

Lower Saxony Higher Education Act (Niedersächsisches Hochschulgesetz - NHG)

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FIRST PART
Universities under government responsibility

First Chapter
General Provisions

First Section
Principles

Article 1
Government responsibility

(1) ¹The universities which have the government as their maintaining body and the universities which have public law foundations (foundations) with a legal capacity as their maintaining body are under government responsibility. ²This includes the university development planning of the state (state university planning) and the financing of the universities.

(2) ¹The government financing of the universities shall be based on their functions and the services they provide. ²In this respect, any progress as regards the fulfilment of the equal rights assignment according to Article 3, para. 3 shall be taken into consideration. ³The financing criteria shall be disclosed to the universities and the state parliament.

(3) ¹The Ministry responsible for the universities (relevant Ministry) shall make target agreements with each university, which generally apply over several years, based on the state university planning and the development planning of the respective university. ²The development planning should determine the main features of the development and performance objectives. ³Target agreements with a university under responsibility of a foundation shall be made together with the foundation. ⁴The subject matters of the target agreement are, in particular:

1. the number of university places as well as the creation of, significant change to or closure of courses of study,
2. how the functions according to Article 3 are to be met,
3. maintaining and improving the quality of teaching, research, promotion of the academic and artistic junior researchers as well as the further training including evaluation,
4. the creation of main areas of activity and profiles as well as the internationalisation in all areas of responsibility,
5. the charging of fees and costs and
6. the amount of current state investment in the universities.

⁵The universities shall report on the progress made towards achieving the agreed objectives to the relevant Ministry upon its request.

(4) ¹State obligations to render services resulting from a target agreement shall be subject to the stipulations of the state and national budget plan as well as any possible supplementary budgets. ²Should the state be committed to services which are subject to services of third parties, this must be recorded in the description and financial evaluation of projects in the target agreement. ³In the case of a reservation, the target agreement shall be adapted.

(5) If and to the extent to which a target agreement is not produced, the relevant Ministry can release an objective after hearing the university and, in the case of para. 3, clause 3 also the foundation if this is offered to maintain the university development of the respective university or the university under government responsibility.

Article 2
Universities

(1) ¹Universities under government responsibility are:

1. the universities and legally equal academic schools

Please note: This is an unofficial translation provided for your information only and does not have any legal binding effects!

- a) TU Braunschweig (*Technische Universität Braunschweig*),
- b) Braunschweig University of Art (*Hochschule für Bildende Künste Braunschweig*),
- c) TU Clausthal (*Technische Universität Clausthal*),
- d) University of Göttingen (*Universität Göttingen*),
- e) University of Music, Drama and Media, Hannover (*Hochschule für Musik, Theater und Medien Hannover*),
- f) Medical School Hannover (*Medizinische Hochschule Hannover*),
- g) University of Veterinary Medicine Hannover (*Tierärztliche Hochschule Hannover*),
- h) University of Hannover (*Universität Hannover*),
- i) University of Hildesheim (*Universität Hildesheim*),
- j) University of Lüneburg (*Universität Lüneburg*),
- k) University of Oldenburg (*Universität Oldenburg*),
- l) University of Osnabrück (*Universität Osnabrück*),
- m) University of Vechta (*Universität Vechta*);

2. The Universities of Applied Science

- a) Braunschweig/Wolfenbüttel University of Applied Science (*Hochschule Braunschweig/Wolfenbüttel*),
- b) Emden/Leer University of Applied Science (*Hochschule Emden/Leer*),
- c) Hannover University of Applied Sciences and Arts (*Hochschule Hannover*),
- d) Hildesheim/Holzminden/Göttingen University of Applied Sciences and Arts (*Hochschule Hildesheim/Holzminden/Göttingen*),
- e) North German School of Justice (*Norddeutsche Hochschule für Rechtspflege*),
- f) Osnabrück University of Applied Sciences (*Hochschule Osnabrück*),
- g) Wilhelmshaven/Oldenburg/Elsfleth University of Applied Sciences (*Hochschule Wilhelmshaven/Oldenburg/Elsfleth*).

²The statutes can define an addition to the name of the university, in particular an addition which indicates the profile of the university.

(2) ¹Furthermore, the Lower Saxony Institutes of Technology (*Niedersächsische Technische Hochschule*) as a university with three locations is under government responsibility. ²A law shall govern the further details.

Article 3 Functions of the universities

(1) ¹The functions of the universities are:

1. to maintain and develop the sciences and arts through research, teaching, studies and further development in a free, democratic and social constitutional state,
2. to prepare students for professional work which requires academic knowledge and methods or artistic design skills to be applied,
3. to promote academic and artistic junior researchers,
4. to promote the transfer of knowledge and technology as well as business start-ups resulting from the university,
5. to promote international cooperation in the university sector and the exchange of information between German and foreign universities, particularly taking the interests of foreign students into account,
6. to train their personnel,
7. to participate in the social interests of the students, in due consideration of the particular needs of students with children and disabled students, whereby the universities ensure that disabled students are not disadvantaged in their studies and that they can use the services of the university to the greatest extent possible without help from others,
8. to award scholarships to students based on special achievements, outstanding skills, excellent honorary work or work in the self-administration of the university as well as to support the objectives stated under number 5,
9. to promote the cultural and artistic interests as well as sport at the university and
10. to inform the public about the performance of its functions.

²They shall cooperate with each another and with other government and government-sponsored research and educational institutions. ³They can assume other functions, provided these are associated with their statutory functions, the performance of which is not impaired by carrying out new functions.

(2) ¹The universities shall develop and operate inter-university infrastructures of information in the network of university libraries, university datacentres, institutions for the use of digital media in teaching and other institutions. ²They shall allow the public to access academic information.

(3) ¹When performing their functions, the universities shall promote the effective implementation of equal opportunities for women and men and shall work towards removing any existing disadvantages (equal rights assignment). ²They shall contribute to the promotion of women's studies and gender studies.

(4) ¹The universities shall be responsible for training the academic and artistic trainees. ²The Universities of Applied Science shall support the applied sciences or art through teaching, studies, further training as well as practical research and development.

(5) ¹The Medical School Hannover and the Göttingen Medical School (institutions of human medicine) as well as the University of Veterinary Medicine Hannover shall also provide additional services in the scope of the public health system. ²The institutions of human medicine shall also perform functions relating to health care, the University of Veterinary Medicine Hannover shall perform those relating to veterinary health care. ³The institutions of human medicine and the University of Veterinary Medicine Hannover shall be involved in training associates of professions other than those of the healthcare sector.

(6) ¹The statutory function of the Emden/Leer University of Applied Science is nautical vocational training. ²The organisation of the training can differ from the Second Part of the Lower Saxony Law on Schools (*Niedersächsisches Schulgesetz*).

(7) The universities can train particularly talented students in cooperation with the schools.

(8) ¹The relevant Ministry shall be authorised to establish offices for financial assistance according to Article 40, para. 2, clause 1 of the BAföG (*German Federal Education and Training Assistance Act*) by decree in the universities or in student unions and to also transfer the competent authority for other trainees who receive financial assistance like students at universities to these institutions. ²The decree can also state that the offices for financial assistance shall consult the student unions to perform their functions and that an office established in a university is also responsible for trainees who are registered at other universities. ³If offices for financial assistance are established in student unions, their local competent authority shall be determined by decree of the relevant Ministry.

(9) ¹The relevant Ministry can set up preparatory courses in universities. ²The preparatory course shall prepare the students whose foreign education certificates do not correspond to a German university entrance qualification for the examination according to Article 18, para. 11, clause 1. ³It shall provide them with the level of education necessary for successful studies.

Article 4

University cooperation

¹The universities shall form a state university conference in order to be able to efficiently perform functions which require their constant cooperation; the chair shall delegate a representative to safeguard the interests of the Medical School Göttingen. ²The state university conference can appropriately integrate the personnel representatives of the universities in its sessions.

Article 5

Evaluation of research and teaching

(1) ¹The university shall evaluate the performance of its functions in matters relating to research and teaching (internal evaluation) in regular intervals. ²The students shall participate in evaluating the teaching. ³The university shall regulate the procedure of internal evaluation. ⁴Independent academic institutions shall implement an external evaluation at appropriate intervals for quality assurance and improvement. ⁵The results of the evaluation are to be published.

(2) ¹The students shall be given the opportunity to evaluate the quality of the lectures at least once a year. ²The results shall be published and taken into consideration when evaluating the teaching. ³The universities shall govern the further details in a regulation.

Second Section

Studies and teaching

Article 6

Courses of study and their accreditation; standard period of study; study guidance

(1) Courses of study for the purposes of this law shall be governed by examination regulations and generally lead to a degree qualifying a profession through a university examination or a government or ecclesiastical examination.

(2) ¹According to the statements made in the target agreements (Article 1, para. 3), the university shall set up courses of study, make essential amendments to courses of study or close them. ²Each course of study and each significant amendment to a course of study shall be assessed in terms of quality by an academic institution which is independent from the state and from the university (accreditation). ³Deadlines for renewed accreditation or, in exceptions, for a postponed accreditation of a course of study can be determined in a target agreement. ⁴Clauses 2 and 3 shall not apply if the quality assurance procedures of the university are accredited (system accreditation). ⁵Notwithstanding clause 1, a course of study shall be closed upon order of the relevant Ministry if it is offered contrary to the target agreement.

(3) ¹A standard period of study, which is decisive for the organisation of the courses of study and the courses offered as well as for identifying and for determining the training places, shall be defined for each course of study. ²The standard periods of study are as follows:

1. for courses of study with a Bachelor's degree, a minimum of three and maximum of four years,
2. for courses of study with a Master's degree, a minimum of one and a maximum of two years,
3. for courses of study with a Diplom¹ degree in Universities of Applied Science a maximum of four and in universities a maximum of four and a half years and
4. for courses of study with a Magister² degree, a maximum of four and a half years.

³In the case of consecutive courses of study which lead to a Bachelor degree and a Master degree which builds on this, the maximum overall standard period of study is five years. ⁴Other standard periods of study may be determined in special justified cases; this shall also apply to courses of study which are offered in special forms of study such as compact or part-time courses of study for students.

(4) ¹The universities shall help the students obtain an international qualification, particularly by integrating and arranging study periods abroad. ²Academic achievements and examination results obtained abroad shall be recognised as achievements and examination results in accordance with an assessment system in comparable courses of study which is generally recognised by the member states of the European Union. ³Post-graduate courses of study shall be offered to graduates of a university in order to impart further academic or professional

¹ degree mainly in natural sciences and engineering

² degree in which subjects from different fields of study can be combined

qualifications or to deepen knowledge in a field of study; post-graduate courses of study at universities and legally equal academic schools can also be used to develop academic and artistic trainees. ⁴Post-graduate courses of study which lead to a Master's degree should last for a maximum of two years.

(5) ¹The students have the right to extensive advice on the content, structure and requirements of a course of study. ²The universities shall provide study guidance under their own responsibility.

Article 7

Examinations and the credit points system; government recognitions

(1) ¹Courses of study with a standard period of study of at least four years shall have an intermediate examination. ²Examinations are to be invigilated during the course of studies. ³The preliminary or intermediate examination which was passed at another German university in the same or a related course of study shall be recognised.

(2) ¹Academic achievements and examination results shall be assessed based on the credit point system. ²Credit points shall be awarded to the same or related courses of study of the same or a different university without any particular equal standards examination according to the examination regulation.

(3) ¹University examinations shall be taken based on the examination regulations. ²Examination regulations shall be designed in such a way that

1. the equivalence with corresponding examinations and
2. the recognition of
 - a) academic achievements and examination results obtained in other universities at home and abroad and
 - b) professionally acquired skills

is ensured according to the principle of equivalence.

³The examination regulations shall ensure that academic achievements and examination results obtained in a university of a signatory of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region from 11 ⁴April 1997 (BGBl. [*Federal Law Gazette*] 2007 II P. 712) are recognised if there are no essential differences to the corresponding academic achievements and examinations to be obtained at the university. ⁵Examination regulations should, in particular, contain regulations on the awarding and conferring of grades and titles, the standard period of study, the optional examination, the authorisation to invigilate examinations, the assessment of examination performances and the placement examination. ⁶Examination regulations must take the special needs of disabled students into account in order to safeguard their equal opportunities.

(4) The examination regulations can determine that an examination is deemed as failed definitively if required examination results were not produced within a specified period and the student is responsible for this or if the student cheated in the examination.

(5) ¹The universities can implement examinations during the studies as well as preliminary, intermediate and final examinations for persons who are not matriculated (external examinations) if the respective subject and the professional ability to examine are represented by full-time professors of the university. ²They can also implement these examinations for students who are given leave due to a semester abroad. ³A regulation which requires approval shall govern the further details. ⁴The regulation can arrange for examination fees to be levied.

(6) ¹The relevant Ministry is authorised to determine by decree that persons who have completed a certain university course of study shall receive government recognition of their professional qualification from the university if the recognition is necessary to practice the profession according to legislation. ²The following can also be regulated in a decree according to clause 1:

1. the procedure and the local authoritative competence for government recognition,
2. further requirements for government recognition, in particular professional work managed by the university, the passing of another examination, language skills and reliability as well as
3. the validity of corresponding government recognitions according to the law of another federal state or country.

Article 8 Domestic degrees

(1) ¹Based on a university examination with which a first degree qualifying a profession is obtained, the university shall award a Diplom degree or Bachelor's degree, specifying the field; universities of applied science shall award the Diplom degree with the addition "FH" (University of Applied Sciences). ²Universities and legally equal academic schools can also award a Magister degree as a first degree qualifying a profession. ³The university shall award a Master's degree specifying the field based on a university examination with which a further degree qualifying a profession is awarded.

(2) ¹For degrees in artistic courses of study or in courses of study which are implemented in cooperation with a foreign university, both of which qualify a profession, the universities can award degrees other than those named in para. 1. ²In courses of study which are implemented in cooperation with a foreign university, these other degrees can also be awarded in addition.

(3) The universities can award university degrees according to para. 1 and 2 based on government or ecclesiastic examinations if the course of study was completed with such an examination.

