

The Senate:

The Senate of the University of Göttingen has on 16/11/2011 approved the University of Göttingen's "Regulation on the Implementation of Appointment Procedures in case of a Tender Waiver" (Section 41 Para 1 Sentence 1 of the NHG in the version of the announcement dated 26/02/2007 (Nds. GVBl.¹ p. 69) last amended by Article 1 of the law of 29.06.2011 (Nds. GVBl. p. 202), Section 26, Para 1 Clause 4 of the Lower Saxony Education Act ("NHG").

**Regulation on the Implementation of
Appointment Procedures in case of a Tender Waiver
(including the University Medical Center Göttingen)**

Article 1 Scope

1To the extent that under Section 26 Para 1 Sentence 2 of the NHG it is possible to refrain from calling for a tender, the proceedings shall be carried out in accordance with the following provisions. 2In any case, this is without prejudice to the procedural regulations of Section 26 Paragraph 2 Sentences 2 to 6 and Paragraph 5 Sentences 1 to 4. 3This is also without prejudice to fact-based decisions in terms of Section 26 Paragraph 2 Sentences 7 to 9.

Article 2 General provisions

(1) Should there be a waiver of a tender, the Presidential Board shall give the faculty board and the Senate an opportunity to comment and shall decide on the tender waiver in consultation with the University Foundation Committee.

(2) 1To the extent that an appointment commission is employed, the group-based composition requirement, the involvement of external advisers and the provisions of the NHG regarding the proportion of women may be disregarded; opinions do not have to be comparative. 2Where a professorship's responsibilities include the management of a substantial number of those employed in technical areas and administration, the technical and administrative staff may be granted the right to vote on the appointment proceedings in the appointment commission, faculty board and Senate. 3The Presidential Board shall reach agreement with the faculty board and the Senate in connection with the decision under Paragraph 1 and shall make the decision under Sentences 1 and 2.

(3) Contrary to Section 26 Para 5 Sentence 1 of the NHG the appointment proposal normally only covers one person.

(4) 1In matters concerning the University Medical Center, the board of the Medical Center shall replace the Presidential Board and the University Medical Center Foundation Committee shall replace the University Foundation Committee; this is without prejudice to the provisions of Section 63 h Para 3 of the NHG. 2Sentence 1 shall not apply to the decision on the voting rights granted to technical and administrative staff in the Senate.

¹ Lower Saxony Law and Ordinance Gazette

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The original version was published in Official Announcements I No. 17/2011, p. 1022.

Article 3 Proceedings in case of the removal of a time limitation under Section 26 Para 1 Sentence 2 Nos. 1 and 2 of the NHG

(1) Where Section 26 Para 1 Sentence 2 No. 1 of the NHG applies, a tender waiver is permissible exclusively in defence of an offer of a professorship or the offer of a comparable position.

(2) The further procedures in case of the removal of a time limitation under Section 26 Para 1 Sentence 2 Nos. 1 and 2 of the NHG are governed by the regulation on granting a professorship for life at the University of Göttingen in "tenure-track proceedings", as amended from time to time.

Article 4 Proceedings in case of a promotion under Section 26 Para 1 Sentence 2 No. 3 of the NHG

Preparation of the appointment proposal by an appointment commission will always be dispensed with.

Article 5 Proceedings in case of programme professorships under Section 26 Para 1 Sentence 2 No. 4 of the NHG

The tender, the preparation of the appointment proposal by an appointment commission and the obtaining of opinions will always be dispensed with.

Article 6 Proceedings in case of particular interest under Section 26 Para 1 Sentence 2 No. 5 of the NHG

(1) ¹Where, for the purpose of improving its quality and reinforcing its profile and given a person's outstanding qualifications, the University has a particular interest in obtaining the latter for a professorship that is becoming vacant or one that is being created, the tender proceedings may be waived if this person cannot be attracted through a normal process.

²The Presidential Board shall decide in consultation with the University Foundation Committee following comments from the faculty board and the Senate.

(2) ¹Furthermore, the preparation of an appointment proposal by an appointment commission may also be waived. ²The Presidential Board decides on this in consultation with the Faculty and the Senate. ³This consultation statement should be made at the same time as the opinion on the tender waiver.

(3) ¹Where an additional acceleration of the process is required the Senate shall provide its comments on the appointment proposal within the meaning of Section 26 Paragraph 2 Sentence 7 of the NHG at the same time, provided that

a) the appointment commission, to the extent one is deployed, and the faculty board have passed a resolution on the scheduled appointment proposal,

b) there is no proposal relating to minorities by a member of the appointment commission or of the faculty board and

c) the opinions obtained expressly include the assessment "may be appointed without restriction".

²Immediately following the resolution of the faculty board regarding the appointment

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proposal, the Senate shall be informed electronically of the compliance with the conditions under Sentence 2. ³Within no more than three days from the announcement of the information (the "exclusion time limit"), the member of the Senate responsible for urgent decisions (Article 7 Para 3) shall make a statement to the Presidential Board in text form explaining whether the proviso has been met or whether other reasonably weighty considerations exist against the appointment proposal; where no statement is submitted within the exclusion time limit, this is treated as a positive statement. ⁴In case of a negative statement, the Senate must pass a fresh resolution on its opinion under Sentence 1.

Article 7 Particular requirement for haste

(1) ¹A particular requirement exists for haste if, where the process is carried out in accordance with the regulations, there is an immediate threat of the University's or the Foundation's being substantially disadvantaged. ²Through its organisational precautions, the Presidential Board shall ensure that this only applies in exceptional circumstances. ³The requirement for haste must be explained to the dean of the relevant faculty, the Member of the Senate responsible for urgent decisions (Article 7 Para 3) and the chairperson of the University Foundation Committee.

(2) Along with the waiver of tender proceedings, and the preparation of the appointment proposal by an appointment commission, the Presidential Board may, in the case of a requirement for haste, decide not to obtain any external opinions where the qualifications of the appointee are demonstrated elsewhere.

(3) ¹For the Faculty the dean, instead of the Senate or a member for urgent decisions named by the Senate from within itself (member of the Senate for urgent decisions), shall comment on the requirement for haste and on the waiver of tender proceedings, preparation of an appointment proposal by the appointment commission as well as on external opinions. ²The Senate shall nominate a member responsible for urgent decisions for each of the areas of the humanities, natural sciences and social sciences as well as medicine.

(4) The Presidential Board shall subsequently inform the faculty board, the Senate and the University Foundation Committee without delay.

Article 8 Entry into effect

This Regulation shall take effect the day after it is published in the Official Announcements of the University of Göttingen.