Academic Senate.

- (7) A term of office shall end
- a) at the expiration of the term of office,
 - b) upon resignation from office,
 - c) when representatives are no longer eligible or
 - d) when representatives are no longer Members of the School.

In addition, an office according to § 13 Sec. 4 e) – j) shall end by recall election.

- (8) The Academic Senate may issue rules of procedure.

§ 14 Passing of Resolutions

- (1) A quorum is constituted when more than half of the members are present, who are entitled to vote, and when the meeting has been properly convened. If, however, a meeting is convened for the second time to address the same topic, the number of members present is irrelevant. Such cases must be explicitly mentioned when invitations to a meeting of the Academic Senate are made.
- (2) Resolutions shall be passed by a majority vote of present members, unless otherwise stipulated in the School's Statutes. Issues of fundamental importance for research and teaching, the appointment of professors and assistant professors as well as the decision on the positions of the President and Dean(s) require, in addition, the majority of present professors.

Abstentions shall not be counted amongst the votes. In the case of a tie, the presiding member of the Academic Senate may cast the tie-breaking vote.

- (3) Minutes will be taken at administrative body meetings of the School to reflect the essential discussions points and resolutions as well as member's participation. The minutes are to be signed by the chairperson and the keeper of the minutes. A copy of the minutes is to be sent to the members of the respective body within three weeks.

§ 15 Appointment of Professors and Assistant Professors

- (1) The President must issue a public call for applications to fill vacant positions for professors and assistant professors in accordance with the School's development plans and after approval of the Academic Senate regarding the denomination of the professorship according to § 13 Sec. lit e). The call for applications must provide a job description detailing the type and scope of expected tasks. In justified exceptional cases a call for applications may be waived after approval by the Academic Senate. If the denomination in the call for applications differs from the School's development plans a comment of the Board of Trustees shall be obtained.

- (2) The pre-requisites for being employed at a Berlin university as defined by the BerlHG must be met in order to be appointable as professor or assistant professor.
- (3) For appointing professors or assistant professors the Academic Senate approves a recruitment or search committee. The President has the right to make the first proposal for the composition of a recruitment or search committee. Members of the Academic Senate are entitled to introduce their own proposals regarding the composition of recruitment and search committees. These committees must consist of at least the following members:
- the President,
 - a Dean,
 - two other professors or assistant professors of the Hertie School,
 - one or two professors of other institutions of higher education,
 - a research associate or one representative of the doctoral candidates, supervised by faculty members of the Hertie School and
 - a representative of the students.

Recruitment committees elect a chairperson and a deputy chairperson from within the committee. Both of them have to be professors. The President has no voting rights and must not be elected chairperson of a recruitment committee.

All Hertie School professors and assistant professors as well as executive staff members may attend recruitment committee hearings. The chairperson may open the hearings to all members of the School. However, only members of the recruitment committee may participate in the selection meetings.

- (4) The recruitment committee submits an appointment proposal to the President. It shall include three candidates for each vacancy to be filled as long as no reasons are presented for including fewer candidates. The appointment proposal has to be substantiated and a list of names of all candidates is to be enclosed. The President submits the recruitment committee's appointment proposal together with his/her comment and a comment of the Board of Trustees of the legal entity to the Academic Senate for decision according to § 14 Sec. 2. The rights of the President according to § 10 Sec. 8 remain unaffected.
- (5) With the consent of the legal entity, the President may temporarily appoint someone to perform the tasks of a professor until the position is permanently filled. The commissioned person must meet the pre-requisites of the BerlHG or must have proven his/her ability to teach via appropriate experience at another institution of higher learning and via the ability to conduct scientific research as well as a doctorate. The responsible authorities approve every single employment of personnel with a main occupation at the Hertie School who fulfil tasks and duties carried out by professors and assistant professors at state universities.
- (6) More detailed regulations are specified in the Recruitment Guidelines.

§ 16 The Students

- (1) Students become members of the School upon matriculation. Precondition for an enrolment is a signed study agreement with the legal entity.
- (2) Students will lose their membership by removal from the register of students. The study agreement will also end when being removed from the register of students.
- (3) The students can and shall support the mission and objectives of the School, which includes especially the professional, financial, cultural, and social aspects of their studies as well as universities policies.
- (4) The students may organize themselves in a student body according to § 41 HRG.

§ 17 Rights and Duties of Students

- (1) The students are entitled to high-quality teaching and education according to the study and examination regulations as well as to advice by the School and its instructors.
- (2) The students are obliged to behave in a manner that preserves and raises the reputation of the Hertie School. Students may also participate in the self-administration of the Hertie School.

§ 18 Alumni

The School maintains contact with former students (alumni) and expects that they promote the mission and objectives of the School.

§ 19 Duty to Maintain Order

All members of the School contribute to the achievement of the School's mission and objectives. They are obliged to maintain order in the School and at its events.

§ 20 Publicity

- (1) The Academic Senate and other administrative bodies of the School hold meetings open to the School's community. For individual sessions or agenda items the School's community may be excluded if decided upon by the majority of members, unless legal reasons stipulate otherwise.
- (2) Personnel matters and decisions regarding examination matters may only be addressed in closed meetings.

§ 21 Term in Office

Appointees continue to exercise their functions even after their term in office has ended until a successor has been appointed and has taken office.

§ 22 Teaching Assignments

The President may issue teaching assignments in accordance with the budget and the curriculum. For part-time lecturers (external lecturers or *Adjuncts*) the regulations of § 120 BerlHG apply.

§ 23 Research Associates

- (1) Research associates are employed with their main occupation in teaching and research at the Hertie School. The employment of research associates is managed by the legal entity, represented by its management.
- (2) Research associates are assigned to the President who reassigns them temporarily to individual professors or groups of professors for specific tasks in research and teaching.

§ 24 Non-Academic Employees

Non-academic employees are all other members with their main occupation at the Hertie School. Their employment is managed by the legal entity, represented by its management.

§ 25 Changes to the School Statutes

These Statutes are enacted by the Academic Senate and by the legal entity. Changes and amendments will be approved by the Academic Senate and the legal entity, both of them having the right of initiative. The approval by the legal entity can only be refused by referring to the infringement of strategic or financial interests.

§ 26 Entry into force

These Statutes shall enter into force the day after its publication on the website of the Hertie School. Simultaneously the School Statutes from 25 September 2019 go out of force.