Article 9 Conferring of a doctorate; doctoral students

(1) ¹The universities and legally equal academic schools have the right to confer doctorates in the subjects represented by them provided the universities offer university Master, Diplom or Magister courses of study or courses of study corresponding to these, which are completed with a state examination. ²The conferral of a doctorate is evidence of the ability to carry out independent advanced academic work; it shall be produced in the form of a dissertation and an oral examination. ³The doctorate entitles the person concerned to hold the doctoral degree with an addition corresponding to the subject area. ⁴Doctoral procedures should also be implemented with other universities and with research institutions outside of the university.

(2) ¹Those who have completed a Master, Diplom or Magister course of study or course of study corresponding to this which leads to a state exam can be admitted to the doctoral examination procedure as doctoral students. ²Persons who have particular talents and who were awarded a Bachelor's degree can be admitted to the doctoral examination procedure after a suitability test. ³The universities should offer doctoral courses of study to train and supervise doctoral students. ⁴Doctoral students should matriculate as students of doctorate courses of study.

(3) ¹Doctoral procedures shall be implemented based on the doctoral regulations which shall be resolved by the Faculty Council responsible for the subject. ²The doctoral regulation shall govern the further admission requirements, the suitability test according to para. 2, clause 2, the implementation of the doctoral procedure as well as the requirements for the general doctoral procedures.

(4) ¹The university can award other degrees based on a regulation. ²A regulation can arrange that the completion of a Meisterklasse³ which lasts for at least two semesters or a concert examination⁴ entitles the person concerned to use a title referring to this.

Article 9 a Post-doctoral lecturing qualification

(1) ¹The universities and legally equal academic schools shall have the right to offer post-doctoral lecturing qualifications to the extent that they are entitled to confer doctorates. ²The post-doctoral lecturing qualification acts as evidence of the advanced ability to carry out independent academic research and to perform qualified

³ group of pupils taught by a great artist or musician

⁴ highest degree awarded by German universities for music

independent teaching. ³The admission into the post-doctoral lecturing qualification requires a doctorate or evidence of a comparable capability.

(2) ¹The post-doctoral lecturing qualification grants the person qualified the authorisation to perform independent teaching at the university for a certain academic subject or subject area (authorisation to perform professional teaching). ²The granting of the authorisation to teach entitles the person concerned to hold the title of "private lecturer"; the doctoral degree can be supplemented by an addition which refers to the post-doctoral lecturing qualification. ³Rights and obligations resulting from an existing employment with the university are not affected by the authorisation to teach. ⁴It does not substantiate status as a civil servant or an employee nor any right to an employment.

(3) The regulation on the post-doctoral lecturing qualification shall govern the further details.

Article 10 **Foreign degrees, titles and designations**

(1) ¹A foreign university degree which has been awarded by a recognised university according to the law of the country of origin, based on a course of study completed by an examination, can be held in the awarding form by specifying the awarding university. ²The awarded form can optionally be transferred in Latin writing and the abbreviation which is demonstrated as being customary or permitted in the country of origin can be used and a literal translation added in brackets. ³The regulations also apply to government and ecclesiastical degrees. ⁴The awarded form will not be converted into a corresponding domestic degree.

(2) ¹A foreign honorary degree which was awarded by a body authorised to award according to the law of the country of origin can be held in the awarded form, specifying the awarding body, in accordance with the legislation applicable to the award. ²Para. 1, clause 2 shall apply accordingly. ³Honorary degrees shall be excluded from the holding of titles if the foreign institution has no right to award the corresponding degree according to para. 1.

(3) The regulations of para. 1 and 2 shall apply accordingly for university titles and university teaching designations.

(4) The relevant Ministry is authorised to make favourable regulations by decree which differ from para. 1 to 3, based on equivalence agreements, state agreements or for authorised persons according to the Federal Law on Displaced Persons (*Bundesvertriebenengesetz*).

(5) ¹The holding of a degree or title which deviates from para. 1 to 4 is prohibited. ²Degrees, titles and designations of university teaching which have been acquired for valuable consideration may not be held. ³Anyone who holds a foreign degree, title or foreign designation of university teaching shall present the certificate which entitles them to this upon request of a responsible public body.

Third Section **Tuition fees and student loans; administrative fee; fees and charges**

Article 11 **Tuition fees**

(1) ¹The universities under government responsibility shall charge students, who are not less than 18 years of age at the beginning of the respective semester or trimester, in undergraduate courses of study as well as Master courses in the scope of consecutive courses of study tuition fees for the teaching-related range of services offered by the teaching units and central institutions as well as for teaching and learning materials. ²The tuition fees shall be charged at 500 Euro for each semester in the standard period of study plus four further semesters and 333 Euro for each trimester of the standard period of study plus four further trimesters; periods of study at universities located in the Federal Republic of Germany which are under government responsibility or which are permanently financed by the government shall be taken into consideration. ³For every two semesters or trimesters of a part-time course of study in terms of Article 19, para. 2, clause 1, the period of time according to clause 2 shall be extended by one semester or trimester if a maximum of 50 out of one hundred of the credit points from a full-time

course of study can be obtained in the part-time course of study. ⁴If the limit for the credit points is higher or lower, the extension shall be correspondingly shorter or longer. ⁵Fractions shall be added and finally rounded off to a full semester or trimester. ⁶For a part-time course of study, clauses 3 to 5 shall apply accordingly, providing that only the period of time exceeding the standard period of study according to clause 2 is extended and the examination regulation for the part-time course of study shall replace the statement according to Article 19, para. 2, clause 2. ⁷The sum of the tuition fees according to clause 2 shall be reduced for students who are admitted according to Article 19, para. 2, clause 1 and for students in part-time courses of study provided that fewer credit points can be obtained than in a full-time course of study. Article 13, para. 8 shall remain unaffected.

(2) ¹The university shall use the revenue to improve the relationship between students and lecturers as well as to offer additional tutorials and improve the facilities of the libraries as well as the classrooms and laboratories; it can also be used to award scholarships according to Article 3, para. 1, clause 1, No. 8 as well as to promote the university-related social infrastructure. ²Should additional teaching personnel be financed by the revenue, this personnel may only be committed to such teaching tasks which supplement or support the teaching necessary for the courses of study. ³The university can make up to 15 out of one hundred of the takings from the tuition fees available to a civil law foundation which shall purposefully spend the proceeds from these takings on improving the teaching and the study conditions as well as on awarding scholarships to students and in which the university has a dominant influence in this regard, with assistance from the students. ⁴The universities under responsibility of a foundation, on the other hand, can transfer up to 15 out of one hundred of the takings from the tuition fees to the foundation assets; clause 3 shall apply accordingly for the appropriation. ⁵The Presidential Board shall make the decision on the use of the revenue from the tuition fees with the involvement of the students.

(3) ¹The revenue according to para. 1 may be invested in an interest-bearing account with a bank or savings bank in a member state of the European Union until it has been appropriately used by the university. ²In the event of an investment in securities, the principles of the Article 54 of the Insurance Supervisory Law (*Versicherungsaufsichtsgesetz*) in connection with the investment regulation shall be observed. ³The university shall add the proceeds from an investment according to clause 1 to the revenue from tuition fees.

(4) ¹Students who

1. care for a child in terms of Article 25, para. 5 of the BAföG who has not yet reached the age of 14 by the start of the respective semester,
2. care for a close relative who requires care according to a report from the Medical Service of Health Insurance,
3. assume the office of the equal rights representative, without being given leave to do this, for a total of up to two semesters,
4. are already matriculated in another university to study in a joint course of study and who pay the tuition fees there,
5. graduate abroad in a study period stipulated in the study or examination regulation,
6. graduate in a practical study semester stipulated in the study or examination regulation,
7. complete or follow-up the Practical Year according to Article 1, para. 2, No. 1 in connection with Article 3, para. 1, clause 5 of the Licensing Regulation for Doctors or
8. who are excluded from paying an administrative cost fee according to Article 12, para. 1, clause 2, No. 1 and 3 to 5

shall be excluded from paying tuition fees.

²In the case of parallel studies in the same university or in several universities in Lower Saxony, the tuition fees shall only be charged once. ³In the cases of clause 1, No. 1 and 2, the period stipulated in para. 1 shall be extended by the time for which tuition fees were not charged.

(5) ¹The students are committed to providing the university with information necessary to levy tuition fees and to presenting documents for this upon request. ²Students who do not comply with this obligation in a period of time specified by the university shall pay a long-term tuition fee according to Article 13, para. 1, clause 1, No. 1.

(6) ¹If students in inter-university courses of study are matriculated in several universities, the universities can entirely or partly waive the levying of the tuition fees, the administrative fee and the long-term tuition fee according to an agreement. ²It must be ensured that the individual fees are fixed at least at the amount that is to be paid by the students of the respective university in most cases. ³If the student has credit at a university in another federal

state, this can be accordingly taken into consideration when determining the tuition fee or the long-term tuition fee in accordance with clause 1, notwithstanding clause 2.

Article 11 a **Right to be granted a loan**

(1) ¹Applicants who are obliged to pay tuition fees according to Article 11 with their matriculation as well as students who are obliged to pay tuition fees according to Article 11 shall have the right to a student loan to the sum of the tuition fees in the scope of a first course of study in accordance with paragraphs 2 and 3. ²Entitled beneficiaries according to clause 1 who have at least two siblings shall be granted the student loan interest-free. ³The task of granting the student loans shall be transferred to a credit institute which carries out public duties, to be dealt with under its own responsibility.

(2) ¹Entitled beneficiaries according to clause 1 are

1. German nationals in terms of the constitution,
2. Citizens of other member states of the European Union or of another signatory of the Agreement on the European Economic Area,
3. Relatives of citizens of other member states of the European Union or another signatory of the Agreement on the European Economic Area who have the right of residence or the right of permanent residence according to Chapter III or IV of the Directive 2004/38/EC of the European Parliament and the Council from 29th April 2004 on the right of citizens of the Union and their family members to move freely and reside in the sovereign territory of the member states, on the amendment of the regulation (EEC) No. 1612/68 and on the removal of the directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (ABl. [gazette] EU No. L 158 p.77, Nr. L 229 p.35),
4. homeless foreigners in terms of the law on the legal status of homeless foreigners in the Federal Republic in the adapted version published in the Federal Gazette Part III, classification number 243-1, last amended by Article 7 of the law from 30th July 2004 (BGBl. [Federal Law Gazette] I p.1950),
5. Foreigners and stateless persons who have obtained their entitlement to enter university in Germany.

²Anyone who is over the age of 35 when they start their first course of study shall not be entitled to a student loan according to para. 1. Clause 2 shall not apply to students who:

1. were prevented from starting their studies due to personal or family reasons, in particular as a result of raising children up to the age of 14, or
2. became needy as a result of drastic changes in their personal circumstances,
3. who have obtained the entry requirements to study in a technical college for which the student must have completed professional training, in an *Abendhauptschule*⁵, a *Berufsaufbauschule*⁶, an *Abendrealschule*⁷, an *Abendgymnasium*⁸, a course of lecturers or through a non-student examination or an entrance examination to a university, or
4. who have a university entrance qualification after professional training (Article 18, para. 1, clause 2, No. 2).

³Clause 3 shall only apply if the student starts the studies as soon as the reason which had prevented them from doing so no longer exists according to clause 3, No. 1, immediately after the requirements according to clause 3, No. 2 have been met or the entrance requirements according to clause 3, No. 3 have been met.

(3) ¹The entitlement according to para. 1 shall exist for the regular period of study of an undergraduate course of study as well as a Master course in the scope of a consecutive course of studies plus four other semesters or trimesters. ²For students in part-time courses of study and students who are admitted to a part-time course of study according to Article 19, para. 2, clause 1, the period of time according to clause 1 shall be extended in

⁵ German class of secondary school for mature students which allows them to obtain the *Hauptschulabschluss* (general certificate of secondary education). Classes are usually held in the evening.

⁶ Vocational school preparing adult learners for vocational college

⁷ German class of secondary school for mature students which allows them to obtain the *Mittlere Reife* (approximately equivalent to GCSEs). Classes are usually held in the evening.

⁸ German class of secondary school for mature students which allows them to obtain the *Abitur* (approximately equivalent to A levels). Classes are usually held in the evening.

accordance with Article 11, para. 1, clauses 3 to 6. Periods of study in universities in the Federal Republic of Germany which are under government responsibility or are permanently financed by the government shall be taken into consideration.³Periods of leave shall not be taken into consideration.⁴If the law requires that two courses of study are necessary in order to obtain the intended vocational qualification, the entitlement according to para. 1 shall increase once by the period of study additionally required.

(4)¹The repayment of the student loan may only be demanded two years after ending the course of the study at the earliest and after double the standard period of study at the latest, provided the borrower has an income which exceeds the minimum, stated in Article 18 a, para. 1 of the BAföG, by at least 100 Euro.²The repayment of the student loan shall be waived if the student loan including the interest, together with the loan according to Article 17, para. 2, clause 1 of the BAföG exceeds 15,000 Euro.

(5)¹The state shall assume an indemnity bond in order to secure the repayment of the loans to the credit institute according to para. 1, clause 2.²In order to finance this indemnity bond as well as other charges developing from the loan program, the universities under government responsibility shall set up a fund in the credit institute which is appropriately endowed for this purpose.³The universities under government responsibility shall pay fees into the fund which shall be rated according to the number of persons obliged to pay tuition fees in terms of Article 11, para. 1.⁴The relevant Ministry shall govern the amount of fees to be paid into the funds, the requirements for their use as well as the process, by decree in consultation with the Ministry of Finance.

(6)¹The credit institute shall administer the fund set up in accordance with para. 5, clause 2 on behalf of the universities under government responsibility in trust, based on an agreement to be concluded with the relevant Ministry.²In terms of setting up the fund and transactions for the benefit of or at the expense of the fund, the relevant Ministry shall act on behalf of and as a representative of the Public Law Foundation according to Article 55.

Article 12 Administrative fee

(1)¹The universities under government responsibility shall charge the students an administrative fee of 75 Euro for each semester and 50 Euro for each trimester for their responsible bodies.²The following shall be excluded from this:

1. foreign students who are matriculated
 - a) based on an intergovernmental or supranational agreement or a university partnership, provided mutuality exists or
 - b) in the scope of a support programme which is predominantly financed by public funds of the national or state governments,
2. students who are already matriculated in another university to study in a joint course of study and who pay the administrative fee there,
3. students who are given leave for an entire semester or trimester,
4. students who receive a grant financed by public funds for a doctorate or equivalent course of study and
5. students at the North German School of Justice.

(2)¹The administrative fee shall be levied for the range of services of the institutions in order to manage and supervise the students.²This particularly includes the range of services of the administrative institutions for matriculation, examinations, internships, study guidance without departmental study guidance and for academic matters abroad.³The range of services for determining the university entrance qualification as well as in suitability and selection processes for university entrance and university admission is not included.

Article 13 Long-term tuition fees, other fees and charges

(1)¹If a tuition fee no longer has to be paid after the period of time determined in Article 11, para. 1 in connection with para. 4, clause 3 has elapsed, the universities under government responsibility shall charge the students a long-term tuition fee for each semester or trimester for the state as a result of the increased use of the government financed university infrastructure; the tuition fees are as follows:

1. 600 Euro from the following first semester,

2. 700 Euro from the following third semester,
3. 800 Euro from the following fifth semester,
4. 400 Euro from the following first trimester,
5. 466 Euro from the following fourth trimester and
6. 533 Euro from the following seventh trimester.

²This does not apply to students who are given leave for an entire semester or trimester. ³Article 11 para. 4, clause 1, No. 1, 2 and 4 to 7 shall apply accordingly. ⁴In the case of parallel studies at the same university or in several universities in Lower Saxony, the long-term tuition fee shall be levied if the period of time specified in Article 11, para. 1 in connection with para. 4, clause 3 has elapsed in the course of study with the longest standard period of study. ⁵Article 11, para. 1, clause 7 shall apply accordingly for the amount of long-term tuition fees for students who are admitted to a part-time course of study according to Article 19, para. 2, clause 1. ⁶Long-term tuition fees shall be levied for the teaching-related professional services of the teaching units and central institutions as well as for teaching and learning materials.

(2) ¹The universities shall have an annual 5,000,000 Euro available from the revenue according to para. 1, clause 1. ²The revenue shall be divided amongst the universities and, in the case of universities under the responsibility of foundations, amongst the foundations, in accordance with their share in the overall income. ³The use of the funds shall be determined in the target agreement.

(3) ¹The universities under government responsibility shall levy fees or charges for the use of courses of study other than those stated in Article 11, para. 1, clause 1. ²This does not apply to courses of study to train academic and artistic trainees. ³When determining fees and charges, the expenditure of the university shall be taken into account. ⁴Should there be a government or university interest or should new courses be introduced, deductions can be made to the expenditure. ⁵Notwithstanding Article 11, para. 1, clauses 1 and 7, the university can levy cost-covering fees for the use of courses of study for employees.

(4) The universities under government responsibility shall charge students who are over the age of 60 a tuition fee of 800 Euro per semester; Article 11 shall not be applied.

(5) ¹The universities under government responsibility shall charge guest students a fee per semester; the minimum fees are as follows:

1. 50 Euro in the case of an assignment of up to four contact hours,
2. 75 Euro in the case of an assignment of more than four contact hours and
3. 125 Euro in the case of individual lessons.

²A separate fee which is to be determined according to the expenditure of the university shall be levied for the production of academic work and for exams. ³Clause 1 shall not apply to guest students who are students at another university of Lower Saxony under government responsibility.

(6) ¹The universities under government responsibility may levy fees or charges for services offered in the general university sports and for the use of university facilities by persons who are not members or affiliates of the university. ²The same applies if members or affiliates of the university use the facilities for purposes outside of the university. ³User fees resulting from part-time work remain unaffected by this.

(7) The fees according to para. 4 and 5 shall be adjusted accordingly if the academic year is divided into trimesters.

(8) ¹The relevant Ministry is authorised to regulate the levying of fees for the use of academic libraries by decree, in agreement with the Ministry of Finance. ²The fees shall be measured in accordance with the administrative expenditure or according to the value of the subject matter of the official act. ³Reminder fees or late payment fees shall be determined for exceeding the lending periods.

(9) ¹The Presidential Board shall pass a regulation in order to determine the amount of fees and charges according to para. 3, 5 and 6. ²The faculty shall be heard before the regulation is passed.

Article 14

Maturity and equitable measures

(1) ¹The tuition fees according to Article 11, the administrative fee according to Article 12, the long-term tuition fee according to Article 13, para. 1 as well as the fees and charges according to Article 13, para. 3 shall be due for the first time upon matriculation and then with the end of the re-registration period stipulated by the university. ²The fee according to Article 13, para. 5 shall be due with the registration. ³Charges shall be paid before the beginning of the lectures. ⁴The university can make different regulations for the maturity of the fees and charges according to Article 13, para. 3.

(2) ¹The tuition fee according to Article 11 as well as the fees and charges according to Article 13 can be either entirely or partly waived upon request if the payment would lead to undue hardship. ²Undue hardship in terms of the tuition fees and long-term tuition fees is generally said to exist:

1. in the case of a disability or serious illness which causes the period of study to be extended or
2. in the event of falling victim to a crime which causes the period of study to be extended.

³The existence of preconditions according to clause 2, No.1 shall be demonstrated by an official medical certificate. ⁴An application according to clause 1 can be filed up to one month after the end of the lectures of the semester at the latest.

Second Chapter

The university as a corporation

First Section

Principles

Article 15

Self-administration

¹The university is a public law corporation with the right to self-administration. ²It shall govern its matters in the statutes and other regulations.

Article 16

Membership and participation

(1) ¹Members of the university include students registered at the university, post-doctoral students as well as the full-time personnel not working temporarily or as guests. ²Employment is considered to be full-time if the working time or the scope of the services corresponds to at least half of the regular working time or half of the average scope of the services of the corresponding full-time personnel. ³Employment which is set up for more than six months in a year is considered not to be temporary. ⁴Professors and junior professors who carry out official tasks in the university after a joint appointment with a scientific institution outside of the field of further education or in the scope of cooperation agreements are also included as members.

(2) ¹The members of the university are entitled and committed to contributing to the self-administration and the performance of functions of the university in organs, advisory boards and commissions with particular functions. ²Anyone who belongs to a committee as an advisory member by virtue of their office cannot belong to it as an elected member at the same time. ³The participation must be regulated in the statutes and other regulations. ⁴The following shall form a member group for its representation in the organs and boards formed according to groups:

1. the professors and junior professors (university lecturers' group),
2. the academic and artistic employees as well as teachers for particular tasks (employees' group),
3. the students (students' group) and
4. the employees in technology and administration (MTV group).

⁵Academic and artistic employees as well as teachers for particular tasks who are appointed as private lecturers according to Article 9 a or extraordinary professors according to Article 35 a appointed to individually represent

their subjects are included in the university lecturers' group. ⁶Doctoral students who are employed full-time (para. 1, clause 2) in the university are included in the employees' group, the other doctoral students belong to the students' group. ⁷Commissions shall then only be formed according to the members' group if this is stipulated by law or in the statutes.

(3) ¹In boards and organs which are composed according to members' groups, the university lecturers' group must have the majority of votes. ²In matters which directly concern the area of research or an appointment procedure, in addition to the majority of the committee or organ, the resolutions also require the majority of the university lecturers' group belonging to the committee or organ; the members of the MTV group are not entitled to vote in appointment procedures. ³In the case of clause 2, if a resolution is not made, including in the second voting procedure, the members of the university lecturers' group who belong to the committee or the organ shall have the final decision.

(4) ¹Anyone employed at the university, without being a member of it, is an affiliate of the university. ²The statutes can appoint other persons as affiliates. ³Affiliates are not entitled to vote. ⁴The statutes shall govern the rights and the obligations of the affiliates concerning the self-administration and the performance of the functions of the university.

(5) ¹Elections shall be held in a free, equal and secret ballot and generally according to the principles of the personalised proportional representation. ²When listing candidates, women should have a share of at least 50 out of one hundred.

(6) ¹In the case of staffing procedures for organs, boards and commissions which are not carried out as the result of an election, women should be appropriately taken into consideration. ²At least 40 out of one hundred of the voting members should be women.

(7) At the end of a period of office, the business shall be continued until the beginning of the new period of office.

Article 17

Processing personal data

(1) ¹The universities shall be permitted to process the personal data of student applicants and members as well as affiliates who do not have a civil servant or employee status with the university, which is required for the matriculation, participation in lectures and examinations, the use of university facilities as well as for maintaining contact with former university members and is governed by regulations. ²University regulations may justify the obligation to use mobile storage media, which is used to automatically record or process data, in particular for the purposes of access control, identification, time recording, accounting or remuneration.

(2) ¹The universities can also process personal data of their members and affiliates in order to assess the application situation of graduates, the teaching and research work, the courses of study offered as well as the status of the studies and examinations. ²Duties of disclosure may be supported and investigations without the consent of the person concerned may be permitted for this through university regulations. ³The purpose, content and scope of the duty to disclose, the characteristics of the investigation and the investigation procedures shall be determined. ⁴The data shall be made anonymous as early as possible. ⁵The relevant Ministry can demand measures according to clause 1 for the purposes of university statistics and produce guidelines on the investigation and processing programme and on the individual investigation characteristics in order to safeguard the inter-university comparability.

(3) The universities may also process the data according to para. 1 and 2 in order to perform their functions according to Article 3 as well as for the evaluation according to Article 5 and the accreditation according to Article 6, para. 2.

(4) ¹The universities may transfer the personal data necessary for approving and processing a student loan according to Article 11 a to the credit institute involved in the implementation of this handling task for processing. ²An automatic retrieval process may be set up for this purpose through an agreement between the state and the credit institute involved in implementing the handling task.

Second Section Members

First Title Students

Article 18 University admission

(1) ¹Anyone who has a German university entrance qualification is entitled to study in an undergraduate course of study. ²Anyone who has

1.

a) the *allgemeine Hochschulreife*⁹,

b) the *fachgebundene Hochschulreife*¹⁰,

c) the *Fachhochschulreife*¹¹,

d) previous education which is recognised as equivalent for general or for certain courses of study by the Ministry responsible for the schools or

2. previous professional training according to para. 4

is entitled to enter university.

(2) ¹The *fachgebundene Hochschulreife* qualifies studies in the corresponding subject area: anyone who demonstrates the necessary background knowledge to study in another subject area in an examination conducted by the university is entitled to do so. ²A regulation shall govern the further details.

(3) ¹The *Fachhochschulreife* qualifies studies in any subject area in any University of Applied Science and studies in the corresponding subject area in universities. ²Based on the accreditation of the courses of study, the university can stipulate by regulation that the *Fachhochschulreife* or the *Fachhochschulreife* with evidence of knowledge and skills related to the course of study shall also qualify the admission into a Bachelor course in another subject area. ³After having studied for two semesters in which they produced the required proof of performance, students with an entrance qualification according to clause 2 shall be entitled to continue to study in a course of study in the same subject area at another university or legally equal academic school.

(4) ¹Anyone who

1. has sat a Master Craftsman's examination,

2. has completed a course of education to become a state-certified technician or state-certified business economist,

3. has an advanced training qualification based on an advanced training regulation according to Article 53 of the Vocational Training Act (*Berufsbildungsgesetz*) or Article 42 of the German Crafts and Trade Code or of advanced training examination regulations according to Article 54 of the Vocational Training Act or Article 42 a of the German Crafts and Trade Code which involves a course incorporating a minimum of 400 periods,

4. has a certificate for the nautical or technical shipping services in accordance with the training regulations for the ship's officer which involves a course incorporating a minimum of 400 periods,

5. has a *Fachschulabschluss*¹² corresponding to the "Framework agreement on *Fachschulen*" of the Conference of Ministers of Education and Cultural Affairs from 7th November 2002 (Nds. MBl. [*Ministerial Gazette*] 2010 p. 516) or

⁹ University entrance qualification (approximately equivalent to A levels)

¹⁰ Subject-specific university entrance qualification

¹¹ Entrance qualification for a university of applied science

6. a qualification based on a Land Law related advanced training regulation for professions in the health system or for social care or socio-educational professions which involve a course incorporating a minimum of 400 periods has a university entrance qualification to study in any subject area at any university based on previous professional training.

²Anyone who

1. after completing a minimum of three years training regulated by Federal or State Law, has had at least three years training in a recognised skilled occupation in an area of this occupation which is technically similar to the intended course of study, as a grant holder of the German grant program for particularly talented experienced professionals for a minimum of two years,
2. has other previous education defined as related to the course of study by the university or
3. has obtained a subject-specific university entrance qualification through examination after previous professional training

has a university entrance qualification to study in the corresponding subject area in any university based on previous professional training.

³The Ministry responsible for the schools is authorised to determine, by decree, the criteria for the equivalence according to clause 2, No. 2 and to determine the equality of certain formal previous training in general. ⁴The university is authorised to regulate by regulation that the university can determine a course-related university entrance qualification based on skills gained in professional training, in a profession or in further education.

⁵Students with a university entrance qualification according to clause 4 shall be entitled to continue to study in a course in the same subject area at another university after having studied for two semesters and having produced the required proof of performance. ⁶Clause 5 shall correspondingly apply to students who have an entrance qualification after previous professional training based on a regulation of another state which does not meet the requirements of clauses 1 and 2.

(5) ¹Anyone who meets the requirements according to para 1, clause 2 and who demonstrates a particular artistic talent shall be entitled to study in an artistic or artistic/academic course of study; the fulfilment of the requirements according to para. 1, clause 2 can be replaced by evidence of outstanding artistic talent. ²A regulation shall govern the further details.

(6) ¹In addition to the requirements according to para. 1, clause 2, the university can also demand evidence of practical training, certain knowledge and skills related to the profession, certain foreign language skills or evidence of a training placement which corresponds to the course of study; it can permit some of these entrance requirements to be made up for during the studies. ²The university can take academic achievements or examination results which were obtained in the scope of another course of study into account instead of requirements according to clause 1. ³A regulation shall govern the further details.

(7) Anyone who has passed a preliminary or intermediate examination at a German university is entitled to continue in a course of study of the same subject area with the same qualification at another university.

(8) ¹The entrance qualification for further courses of study and Master courses requires a Bachelor degree or an equivalent degree and particular aptitude. ²If the Master course expands on previous studies in the same field, particular suitability is also based on the results of the Bachelor examination. ³Notwithstanding clause 2, if individual examination results of the Bachelor degree are still missing, the university shall establish particular suitability based on an average grade calculated from the examination results presented so far; the matriculation shall expire if the Bachelor certificate is not submitted by a deadline stipulated by the university and the applicant is responsible for this. ⁴A regulation shall govern the further details.

(9) ¹The successful completion of a university course of study qualifies admission into a course of study in all subject areas; the particular entrance requirements according to clauses 5 to 8 remain unaffected. ²If the student is admitted to a course of study according to para. 5, clause 1, sub-clause 2, it is only possible to start a course of study in another subject area if evidence of the background information required for this is presented according to para. 2, clause 1, sub-clause 2.

¹² Qualification from a vocational secondary school

(10) ¹German citizens in terms of Article 116 of the constitution, those who equate to German citizens according to legislation and nationals of another member states of the European Union who have a foreign education which is defined as equivalent to the German university entrance qualification by the university and who have the language skills necessary for the studies are entitled to study. ²The university shall determine the remaining student applicants with foreign qualifications upon presentation of the prerequisites according to clause 1 on the admission, according to a regulation; the levying of fees can be planned for determining the entrance requirements.

(11) ¹Student applicants who have foreign qualifications which are not considered as equivalent shall obtain the university entrance qualification through the examination at a preparatory course (Article 3, para. 9) were they shall demonstrate that they have a level of education which corresponds to the requirement according to para. 1, clause 2, No. 1. ²The university in which the preparatory course is set up shall regulate the admission to the preparatory course, the legal status of the students, the organisation and use of the preparatory course as well as the levying of fees through a regulation of the Presidential Board. ³The Ministry responsible for the schools shall regulate the examination requirements and the examination procedure by regulation in consultation with the relevant Ministry.

(12) The Ministry responsible for the schools can transfer the authoritative competence for the admission according to para. 1, clause 2, No. 1 letter d to a subordinate authority.

(13) ¹For the examinations according to para. 4, clause 2, No. 3, the Ministry responsible for the schools is authorised to regulate the admission requirements and the admission procedure, the content and procedure of the examination, the formation of the examination committees as well as the levying of fees by decree. ²The examination shall consist of a general part and a special part. ³The university is committed to participate in conducting the special part of the examination according to the decree according to clause 1. ⁴In the regulation according to clause 1, caring for an underage person or a person in need of care can equate to previous professional training according to para. 4, clause 2, No. 3.

(14) The regulations according to this provision require approval.

Article 19

Matriculation, re-registration and exmatriculation

(1) ¹Persons entitled to enter university shall matriculate in one or more courses of study upon their request and shall, in principle, only matriculate in one university; Article 9 para. 2, clause 3 remains unaffected. ²In courses of study with restricted admissions, the matriculation requires admission to the course. ³In the North German School for Justice, the matriculation shall take place without the application by declaration of the university, provided legal career regulations provide for a course of study.

(2) ¹The university can permit matriculation or re-registration for a part-time course of study for suitable courses of study. ²The university shall determine the maximum number of credit points provided for in the examination regulation in a part-time course of study per semester or trimester.

(3) ¹In particular exceptional cases, the university can matriculate student applicants who do not have a university entrance qualification but demonstrate a corresponding academic talent into courses of study with open admissions. ²A regulation can determine that the entitlement to matriculate without a time limit shall require two semesters of successful studies. ³The clauses 1 and 2 shall correspondingly apply if there are still student places available upon completion of the awarding procedure in courses of study with restricted admissions.

(4) ¹Students who are consensually assessed by the school and the university as being exceptionally talented can be matriculated as early students before starting a course of study. ²Early students shall be exempt from the payment of rates and charges according to this law. ³By matriculating they shall have the right to participate in lectures and examinations; they shall not be members of the university, notwithstanding Article 16, para. 1, clause 1. ⁴Proof of performance provided shall be recognised during a later course of studies.

(5) ¹The application for matriculation can be refused if the person entitled to enter university

1. has not observed procedural regulations,
2. is suffering from an illness in terms of Article 34, para. 1 of the German Infection Protection Act (*Infektionsschutzgesetz*) or does not produce a requested official medical certificate upon suspicion of such an illness, or
3. was finally sentenced as a result of a crime against life, sexual self-determination, physical integrity or personal freedom, the crime and the sentence have not yet been subject to a prohibition of exploitation and a danger or disruption to the structure of the studies would be possible according to the type of crime committed.

²Matriculation shall be rejected if there is no evidence of payment of the fees and charges due or if an examination in the selected course of study has been failed definitively. ³Re-registration requires evidence that the fees and charges due have been paid. ⁴The application for a student loan according to Article 11 shall apply until it has been rejected or a loan agreement as evidence of the payment of the tuition fees has been concluded.

(6) ¹Exmatriculation can take place if facts which would have justified the rejection of the matriculation become known or develop. ²Exmatriculation shall take place if

1. the student applies for this or
2.
 - a) a final examination is passed,
 - b) an examination has been failed definitively or
 - c) the revocation of the admission certificate is final or immediately enforceable in a course of study with admission restrictions
3. and the student is not matriculated in any other course of study.

³Anyone who does not re-register after a formal warning and the issuing of a deadline, with the threat of exmatriculation, or anyone who does not pay fees and charges due according to this law, shall be exmatriculated at the end of the semester. ⁴Should the student apply for the exmatriculation before or during a month after the lectures have begun, fees and charges paid shall be reimbursed.

(7) A regulation shall govern the further details.

(8) The external examination offices shall transfer the personal data required to determine the requirements of an exmatriculation to the universities.

Article 20 Student body

(1) ¹The students shall participate in the self-administration of the university, in particular in permanent commissions for teaching and studies. ²They shall form the student body. ³The student body is a semi-autonomous body of the university with a legal capacity and the right to self-administration. ⁴It shall safeguard the university, social and cultural interests of the students in the university and society in particular. ⁵Its main function is to promote the political education of the students and the realisation of the functions of the university. ⁶In this respect, it acts as the political representative of its members.

(2) ¹The statute on the organisation of the student body shall govern the functions, responsibility and composition of the organs of the student body and its sub-divisions. ²The right to vote for the organs of the student body shall be exercised in a free, equal and secret ballot. ³The election regulations of the student body shall govern the further details.

(3) ¹The students shall pay fees for the student body which are levied by the university free of charge to perform the functions of the student body for each semester or trimester. ²The student body shall determine the amount in a fee regulation. ³The fees shall firstly become due upon matriculation and then after the re-registration deadline stipulated by the university has expired. ⁴The right to the fee shall become statute-barred after three years.

(4) ¹The student body shall have its own assets. ²It shall only be liable for its obligations with these assets. ³The financing of the student body shall be based on a financial regulation to be resolved by it in accordance with Articles 105 to 112 of the State Budget of Lower Saxony (*Niedersächsische Landeshaushaltsordnung*). ⁴The Presidential Board shall pass framework guidelines for the financial regulation and shall check their compliance at

least once a year. ⁵Should a student body violate the financial regulation in its budget and finance management, the Presidential Board can pass a resolution to freeze the assets of the student body for a limited period.

Second Title **Academic and artistic personnel**

Article 21 **Personnel**

(1) ¹The full-time academic and artistic personnel shall consist of:

1. the professors,
2. the junior professors,
3. the academic and artistic staff and
4. teachers for particular tasks.

²Professors and junior professors shall be employed with a civil servant status or an employee status while the other academic and artistic personnel shall be employed with an employee status. ³Academic and artistic members of staff who are only to be temporarily employed at a university shall be employed with a civil servant status by appointment or with a temporary employee status. ⁴Civil servants who are relocated to a university for employment according to clause 1, No. 2 to 4 can continue to be employed as civil servants. ⁵The regulations of this title shall correspondingly apply to academic and artistic personnel who are not full-time.

(2) ¹The relevant Ministry shall be authorised to regulate the average scope of the teaching obligations of the academic and artistic personnel with a civil servant status, the weighting of the types of lectures as well as particular supervision obligations by decree. ²Corresponding obligations shall, by agreement, be imposed upon the personnel with an employee status by agreement.

(3) ¹In principle, employment opportunities for the full-time academic and artistic personnel shall be advertised to the public. ²As regards staffing and promotion, women with equivalent qualifications shall be given preferential consideration, provided the number of women in the respective professional group in the university has not reached 50 out of one hundred.

(4) The body responsible for appointing the civil servant shall make the decision on the authorisation of an exception to Article 7, para. 1, No. 1 of the German Law on the Status of Civil Servants (*Beamtenstatusgesetz*).

(5) ¹Civil servants who belong to the academic or artistic personnel shall retire at the end of the last month of the semester in which they have reached the age of retirement. ²Requested early retirement or a requested release from the employment as a civil servant can be postponed until the end of the respective semester or trimester.

Article 21 a **Extension of civil servant status by appointment**

(1) ¹If full-time academic and artistic personnel are employed as civil servants by appointment, the employment relationship as civil servants shall be extended upon request, provided no official reasons oppose this, if the civil servant:

1. was given leave according to Article 62, 64 or 69, para. 3 and 6 of the Lower Saxony Law on Civil Servants (*Niedersächsisches Beamtengesetz, NBG*),
2. was given leave for an academic activity or academic or professional education, advanced training or further training implemented outside of the university field or abroad,
3. performed basic military or alternative civilian service,
4. has taken parental leave or was not employed due to an employment ban to protect expectant mothers,
5. was employed part-time according to Article 62 or 69 para. 3 of the NBG,

6. was released from carrying out tasks

- a) to represent personnel or severely disabled persons or
- b) according to Article 3 para. 3

²A requirement for the extension according to clause 1, No. 5 and 6 is that the reduction amounted to at least one fifth of the standard working time.

(2) ¹An extension may not exceed the extent of leave granted, parental leave, an employment ban, a reduction in working time or a release according to para. 1, clause 1, whereby the maximum limit is two years with the exception of the para. 1, clause 1, No. 3 to 6. ²In total, all extensions according to para. 1, clause 1, No 1 to 3, 5 and 6 may not exceed a duration of three years. ³Extensions according to para. 1, clause 1, No. 4 may not exceed a total of four years, including if they coincide with extensions for another reason. ⁴The clauses 2 and 3 do not apply to academic and artistic members of staff.

(3) Para. 1 and 2 accordingly apply to temporary employment relationships.

Article 22

Research, with third party funds

(1) ¹The members of staff of the university employed in research are entitled to implement research projects which are financed by third parties in the scope of their official tasks. ²The Presidential Board shall be notified of such projects. ³The financial revenue and the expenditure shall be illustrated in the announcement. ⁴The projects shall be developed through the sponsor's budget. ⁵Notwithstanding the applicable regulations for the maintaining body's budget, the funds can be managed according to the conditions of the third party, provided the commitment to use the funds for university functions is guaranteed. ⁶The Presidential Board shall regulate the management of the third party funds. ⁷It shall grant the research assistants in the university extensive planning scope in the framework of the responsibility intended for them from the third party. ⁸The interest-bearing investment by the university in a bank or savings account in a member state of the European Union shall be permitted according to clause 5. ⁹In the event of an investment in securities, the principles of Article 54 of the Insurance Supervisory Law shall be observed in connection with the investment regulation.

(2) ¹Personnel remunerated from third party funds shall be employed in the work of the maintaining body of the university. ²In exceptional cases, members of the university can conclude private employment contracts with employees remunerated from the funds of third parties, with the approval of the Presidential Board, if this is compatible with the conditions of the third party.

(3) ¹The third party funds must cover all additional costs arising when implementing a project on behalf of third parties and reasonably contribute to the other costs. ²When implementing projects which are to be financed by a procedure recognised in science, the basic equipment to be made available by the university shall not be included in the calculation according to clause 1. ³If services are rendered when implementing a project on behalf of third parties, the third party funds for these services must be measured in accordance with the fees customary for these services in the commercial field.

Article 23

Secondary employment

(1) ¹The state government shall be authorised to make regulations by decree which deviate from the Articles 70 to 79 of the NBG for the secondary employment of artistic and academic personnel in order to take the particular features of the field of university into account. ²The decree can make the following regulations in particular:

1. on the definition of the main employment and secondary employment,
2. on the scope of and exceptions to the obligation to notify and on calculating the time of the secondary employment,
3. on the scope of and release from the obligation to deliver remuneration resulting from secondary employment in the public sector,
4. on the execution of Article 74, para. 2 of the NBG in the scope of the authorisation granted in Article 78, clauses 1 and 2 Nr. 4 of the NBG and

5. on the billing procedure.

(2) ¹The obligation to notify according to Article 40, clause 1 of the German Law on the Status of Civil Servants (*BeamStG*) does not apply for literary, academic, artistic work, lecturing work or the provision of expert opinions by professors as well as junior professors. ²Article 73 para. 1, clause 3 und Article 75, clause 3 of the NBG shall not be applied for secondary employment of these civil servants.

Article 24 Official tasks of the professors

(1) ¹Professors shall independently carry out the tasks incumbent upon their university in science and art, research and teaching, the promotion of academic trainees as well as the further education and the provision of services in their subjects and shall participate in performing the other university functions. ²Their official tasks include conducting examinations and student guidance. ³The type and scope of their official tasks, which are subject to a review at appropriate intervals, are based on the structure of the employment and the job description, in due consideration of clauses 1 and 2. ⁴Tasks in matters of research, artistic development or teaching can predominantly be assigned to them. ⁵The work in a national or for a national academic organisation which is primarily financed by government funds can be declared as an official task upon request.

(2) ¹The Presidential Board can commit professors to holding lectures in all courses of study and in all locations of its university in the scope of their employment in order to safeguard the courses offered. ²Work in other universities or in institutions with which the university cooperates in order to perform its functions requires the consent of the Presidential Board.

(3) ¹The Presidential Board can entirely or partly release professors for research and artistic development projects, for tasks in science and technology transfer as well as for development tasks in the teaching of other official tasks at appropriate intervals for the duration of one semester or trimester, upon their request, after hearing the faculty and the responsible student dean. ²The same shall apply to the execution of practice-related activities which are official tasks and which are necessary for the tasks in teaching. ³The exemption requires proper representation of the subject.

Article 25 Conditions of employment for professors

(1) The conditions of employment for professors are:

1. a completed university course of education,
2. educational teaching suitability confirmed through practical experience,
3. the particular aptitude to carry out advanced independent academic work which is generally demonstrated through an outstanding doctorate or the particular aptitude to carry out artistic work and
4.
 - a) additional academic achievements which are usually obtained in the scope of a junior chair or a post-doctoral lecturing qualification, but also in the scope of work as an academic member of staff at a university or non-university research institution or in the scope of other academic work at home or abroad,
 - b) additional artistic achievements or
 - c) particular achievements regarding the application or development of academic knowledge and methods in professional practice lasting at least five years, at least three of which must have been executed outside of the field of university.

(2) ¹Only those persons who demonstrate additional practical or appropriate educational experience lasting three years or experience in empirical research which corresponds to the tasks should be appointed to a chair that has a job description which includes the execution of tasks of educational science or teaching the subject. ²Professors in Universities of Applied Science and for courses of study of Universities of Applied Science at other universities must meet the conditions of employment according to para. 1, clause 1, No. 4 letter c; those who meet the conditions of employment according to para. 1, clause 1, No. 4, letter a or b can be appointed in special justified exceptional cases. ³Only those who provide evidence of recognition as a medical specialist, dental surgeon, veterinary surgeon or, should this not be intended in the respective field, medical work lasting a minimum of five

years after receiving the licence to practice as a doctor, the appointment or the authorisation to practice a profession can be appointed to a chair with medical, dental or veterinary tasks.

(3) Provided it corresponds to the character of the subject and the requirements of the position, those who demonstrate excellent subject-related achievements in practice and teaching suitability can also be appointed, notwithstanding para. 1 and 2.

Article 26 Appointment of professors

(1) ¹Chairs shall be advertised in public. ²An advertisement can be waived if:

1.

a) a junior professor or

b) the manager of the trainees' group, who received their position after external assessment, is to be appointed to a chair with civil servant status for life or in indefinite employment,

2. a professor by appointment is to be permanently appointed to the same chair,

3. this is necessary in order to keep a professor of the university, who has received an appointment offer from another university or another employment offer, at the university by offering a superior chair position,

4. a chair is financed by an inter-university financing program, the awarding conditions of which provides for an advertisement or an application process and a selection process with external assessment or

5. a particularly qualified personality, who the university is particularly interested in to improve its quality and to strengthen its profile, is to be obtained for the chair.

³The body responsible for appointing professors according to Article 48 para. 2 or Article 58 para. 2 shall make the decision on waiving an advertisement at the request of the university. ⁴For the cases in which the advertisement can be waived, the university can regulate the appointment procedures by regulation, notwithstanding para. 2, clauses 2 to 6 and para. 5, clauses 1 to 4.

(2) ¹The Faculty Council shall be responsible for drawing up the appointment proposal. ²It shall set up an Appointment Commission for the preparation of this in consultation with the Presidential Board and the Appointment Commission shall be formed according to groups (Article 16 para. 2, clause 4). ³The participation of external university lecturers shall be guaranteed. ⁴Members of the MTV group shall not be entitled to vote in the Appointment Commission. ⁵At least 40 out of one hundred of the voting members should be women and half of them should belong the university lecturers' group; exceptions require the approval of the equal rights representative. ⁶The Appointment Commission shall submit a recommendation to the Faculty Council. ⁷The Faculty Council shall resolve the appointment proposal and shall present it with a statement from the equal rights representative to the Presidential Board through the Senate, which shall express its opinion on it and refer back to it once. ⁸The Presidential Board shall refer the appointment proposal back if the equal rights representative asserts a violation of the equal rights statement; Article 42 para. 4, clause 3 shall apply accordingly. ⁹The Presidential Board shall decide on the appointment proposal and shall present it to the relevant Ministry or the Foundation Council with the statement from the Senate for a decision.

(3) ¹If a faculty is to be entirely or largely fundamentally re-structured due to university development or for quality assurance, the Presidential Board can resolve that, after hearing the Senate and in agreement with the relevant Ministry or the Foundation Council, the Appointment Commission can exclusively be occupied with external professors as well as with equally suitable persons, notwithstanding para. 2. ²In such a case, a representative of both the employees' and students' group shall belong to the Appointment Commission as a non-voting member. ³The Appointment Commission shall submit a recommendation to the Presidential Board, upon which the Faculty Council, the Senate and the equal rights representative shall express their opinion. ⁴Para 2, clauses 8 and 9 shall apply accordingly.

(4) ¹As regards the staffing of professor positions in areas of the university which develop its profile, the Presidential Board can resolve that, in agreement with the Senate and the Faculty Council, the Appointment Commission can be staffed exclusively with professors as well as similarly suitable persons, notwithstanding para. 2, clause 2. ²A regulation which requires approval shall govern the further details.

(5) ¹The appointment proposal should include three persons and it should extensively and comparatively acknowledge their personal suitability and professional achievement, particularly in teaching and justify the selected order. ²Reports from external experts on the achievements in science or art including the teaching, who should generally express their opinion comparatively on the short-listed applicants, shall be obtained. ³Reports in terms of clause 2 can be waived if the Appointment Commission has included at least three external members. ⁴Persons who have not applied can be taken into consideration with their agreement. ⁵Junior professors in the same university can only be considered for an appointment to a chair if they had changed university after being awarded the doctorate or were academically employed outside of the appointing university for a minimum of two years. ⁶Other members of the university can only be considered for the appointment to a chair if they are deemed more suitable than other applicants and upon presentation of the conditions of clause 5.

(6) Professors shall be appointed at the request of the university according to Article 48, para. 2 or Article 58, para. 2.

(7) ¹The Presidential Board can commission a suitable person to appropriately manage a chair on a transitional basis with a public employment status without implementing an appointment procedure. ²The Articles 33 to 37, 42, 44 to 48, 50 and 52 of the BeamStG, the Articles 10, 46, 49 to 55, 58 to 60, 62, 65 to 69, 80 to 95 and 104 of the NBG, the regulations of the German Law on the Pension for Civil Servants (*Beamtenversorgungsgesetz*) on the support for honorary civil servants as well as for regulations of this law which apply to professors as civil servants shall be accordingly applied. ³Article 27 para. 7 shall not be applied.

(8) The universities can implement joint appointment procedures with scientific institutions which do not belong to any university, for the staffing of chairs; the statutes shall govern the further details in due consideration of para. 2 and 3.

Article 27 **Special regulations for professors**

(1) ¹The provisions on the trial period, careers, partial retirement and the non-active status as well as on the working time, with the exception of the regulations on part-time employment, shall not be applied to professors employed as civil servants. ²The Presidential Board can arrange for a regular or scheduled attendance.

(2) ¹Only those persons under the age of 50 may be appointed as professors with a civil servant status for the first time. ²The maximum age limit according to clause 1 shall increase by the periods of time in which an under-age child living in the domestic environment is cared for, however, by a maximum of three years. ³Clause 1 shall not apply to persons who were employed as a civil servant for life or as direct or indirect state officials of Lower Saxony for life at the point the appointment came into effect. ⁴Professors shall reach the retirement age at the age of 68, notwithstanding Article 35, clause 2 of the NBG.

(3) ¹Professors can be delegated or transferred to another university without their consent if the university in which the person concerned is employed is closed down or merged with another university. ²The delegation or transfer according to clause 1 is still possible if the assuming university is maintained by another principle in the scope of this law. ³The clauses 1 and 2 shall apply as regards the consolidation of organisational units of the same or several universities. ⁴Professors can be relocated within the university without their consent if a course of study or the organisational unit in which they are working is reduced or essentially changed in terms of its capacity or closed in the scope of the development planning of the university. ⁵Furthermore, the delegation of professors is permitted in order to perform teaching tasks in another university based on a cooperation agreement, even if this university is maintained by another principal. ⁶Regulations corresponding to clauses 1 and 2 shall be accordingly included in employment contracts with professors with an employee status.

(4) ¹Professors with medical, dental or veterinary tasks who have a civil servant status can be given leave for the duration of their work for the maintaining body of their university, should the earnings in employment not governed by a collective agreement be discontinued. ²Clause 1 shall apply accordingly for official senior consultants who are not professors.

(5) ¹The personnel and tangible resources which are assured in addition to the basic equipment for research and teaching in the scope of appointment and continuation of employment negotiations shall be subject to a review

based on the results of the evaluation, the conditions of an amended target agreement and a current development plan, in principle five years after the commitment was made. ²Assurances can also be repeatedly temporarily granted.

(6) ¹The commitment to provide additional resources according to para. 5 in appointment and continuation of employment agreements can be linked with the obligation to ensure that the professor shall remain at the university for a reasonable period of time to be determined in individual cases. ²Should the professor leave the university early, for reasons attributable to the professor, a complete or partial reimbursement of the funds according to clause 1 shall be agreed upon. ³A requirement for the reimbursement is that, after the professor leaves, these funds shall not be able to be used or applied elsewhere or shall only be applied with economic loss.

(7) ¹The academic title "professor" shall be awarded upon transfer of the official tasks to a chair. ²Those who were indefinitely employed as professors may also continue to hold the title after leaving the university. ³The rights associated with the authorisation to perform professional teaching shall remain valid.

(8) ¹The state government can award the title of "honorary professor" to outstanding personalities who have rendered outstanding services in science, technology, culture of art in Lower Saxony, at the request of the relevant Ministry and in agreement with the state university conference of Lower Saxony. ²The membership in a university is not connected with this.

Article 28 Temporary professors

(1) Professors can be appointed indefinitely:

1. in their first appointment,
2. for tasks in matters of science and art, research and teaching as well as service providing which have a limited period of time,
3. to obtain excellent qualified academics, artists or professionals,
4. to assume the role of senior physicians or to independently represent a subject within a department or a centre,
5. in the case of complete or predominant coverage of the costs from the funds of third parties or
6. in connection with management work in a scientific institution outside of the university which is occupied in the scope of a joint appointment procedure.

(2) ¹Employment in a chair by appointment is only possible for a maximum of five years. ²Extensions by up to five years are permitted in the cases of para. 1, No. 2 to 6.

(3) Civil servants who are to be appointed to a chair by appointment can be granted special leave for this period without the continuation of the earnings; Article 22 para. 3 of the BeamStG as well as Article 7 para. 3 and Article 37 of the NBG shall not be applied.

Article 29 Part-time professors

¹Professors can be permanently or temporarily employed part-time under public law of its kind with less than half of the teaching obligations of the professors employed full-time. ²The regulations of this law which are applicable to full-time professors with a civil servant status as well as the Lower Saxony Law on Civil Servants shall apply accordingly; the regulations on secondary employment shall not be applied with the exception of the regulation on charging a user fee. ³Professors employed part-time for whom an independent or dependant professional activity either entirely or partly replaces the research should be predominantly assigned teaching tasks in the scope of this employment contract.

Article 30 Junior professors

(1) ¹The aim of the junior professors is to qualify for the appointment to a professor at a university by independently carrying out the tasks incumbent upon their university in matters relating to science and art,

research and teaching as well as further education and service provision. ²The requirements for this shall be guaranteed when designing the employment contract and the job description.

(2) ¹Employment conditions for junior professors are:

1. a completed university course of study,
2. suitability in educational teaching and
3. the particular aptitude to carry out advanced independent academic work which is generally demonstrated by the outstanding quality of a doctorate or the particular talent related to independent artistic work.

²Junior professors with medical, dental or veterinary tasks should also demonstrate the recognition as a medical specialist or, if this is not provided for in the respective field, medical work of at least five years after obtaining the licence to practice, the appointment or the authorisation to practice the profession. ³Article 25, para. 2 clause 1 shall apply accordingly.

(3) ¹Junior professors shall be appointed by the Presidential Board at the request of the Faculty Council. ²The proposal shall be drawn up by a Selection Commission of the faculty, which is formed like an Appointment Commission, taking the reports of external expert persons into account; the Senate shall participate in drawing up the proposal, just like the proposals to appoint professors according to Article 26. ³Reports in terms of clause 2 can be waived if at least three external members have belonged to the Selection Commission. ⁴The proposal should be rejected if the equal rights representative asserts a violation of the equal rights statement; Article 42 para. 4, clause 3 shall apply accordingly. ⁵Article 26 para. 4 and 8 apply accordingly.

(4) ¹Junior professors shall be employed for the duration of three years. ²The employment can be extended by up to three years by the Presidential Board at the request of the Faculty Council if a teaching evaluation and an external assessment of the services in research or art justify this. ³Alternatively, the employment can be extended by up to one year. ⁴The extensions according to clauses 2 and 3 shall remain unconsidered when applying Article 21 a para. 2. ⁵Article 27 para. 1, 3, 5 and 6 shall apply accordingly.

(5) If a person is employed as an academic member of staff or academic assistant before or after the doctorate has been awarded, the doctorate and employment phase should not have amounted to more than six years or no more than nine years in the field of medicine.

(6) Junior professors shall hold the academic title of "professor" for the duration of their employment.

Article 31 Academic and artistic employees

(1) ¹Academic members of staff shall provide academic services by participating in performing the tasks of the university, in particular in matters of science, research, teaching and further education, being bound by instruction. ²They can also be assigned with the mediation of expert knowledge, practical skills and academic methodology as an academic service in teaching. ³As a rule, a condition for employment is a completed university course of education.

(2) ¹Academic staff may only be assigned lectures to be taken independently if they are granted teaching positions as secondary employment. ²The workload arising from the teaching position should not claim more than one quarter of the regular working time. ³The employment may not be connected to the assumption of the teaching position.

(3) ¹Academic staff can be temporarily employed as academic councillors with a civil servant status if the employment is also used to promote academic trainees. ²According to clause 1, those who have completed a suitable course of study and have obtained a doctorate degree or equivalent academic achievements can be employed. ³The period of office is three years; it can be extended by three years once; this examination shall not be considered in the application of Article 21 a, para. 2. ⁴At the end of their period of office, academic councillors shall be released from their obligations.

(4) Should the employment also allow for further academic qualification, employees who are temporarily employed shall be given the opportunity to carry out advanced independent academic work in the scope of their official tasks.

(5) Para. 1 to 4 shall correspondingly apply to artistic employees.

(6) Persons with medical, dental or veterinary tasks who are employed full-time at the university and who are not members of the university lecturers' group shall belong to the employees' group if they have to perform tasks in terms of para. 1, clauses 1 and 2 at the same time.

Article 32

Teachers for particular tasks; specialist lecturers

(1) ¹Teachers for particular tasks in universities and legally equal academic schools shall exclusively or predominantly deal with tasks relating to teaching; they shall practice their teaching bound by instruction as employed teachers. ²Independent teaching tasks may only be assigned to them through the granting of teaching positions as secondary employment. ³The employment may not be connected to the assumption of the teaching position. ⁴Teachers for particular tasks in Universities of Applied Science shall predominantly mediate practical skills and knowledge which does not require skills which are required for the employment as a professor.

(2) ¹Specialist lecturers are teachers for particular tasks who conduct individual lectures, in particular in modern languages and applied geography. ²They should demonstrate a completed university course of study and their native language should be a modern language which is to be taught.

Article 33

Academic and artistic assistants; student assistants

(1) ¹Academic and artistic as well as student assistants shall carry out ancillary activities for research and teaching and support students in tutorials. ²They may also deal with tasks in administration, technical service, data-centres, libraries and health care if they can use knowledge and skills associated with their course of study or if the work can be deemed as beneficial for the studies.

(2) ¹Academic and artistic as well as student assistants shall be employed in temporary employment with less than half of the regular working time of the employees employed under public law. ²The employment as an academic or artistic assistant requires the completion of a university study. ³Those who are matriculated in a course of study which leads to a degree qualifying a profession can be employed as student assistants; the employment shall be terminated with the exmatriculation at the latest.

Article 34

Visiting lecturers

(1) ¹The Presidential Board can award temporary teaching contracts upon request of the faculty. ²Visiting lecturers shall independently assume the teaching positions assigned to them.

(2) ¹Teaching positions shall be executed in a public legal relationship. ²Articles 33, 37, 42 and 48 of the BeamtStG as well as Article 46, 49, 51 and 83 of the NBG and the regulations of the German Law on the Pension for Civil Servants on the pensions for honorary civil servants shall apply accordingly.

(3) ¹Members of the university according to Article 16, para. 2, clause 4 Nos. 1 and 2 can only receive teaching positions at the university for further education courses and in extra-occupational courses of study. ²The possibility of awarding teaching positions to academic members of staff according to Article 31, para. 2 and teachers for particular tasks according to Article 32, para. 1 shall remain unaffected. ³If the teaching is carried out part-time in the scope of a teaching position in a further education course or an extra-occupational course of study, this can be remunerated, provided the revenue obtained through the course exceeds the associated additional costs.

Article 35
Honorary professors; guest researchers

(1) ¹The university can appoint personalities who have been accounted for either academically or through professional practice as honorary professors. ²They should offer regular lectures and may participate in examinations and research. ³They are in a legal relationship governed by public law with the university and are entitled to carry the title of "honorary professor". ⁴A regulation shall govern the appointment and the withdrawal.

(2) ¹At the proposal of the faculty, the Presidential Board can commission suitable persons in an employment relationship under public law with the temporary execution of tasks in teaching, research, training and art as guest researchers. ²They can be granted remuneration. ³According to a regulation, they may be permitted to carry the title of "professor" for the duration of the service.

Article 35 a
Extra-ordinary professors

¹Junior professors who meet the requirements of Article 30, para. 4, clause 2 and are not still employed as professors at the end of their service or employment are entitled to carry the title of "extraordinary professor", provided they perform tasks in teaching. ²Other persons who meet the conditions of employment can be granted the title of "extraordinary professor" for the duration of the tasks in teaching if they provide evidence of several years of successful teaching. ³The regulation on the post-doctoral lecturing qualification shall govern the further details.

Third Section
Organisation

Article 36
Organs and organisational units

(1) The central organs of the university are the Presidential Board, the University Council and the Senate.

(2) ¹The university is divided into faculties or other organisational units which perform the tasks in the university in matters of research, art, teaching, in the promotion of academic trainees, further education and service providing in a way which is as interdisciplinary as possible. ²The regulations of this law concerning the faculties shall be accordingly applied to similar organisational units.

(3) ¹Organs of the faculty are the Board of Deans and the Faculty Council. ²If no faculties are formed in a university, the Presidential Board and the Senate shall additionally perform the tasks of the Board of Deans and the Faculty Council.

Article 36 a
Joint institutions of universities

(1) ¹Universities under government responsibility can form joint scientific institutions with no legal capacity, in particular joint faculties, with other universities or research institutions outside of a university. ²Further details shall be governed in an agreement which requires the approval of the Presidential Board and Senate which is resolved with the majority of the members as well as the agreement of the University Advisory Board or the Foundation Council of the university of Lower Saxony concerned and the approval of the relevant Ministry. ³If a research institution is participating, the approval of the responsible organs of this institution is required.

(2) ¹The structure, organisation, management and self-administration of the joint institution shall be determined, in particular, in the agreement according to para. 1, clause 2. ²In the case of a joint faculty, Article 43, para. 1 and 2 shall apply for the authoritative competence of management organ and Article 44, para. 1 shall apply for the authoritative competence of the self-administration organ. ³Competences of the Presidential Board and the

University Advisory Board can be transferred to the management organ and responsibilities of the Senate can be transferred to the self-administration organ.

Article 37 Presidential Board

(1) ¹The Presidential Board shall manage the university under its own responsibility. ²It shall organise the development of the university and ensure that the university performs its functions. ³The Presidential Board is responsible for all matters which are not assigned to another organ by this law. In particular it shall determine:

1. the conclusion of a target agreement,
2. the economic plan,
3. the function and performance-oriented calculation of funds in the university,
4.
 - a) the creation of, amendment to and removal of faculties and other organisational units,
 - b) the division of a faculty at the request of the respective Board of Deans,
5.
 - a) the introduction of, essential change to and closure of courses of study as well as
 - b) the approval of examination regulations.

(2) ¹In emergencies, the Presidential Board can convene the Senate at short notice and arrange for the convening of another organ at short notice and demand that certain subjects shall be discussed with its participation and resolved in its presence. ²If the decision cannot be made in due time, the Presidential Board shall take the necessary action itself and shall immediately inform the responsible organ about the action taken. ³If an organ has a permanent lack of quorum, it can be dissolved by the Presidential Board upon arrangement of its new election.

(3) ¹The Presidential Board shall safeguard the regulation in the university and shall exercise the domiciliary right. ²It shall be responsible for the legal supervision of the organs of the university and the student body. ³The legal supervisory powers of the maintaining body shall apply accordingly. ⁴It shall be notified of any legal supervisory measures.

(4) ¹In addition to the President, the Presidential Board is also made up of up to two full-time vice presidents and up to four part-time vice-presidents; no more than five vice-presidents may be appointed. ²The vice-presidents shall independently execute the tasks in their field of business. ³The personnel administration and the financial administration shall be carried out as full-time work in the Presidential Board. ⁴The member of the Presidential Board responsible for the financial administration is also the authorised representative for the budget according to Article 9 of the LHO. ⁵The statutes shall govern the further details; in particular it can provide for the permanent representation of the president in legal and administrative matters through a full-time vice president.

Article 38 Presidents

(1) The president shall represent the university to the public, chair the Presidential Board and determine the guidelines for the Presidential Board.

(2) ¹The president shall be nominated or appointed at the request of the Senate. ²The Senate and the University Council or the Foundation Council shall set up a joint Search Commission which shall submit a recommendation in order to prepare the proposal. ³The Search Commission shall consist of three members each of the University Council or the Foundation Council and voting members of the Senate appointed by itself as well as a member with an advisory capacity appointed by the relevant Ministry; a voting member of the University Council or the Foundation Council shall be the chair. ⁴The Search Commission shall pass its recommendation on to the Senate and the University Council or the Foundation Council for joint discussion. ⁵The Senate shall then decide upon the recommendation. ⁶For universities under the responsibility of the government, the Senate shall present its decision proposal with a statement from the University Council to the relevant Ministry for resolution. ⁷In the case of universities under the responsibility of a foundation, the Senate shall present a decision proposal to the Foundation Council for resolution. ⁸If the Foundation Council wants to make a decision which deviates from the decision proposal of the Senate, it shall make an attempt to reach an agreement and, should an agreement not be made, it shall decide on the next steps. ⁹The Senate's right of proposal remains unaffected.

(3) Anyone who, after obtaining a university degree, was employed for at least five years in a position with outstanding responsibility in science, culture, administration or judicature, can be proposed.

(4) ¹The nomination or appointment shall take place with a civil servant status by appointment for a period of office of six years and in the case of re-election a period of office of eight years, or in a corresponding, fixed-term employee status. ²A change in the employment status during the period of office is excluded. ³The rights and obligations of the official president are derived from the provisions applicable for permanent civil servants, unless otherwise agreed in the following. ⁴The nomination or appointment for a further period of office can take place without an advertisement, with the consent of the Senate and the University Council.

(5) ¹Direct state officials as well as officials of a foundation according to Article 55 are considered to be on leave for the duration of the civil servant status by appointment according to para. 4. ²Article 22 para. 3 of the BeamtStG shall not be applied. ³At the end of the civil servant status by appointment, the relevant Ministry can make arrangements for the assignment of the civil servants who belong to its field of business for the university under government responsibility. ⁴If an assignment is not possible, the civil servant can retire upon their request.

(6) ¹Presidents who do not have any other civil servant status besides their civil servant status by appointment can be offered work at a university in which they were employed as president after their period of office has ended, following the work practiced beforehand. ²Should they be suitable, they may also be appointed to a professorship; in these cases, an appointment procedure shall not take place. ³Upon presentation of good cause, this can be agreed before the beginning of a period of office. ⁴In the case of universities under the responsibility of a foundation, the Foundation Council must agree with the relevant Ministry on this subject.

(7) ¹Official presidents shall retire at the end of their period of office, upon reaching the age limit or in the case of a discharge after being voted out of office (Article 40) if they:

1. have rendered a minimum of ten years service with a civil servant status with remuneration or
2. have been appointed as civil servants by appointment as the result of a permanent civil servant status.

²Presidents shall reach the age limit, notwithstanding Article 35, clause 2 of the NBG, when they turn 68 years old. ³They shall retire at the end of the last month of the semester or trimester in which they reached the age limit; requested discharge from the civil servant status or a requested retirement can be postponed until the end of the semester or trimester. ⁴Presidents who do not meet the conditions for retirement shall be discharged at the end of their period of office provided they are not re-appointed to the Presidential Office. ⁵If a professor with a civil servant status is appointed as president, a decision according to Article 67, para. 3 of the BeamtVG in the version from 16th March 1999 (BGBl. [Federal Law Gazette] p. 322, 847, 2033), last amended by Article 8 of the law from 21st June 2005 (BGBl. I p. 1818) applies, also with regard to the Presidential Office. ⁶If a decision according to Article 67, para. 3 of the BeamtVG has not been made before the appointment as president, Article 67, para. 2 of the BeamtVG shall also be applied for the decision according to Article 49, para. 2, clause 2 of the BeamtVG. ⁷Should the period of office of a president, who is considered to be on leave, end, the office in which they were considered as given leave according to para. 5, clause 1 shall be completely responsible for the entitlement to a pension from the Presidential Office, notwithstanding Article 53 of the BeamtVG, until they enter retirement.

(8) The contractual rights and obligations of the presidents employed with an employee status shall be organised in accordance with the regulations of those with a civil servant status, with the exception of the regulations on the age limits.

Article 39 Vice-presidents

(1) Article 38 para. 2 and 4 to 8 shall accordingly apply with the exception of Article 38 para. 6, clause 2 for full-time vice-presidents providing that the recommendation of the Selection Commission according to Article 38, para. 2, clause 2 is to be made in agreement with the president.

(2) ¹The president shall propose persons who are employed full-time at the university as part-time vice-presidents to the Senate. ²The University Council shall be given the opportunity to express its opinion. ³If the Senate confirms the proposal, it shall present this with the statement from the University Council to the relevant Ministry for resolution. ⁴The relevant Ministry can refer the proposal back to the Senate. ⁵In the case of universities under

responsibility of a foundation, the Foundation Council shall be solely responsible for deciding upon the proposal.⁶The period of office of the part-time vice-president shall be governed in the statutes; it shall end upon the nomination or appointment of a new president.⁷The part-time vice-presidents shall continue business until a successor is appointed.

Article 40

Voting out of office of members of the Presidential Board

¹With a majority of three quarters of its members, the Senate can vote out individual members of the Presidential Board and thus propose their discharge.²The proposal requires the confirmation of the University Council.

Article 41

Senate

(1) ¹The Senate shall resolve the regulations of the university provided this competence is not assigned to the faculty or other organ according to this law or the statutes.²It can resolve examination regulations for cross-faculty courses of study.³It shall resolve the statutes and its amendments with a majority of two thirds of its members.⁴The statutes and its amendments require approval.

(2) ¹The Senate shall resolve the development planning according to Article 1, para. 3, clause 2 as well as the equality plan in agreement with the Presidential Board.²It shall express its opinion on all self-administration matters of fundamental significance, in particular on the creation of, amendment to and closure of faculties as well as on the introduction of, significant change to and closure of courses of study.³The Presidential Board shall be accountable to the Senate in all matters relating to self-administration in its decision-making powers.⁴This includes, in particular, measures in terms of Article 17, para. 2, clause 1.

(3) ¹The Senate has an extensive right to obtain information from the Presidential Board.²It shall be given opportunity to express its opinion in due time, before a resolution on the economic plan and before concluding a target agreement.

(4) ¹The Senate shall be made up of 13 members with a right to vote.²In accordance with the statutes, in a university

1. with up to 100 positions for professorships, the Senate may have up to 19,
2. with 101 to 200 positions for professorships, the Senate may have up to 25,
3. with more than 200 positions for professorships, the Senate may have up to 31

members with the right to vote.³They shall be directly elected according to groups.⁴The President shall act as chair without the right to vote.⁵As regards decision-making in matters which concern the assessment of teaching, the votes of the members of the students' group shall be double-weighted; the members of the MTV group shall not have any right to vote in these matters.

Article 42

Equal rights representative

(1) ¹The Senate shall elect a female equal rights representative at the proposal of the Commission for Equality.²The period of office of the equal rights representatives is up to six years and up to eight years, should they be re-elected.³The appointment for a further period of office can take place without advertisement, with the agreement of the Senate.⁴In principle, the equal rights representative shall be employed full-time; exceptions to this require the approval of the relevant Ministry.⁵The statutes shall govern the further details on the creation and proposal of the Commission as well as on the period of office and on the procedure of the election for the equal rights representative.

(2) ¹The equal rights representative shall ensure that the equal rights assignment is fulfilled.²She shall, in particular, participate in the development planning, in the creation of the equality plan as well as in structural and personnel decisions.³She can convene meetings.⁴She shall have an obligation to report to the Senate and shall

inform the public about the execution of her tasks. ⁵When performing her tasks she shall not be bound to professional assignments and instructions.

(3) ¹The equal rights representative shall have the right to report directly to the Presidential Board. ²As a means of performing her tasks, she can participate in the meetings of other organs, boards, and commissions, to which she is invited like a member with the right to make requests and the right to speak freely; in particular, she shall be extensively involved, in due time, in the upcoming personnel measures in particular. ³The equal rights representative can access the application documentation. ⁴She shall be committed to secrecy.

(4) ¹If a decision which concerns the equal rights assignment is made by an organ against the vote of the equal rights representative, she can demand a new decision (objection) within two weeks, unless this law specifies otherwise. ²The new decision may be made one week after the objection has been submitted at the earliest and only after a special attempt to reach an agreement. ³The objection is only possible once in the same matter. ⁴A decision may only be implemented after the time limit for filing an objection has ended or the decision has been confirmed.

(5) ¹Equal rights representatives can be elected to the faculties by the Faculty Council. ²An equal rights representative shall be elected for the Medical School Göttingen. ³Equal rights representatives can be appointed to other organisational units determined in the statutes. ⁴The election or appointment procedure, the period of office, the tasks and the competences for the equal rights representative shall be governed in the statutes according to clauses 1 to 3.

(6) Article 3 para. 4 as well as Article 7, 12 and 13 of the German General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*) from 14th August 2006 (BGBl. I p. 1897) shall accordingly apply for all members and affiliates of the university who are not employees in the university.

Article 43 Board of Deans

(1) ¹The Board of Deans shall manage the faculty. ²It shall be responsible for all matters of the faculty, unless otherwise agreed in this law. ³The Board of Deans shall implement the decisions of the Faculty Council and is responsible to it. ⁴In emergencies, it can convene the Faculty Council and demand that certain matters are discussed with its participation and resolved in its presence. ⁵If a decision cannot be made in due time, the Board of Deans shall take the necessary measures itself and shall immediately inform the Faculty Council and the Presidential Board about the necessary measures.

(2) ¹The Board of Deans shall object to unlawful decisions of the Faculty Council and shall demand their removal or amendment. ²An objection shall result in a postponement. ³If the Faculty Council does not take any remedial action, the Board of Deans shall inform the Presidential Board.

(3) ¹The Board of Deans shall consist of the dean, at least one student dean and, as arranged in the statutes, other members. ²The dean shall chair the Board of Deans, represent the Faculty within the university and determine the guidelines for the Board of Deans. ³They shall work to ensure that, irrespective of the competences of a student dean, the members and affiliates of the faculty perform their tasks and they shall be the supervisor of the members of the employees' group and the MTV group. ⁴The statutes shall determine the period of office of the members of the Board of Deans; it should be a minimum of two years. ⁵The following can be entirely or partly released from the official tasks as a professor in accordance with the statutes:

1. the deans as well as the
2. student deans.

⁶Should the statutes provide for further members of the Board of Deans, they can also be released in accordance with the Statutes; these exemptions and exemptions according to clause 5, No. 1 may not exceed the scope of the official tasks of a person.

(4) ¹The Faculty Council shall resolve the number of members of the Board of Deans in accordance with the statutes and shall elect its members. ²The election of the members of the Board of Deans requires the

confirmation of the Presidential Board. ³A professor of the faculty may be elected as dean. ⁴The Faculty Council may vote out individual members of the Board of Deans with a majority of three quarters of its members; clause 2 shall apply accordingly. ⁵A regulation shall govern the further details on the procedure of the election and the voting out of the members of the Board of Deans.

(5) ¹In the statutes, the university can determine that the office of a dean is full-time. ²Para 3, clauses 4 to 6 as well as para. 4 do not apply for full-time deans. ³The full-time dean shall be nominated or appointed at the request of the Faculty Council; Article 38, para. 3 to 8 shall apply accordingly. ⁴A regulation which is to be passed by the Senate shall govern the further details of the procedure. ⁵The Faculty Council may vote out the full-time dean with a majority of three quarters of its members and thus propose their discharge; the proposal requires the confirmation of the Presidential Board.

Article 44 Faculty Council

(1) ¹The Faculty Council shall make decisions on matters concerning research and teaching which are of significance. ²It shall resolve the regulations of the faculty, in particular the examination regulations, and shall express its opinion on the introduction of, essential change to and closure of courses of study to the Presidential Board. ³The regulations of the faculties require the approval of the Presidential Board.

(2) ¹According to the statutes, the Faculty Council shall consist of up to 13 members with the right to vote. ²They shall be directly elected according to groups. ³The dean shall chair the Faculty Council without the right to vote. ⁴The university lecturers' group must have one more vote than all the other groups together. ⁵As regards decisions in matters which concern the assessment of teaching, the votes of the members of the students' group shall be double weighted; the members of the MTV group have no right to vote in these matters.

Article 45 Permanent commissions for teaching and studies; student deans

(1) ¹The university shall form permanent commissions for teaching and studies (Committees of Study Affairs), in which at least half of the voting members shall be students. ²The Presidential Board shall determine the number and size of the Committees of Study Affairs, their competence for individual courses of study and their allocation to one or more faculties. ³The student dean shall chair the Committee of Study Affairs without the right to vote. ⁴In the case of cross-faculty Committees of Study Affairs, the member of the Presidential Board responsible for teaching shall select the chair.

(2) ¹The responsible Committees of Study Affairs shall be heard before decisions of the Faculty Council in all matters concerning teaching, studies and examinations are made. ²The Faculty Council shall acknowledge its recommendations and document its opinion; it can assign individual decisions to a responsible Committee of Study Affairs.

(3) ¹The student dean shall be responsible for safeguarding the offer of teaching and the student guidance as well as for conducting examinations. ²They shall work to ensure that all members and affiliates of the faculty perform the tasks in matters of teaching and examinations which they are responsible for. ³As a means of performing their tasks, the student dean can participate (with the right to request and right to speak freely) in the meetings of the Boards of Deans of faculties which are assigned a course of study whose Board of Deans they are, however, not a member of.

(4) ¹The Committee of Study Affairs shall propose a member of the university lecturers' group or in exceptional cases, a teaching member of the employees' group to the Faculty Council to be elected as student dean. ²The Committee of Study Affairs can propose the voting out of the student dean according to Article 43, para. 4, clause 4 to the Faculty Council with a majority of two thirds of its voting members.

Article 46 **Excellence clause**

¹The Senate of a university which is financed in the scope of a national and state excellence initiative to promote science and research in German universities is authorised to define deviations from the Articles 6, 26, 30 and 36 to 45 on the testing of new models of management, control and organisation in a regulation in agreement with the University Council or the Foundation Council, in order to guarantee the realisation of the required measures. ²The Presidential Board shall be given the opportunity to express its opinion. ³The regulation requires approval by the relevant Ministry.

Third Chapter **Universities under government responsibility**

Article 47 **Government matters**

The universities under the responsibility of the government shall carry out government matters as state institutions. Government matters are:

1. personnel administration and the management of the state funds, state property and assets assigned to the university,
2. levying fees and charges,
3. determining the training capacities and awarding of student places,
4. the regional library and datacentre cooperation,
5. healthcare and other tasks in the field of the public health system as well as veterinary care,
6. involvement in or the implementation of government examinations,
7. university statistics,
8. tasks which shall be assumed by the university in national administration as well as
9. government recognition according to a regulation according to Article 7, para. 6.

Article 48 **Powers related to service law**

(1) The relevant Ministry shall nominate or appoint and discharge the members of the Presidential Board.

(2) ¹The relevant Ministry shall appoint the professors. ²The Presidential Board shall present it with the appointment proposal with the statements of the organs and committees participating in the procedure. ³The relevant Ministry can deviate from the order of the appointment proposal after hearing the Presidential Board or return the appointment proposal altogether. ⁴The relevant Ministry can transfer its powers to appoint the professors, each limited to three years, to the university. ⁵In the event of a transfer according to clause 4, the Presidential Board shall decide upon the appointment in agreement with the University Council. ⁶In this respect they shall observe national agreements which commit the state in matters regarding the appointment of professors. ⁷The president shall nominate or appoint and discharge the professors.

(3) ¹The personnel employed in the university shall be employed in state service. ²The superior body of the members of the Presidential Board shall be the relevant Ministry. ³The president shall be the superior of the university personnel.

Article 49 **Budget and economic management**

(1) ¹The universities shall be managed as state companies in accordance with Article 26, para. 1 of the LHO provided that:

1. The economic management and the accounting system are based on commercial principles. The economic plan shall be set up according to the profit and loss statement designed according to commercial law and include

the respective actual, target and planning data. The regulations of the Commercial Code concerning large corporations shall be appropriately applied to the annual financial statement. The auditing principles of Article 53, para. 1, No. 1 and 2 of the German Act on Budgetary Principles (*Haushaltsgrundsätze-gesetz, HGrG*) shall be applied accordingly for auditing the annual financial statement.

2. The part of the allocations not used by the end of the financial year shall be transferred to a reserve for a duration of up to five years and shall be available to the university in order to perform its functions.

3. The state company shall determine the permanent employment of staff through collective agreements. The upper limits shall be updated accordingly in the event of amendments to the collective agreement. Notwithstanding Article 26 para. 1, clause 4 of the LHO, the positions of the staff employed through collective agreements shall not be illustrated in the budget plan.

4. The accounting shall be based on the rules of commercial double-entry book-keeping. Notwithstanding Article 79, para. 3 of the LHO, the state company shall set up paying offices and receiving offices under its own responsibility. In the scope of the annual audit according to Number 1, the university shall demonstrate that the paying and receiving offices have been operated in accordance with the regulations.

5. The accounting system must include a cost and performance calculation which allows for the creation of statistics for inter-university purposes according to a guideline by the relevant Ministry.

²The relevant Ministry shall determine the further regulations concerning numbers 1 to 4 through an administrative regulation in agreement with the Ministry of Finance and the state Court of Auditors.

(2) ¹The revenue of the university, with the exception of revenue of the corporation, shall be integrated into the state assets to be managed by the university. ²The assets to be provided from the state funds shall be secured for the state. ³All revenue which the universities obtain in connection with the academic and artistic work as well as through using the personnel resources and institutions of third parties shall be available to the universities in order to perform their functions.

(3) The amount of ongoing allocations in the university shall be calculated according to the target agreements in accordance with Article 1, para. 3, clause 4.

Article 50 Corporate assets

(1) ¹The university can arrange for the formation of corporate assets through a regulation. ²Grants from third parties shall be included in the corporate assets, unless the funding body has excluded this or they are secured in order to finance research projects in terms of Article 22.

(2) ¹The university shall manage the corporate assets, notwithstanding part VI of the State Budget Regulation of Lower Saxony (*Niedersächsische Landeshaushaltsordnung*), separately from the state assets. ²The Senate shall resolve the economic and budget plan of the corporate assets introduced by the Presidential Board and shall relieve the workload of the Presidential Board in terms of the corporation budget.

(3) ¹The state shall neither have entitlements nor commitments resulting from legal transactions which the university shall conclude as a corporation. ²Legal transactions at the expense of the corporation assets shall be concluded on behalf of the university with the note "public law corporation".

(4) ¹The university can participate in businesses in the legal form of a legal person under private law or justify such businesses with its corporate assets for performing its corporate functions, in particular for financing the knowledge and technology transfer. ²Article 65 of the LHO shall be accordingly applied provided that, in the case of clause 1, the university shall obtain the consent of the relevant Ministry. ³Articles 66 to 69 of the LHO shall not be applied. ⁴The university shall ensure that the business concludes an auditing examination with the state Court of Auditors according to Article 104, para. 1, No. 3 of the LHO if the state Court of Auditors considers this to be necessary. ⁵Investments in the university shall be illustrated in the budget plan.

Article 51 Supervision and cooperation

(1) ¹In matters concerning self-administration, the universities shall be subject to legal supervision and in government matters, they shall be subject to the professional supervision of the relevant Ministry. ²It can demand information at any time. ³After hearing the university, it can object to unlawful measures of central organs of the

university and demand their removal or amendment. ⁴An objection shall have a suspensive effect. ⁵If a central organ of the university does not meet the obligations incumbent upon it based on a law, an objection or a supervisory instruction, the relevant Ministry can order it to arrange for the necessary measures. ⁶Should it not comply with the order, the relevant Ministry can take the necessary measures in its place. ⁷If it is not only temporarily unable to act, the relevant Ministry can appoint representatives who shall carry out its functions as an organ of the university.

(2) The supervision should promote the independence and the personal responsibility of the university at the same time.

(3) ¹Should regulations require approval, the relevant Ministry shall be responsible, unless otherwise stated in this law. ²The approval can be refused for legal reasons and for reasons of convenience, provided it relates to government matters. ³For these reasons, the relevant Ministry can demand that a regulation is amended or revoked within a reasonable period. ⁴Should a university not comply with such a demand, the relevant Ministry can take corresponding measures after hearing the university. ⁵This shall also apply if the university does not pass a regulation requiring approval within a reasonable period.

Article 52 University Council

(1) ¹The functions of the University Council are

1. to consult the Presidential Board and the Senate,
2. to express its opinion on
 - a) the development and economic plans,
 - b) the foundation of or participation in businesses,
 - c) the drafts of target agreements,
 - d) the proposals of the Senate for nominating or appointing members of the Presidential Board,
3. to confirm the proposal of the Senate on discharging members of the Presidential Board,
4. to give its consent in appointment proposals in universities to which the right of appeal was transferred according to Article 48, para. 2.

²The University Council is entitled to demand information from the Presidential Board and the Senate on all issues concerning the university.

(2) ¹The University Council shall consist of seven members, at least three of whom should be women. ²Members are:

1. five persons familiar with the university system, particularly from the fields of economy, science or culture who may not be members of the university and who are appointed by the relevant Ministry in agreement with the Senate of the university,
2. a member of the university who is elected by the Senate of the university and
3. a representative of the relevant Ministry.

³The University Council shall select a chair and an acting chair from the members according to clause 2, No. 1.

(3) ¹The members of the University Council according to para. 2, clause 2, No. 1 shall be affiliates of the university. ²The members according to para. 2, clause 2, No. 1 and 2 shall serve in an honorary capacity and shall not be bound to orders and instructions. ³The university may pay an appropriate expense allowance to the members according to para. 2, clause 2, No. 1, according to a regulation. ⁴The period of office of the members of the University Council shall be up to five years in accordance with the statutes. ⁵The relevant Ministry can remove a member of the University Council according to para. 2, clause 2, No. 1 for good cause. ⁶The Presidential Board shall participate in the meetings of the University Council with an advisory capacity; a representative of the student body, the equal rights representative and the members of the Personnel Council can be consulted for advice.

Article 53
Norddeutsche Hochschule für Rechtspflege
(North German School of Justice)

(1) ¹The *Norddeutsche Hochschule für Rechtspflege* implements the education for the careers in category 2 of the field of justice in accordance with Article 2, para. 1, 2 and 4 of the German Law on Judicial Officers (*Rechtspflegergesetz*) and justice-related further education. ²It can set up further courses of study with the approval of the relevant Ministry.

(2) Organs of the *Norddeutsche Hochschule für Rechtspflege* are the rector and the Senate.

(3) ¹The rector shall manage the *Norddeutsche Hochschule für Rechtspflege* and represent it to the public. ²They shall replace the president and the Presidential Board. ³A prorector shall act as a representative of the rector in place of the vice-president. ⁴The tasks according to clauses 1 to 3 shall be carried out part-time.

(4) ¹The relevant Ministry shall appoint professors of the *Norddeutsche Hochschule für Rechtspflege* who are members of the University of Applied Science as rector and prorector. ²They shall be appointed at the proposal of the Senate; the proposal on the appointment of the prorector requires the agreement of the rector. ³The Senate shall set up a Search Commission consisting of five members, three of whom are nominated from and by the Senate, two of whom from the relevant Ministry, in order to prepare the proposal. ⁴The period of office is six years; the statutes may define a shorter period of office for the prorector. ⁵Articles 38 and 39 shall not be applied.

(5) ¹Notwithstanding Article 41, para. 4, clause 1, the Senate shall consist of up to 13 members with the right to vote in accordance with the statutes. ²Article 41, para. 4, clause 2 shall not be applied.

(6) ¹The *Norddeutsche Hochschule für Rechtspflege* shall appoint an administration manager with the consent of the relevant Ministry. ²The administration manager shall support the university management and shall run the business of the personnel and finance administration. ³They shall be the authorised representative for the budget according to Article 9 LHO.

(7) Article 49 shall not be applied for the *Norddeutsche Hochschule für Rechtspflege*.

(8) The state government shall be authorised to govern deviations from the provisions for academic personnel in Universities of Applied Science by decree, provided this is necessary as a result of the particular terms of reference and structure of the *Norddeutsche Hochschule für Rechtspflege*.

(9) The relevant Ministry responsible for the *Norddeutsche Hochschule für Rechtspflege* shall be the Ministry of Justice.

Article 54
Special provisions for the University of Vechta

(1) ¹The Institute of the University of Vechta stated in Article 5, para. 2, clause 4 of the concordat shall assume the functions of a faculty for its field. ²The organs of the Institute shall be defined in a regulation.

(2) The University Council of the University of Vechta shall agree to the dedication of professor positions in the scope of the procedure according to Article 52, para. 1, clause 1, No. 2, letters a or c.

(3) ¹Article 52, para. 2, clause 2, No. 1 shall apply providing that two of the five members to be appointed by the relevant Ministry in agreement with the Senate shall be appointed at the proposal of the Catholic Church; they can only be voted out of office by the relevant Ministry in agreement with the Catholic Church. ²A member appointed at the proposal of the Catholic Church shall belong to the members of the University Council in the Search Commission according to Article 38, para. 2, clause 3.

Article 54a
Special provisions for the University of Oldenburg
and the Universities of Wilhelmshaven/Oldenburg/Elsfleth

(1) Article 36, para. 1 shall apply providing that, in the University of Oldenburg and at the Universities of Wilhelmshaven/Oldenburg/Elsfleth, a joint steering committee is formed as a central organ of the universities.

(2) The University Councils shall meet with the University Council of the Emden/Leer university at least once a year to discuss common matters which concern all the universities; the members of the joint steering committee should participate in this meeting.

(3) ¹The joint steering committee shall consist of the Presidential Boards of both universities and a member appointed by the relevant Ministry in agreement with the Senates and the University Councils of both universities. ²The period of office shall be six years. ³Re-appointment is permitted. ⁴The member appointed by the relevant Ministry shall chair the committee. ⁵The universities and the chair shall have one vote each as regards decisions. ⁶Decisions in matters which influence the field of self-administration of a university and which are made against the vote of this university require confirmation by the relevant Ministry. ⁷The function of the joint steering committee is to manage a future-oriented, coordinated development of both universities and it shall determine the subject groups and subjects in which both universities shall coordinate their development planning. ⁸Article 41, para. 2, clause 1 shall apply with the proviso that the development planning requires the agreement of the joint steering committee and both University Councils in a joint meeting according to para. 2. ⁹As regards the staffing of professor positions which concern the subjects coordinated based on the agreed development planning, prior approval from the joint steering committee is required.

Fourth Chapter
Universities under the responsibility of public law foundations with legal capacity

Article 55
Transfer, objectives and functions

(1) ¹A university can be transferred into the responsibility of a public law foundation with legal capacity by decree of the state government upon its request. ²The Senate shall resolve the motion with a majority of two thirds of its members. ³The decree according to clause 1 must govern the purpose, the name, the representatives and the headquarters of the foundation, the formation, use and administration of its assets as well as the continuance of agreements on the job security of transferred employees and the financing of civil servant pensions. ⁴The decree shall list, in particular, the property owned by the state which is required for the running of the university as well as the property rights for the premises of third parties which are required for running the university with their title according to the land register in terms of Article 28 of the Land Register Regulation. ⁵The creation of the foundation means the ownership of the property listed in the decree and the property rights listed in the decree shall be passed into the ownership of the foundation royalty-free. ⁶A foundation statute shall be passed by the decree. ⁷Amendments to the foundation statute require the approval of the state government.

(2) ¹The foundation shall maintain and promote the university in its capacity as a public law corporation. ²Its objective is to increase the quality of research, teaching, studies and further education in the university by using the funds transferred to it efficiently and responsibly.

(3) The foundation shall carry out the government matters according to Article 47, clause 2 as its own functions.

(4) ¹The foundation shall exercise the legal supervision of the university. ²The regulations of Article 51 on the legal supervision shall apply accordingly.

(5) When performing its functions, the foundation shall safeguard the self-administration of the university.

(6) ¹The foundation shall exclusively and directly pursue charitable objectives in terms of the third section (tax privilege purposes) of the second part of the German Tax Code (*Abgabenordnung*) in the respective applicable version. ²The funds of the foundation may only be used for the purposes intended according to para. 2 and 3 as well as those in the statute. ³No person may be favoured through spending which goes beyond the objective of the foundation or through disproportionately high remuneration.

Article 55 a **Special regulations for the creation of public law foundations**

(1) A decree by the state government can arrange that in the name and on behalf of the foundation, the state

1. provides the retirement pensions in accordance with Article 2 of the German Law on the Pensions of Civil Servants including the payment of emeritus benefits,
2. provides the compensation payments according to Article 107b of the German Law on the Pensions of Civil Servants,
3. carries out the payment of retrospective pension contributions for civil servants who have left as well as other employees who have been guaranteed the right to future pension benefits in the case of reduced capacity to work and in old age as well as the right to a provision for surviving dependants and who withdraw from the employment without any provisions and
4. reimburses retrospective pension contributions for the statutory pension which other principles of the foundation could claim for employment in the foundation.

(2) ¹If the state is committed to a decree according to para. 1, the pension reserve of the state of Lower Saxony is also the pension reserve of the foundation. ²The foundation shall allocate the differences according to Article 14 a, para. 2 of the Federal Civil Service Remuneration Act (*Bundesbesoldungsgesetz*) in accordance with Article 6 of the Lower Saxony Law on Pension Reserves to the Lower Saxony state pension reserve.

(3) A decree by the state government can determine that the state shall provide the pension benefits according to Article 80 of the NBG and corresponding collective agreement provisions in the name of and on behalf of the foundation.

(4) ¹If the state is bound by a decree according to para. 1, the foundation shall pay the state an annual pension lump sum amounting to 30 out of one hundred of the emoluments of all civil servants employed in the foundation. ²The lump sum shall be paid in four equal instalments by the 15th February, 15th May, 15th August and 15th November.

(5) ¹Should the state provide the benefits according to para. 3, the foundation shall pay the state an annual lump sum. ²The relevant Ministry shall determine the amount of the lump sum which shall be calculated based on the same principles for estimating the benefits for the universities under the responsibility of the federal state in the respective budget plan. ³Para. 4, clause 2 shall apply accordingly.

(6) ¹The foundation shall pay the state an annual lump sum to repay the administration costs which result due to the obligation according to para. 1 and 3 for calculating and approving advance payments of the sums. ²The amount to be repaid as well as the repayment procedure shall be regulated in an administrative agreement between the state and the foundation. ³If an administrative agreement is not made, the relevant Ministry shall determine the lump sum. ⁴Para. 4, clause 2 shall apply accordingly.

(7) ¹The state government shall be authorised to make regulations, by decree, on the assumption of liability for damages by the state for which the foundation shall not receive compensation or shall have to pay compensation. ²The assumption of liability for damages may not exceed the total value of the immovable property of the foundation on the 1st January in the year concerned. ³Liability for small claims up to 10,000 Euro in individual cases shall not be assumed up to a total amount of 50,000 Euro per financial year. ⁴The limitations on liability do not apply for damages to third parties.

(8) ¹The foundation shall assume all construction tasks previously carried out by the public construction management of Lower Saxony (*Staatliches Baumanagement Niedersachsen*) for its field and shall make the necessary regulations for this with the state. ²With the shifting of tasks, the existing employment and training

relationships of the staff employed for university tasks, including the positions proposed as well as the estimated personnel and material resources, shall be transferred to the foundation on a pro rata basis by the public construction management of Lower Saxony. ³Civil servants shall be transferred when the tasks are transferred. ⁴The foundation shall enter the rights and obligations of the work and training relationships existing at this point in time. ⁵The state government shall be authorised to regulate the individual details of the transfer of staff by decree, provided an agreement according to clause 1 is not made. ⁶The state shall be released from all contractual obligations which it has entered into for construction measures of the university by the foundation.

(9) If facilities of a student body are operated or are to be operated on property and in buildings which have been passed into the ownership of the foundation by decree, according to Article 55, para. 1, clauses 4 and 5, the relevant Ministry can commit the foundations to transferring ownership of or a hereditary building right in the property royalty-free to the student body upon its request, in order to improve the profitability of the student body, or to granting a usufructuary right, easement of access or pipeline wayleave secured according to the land register in order to operate its facilities; Article 56, para. 2 and 4, clause 2, No. 6 shall apply accordingly.

(10) ¹If a foundation is established in the middle of the financial year, by way of derogation from Article 56, para. 4, clauses 4 to 6 the financial aid is calculated according to Article 56, para. 3, No. 1 according to the allocations estimated in the budget plan in the corresponding budget plan chapter of the transferred public university. ²The Ministry of Finance shall be authorised to transfer the funds estimated for the university concerned in statement 06 as well as in other statements in agreement with the relevant Ministry into the allocations according to Article 56, para. 3.

Article 56 **Foundation assets, foundation funds and transfer of ownership**

(1) ¹The basic assets shall consist of the property listed in the decree according to Article 55, para. 1, clause 4 and other assets explicitly allocated to these. ²The basic assets shall be kept separate from the other foundation assets and can be increased by additional donations from the state or third parties.

(2) ¹Property in the basic assets shall be maintained in its physical condition and other basic assets shall be maintained unimpaired in their original quality. ²Selling property in the basic assets or introducing charges on real property shall be permitted according to the rules of proper economic management, after receiving the approval of the relevant Ministry, if this realises the permanent and sustainable objective of the foundation or increases the efficiency of the foundation. ³The proceeds obtained from a sale should be used to purchase equivalent property or to permanently improve the utilisation of existing property in the basic assets.

(3) The foundation shall finance the performance, in particular from

1. the annual financial grant from the state,
2. the revenue from the foundation assets and
3. the donations and other grants of third parties, provided these do not have to be explicitly allocated to the basic assets.

(4) ¹The foundation shall receive an annual financial grant from the state, in accordance with the budget, in order to perform its functions. ²The foundation shall use this to cover its expenses for the following, in particular:

1. the teaching,
2. the basic equipment for research,
3. the equipment for main areas of activity and special tasks,
4. the promotion of academic trainees,
5. the compliance with the equal rights mission and
6. the building maintenance.

³Grants for investments may only be used for investment purposes. ⁴The annual financial grant shall, in due consideration of Article 1, para. 2 calculate to what extent the objectives agreed upon according to Article 1, para. 3, clause 4 have been achieved. ⁵The foundation shall demonstrate to what extent the objectives agreed upon have been achieved in the economic report of the year-end accounts and at the request of the relevant Ministry. ⁶An upper limit for personnel costs, which shall be determined in the budget plan according to the target agreements and in due consideration of collective agreement amendments, shall be established for calculating

the financial grant.⁷The foundation shall provide the relevant Ministry with the data necessary to calculate the upper limit and the financial grant upon request and early enough to allow the relevant Ministry to draw up the approximate calculations according to Article 27, para. 1 of the LHO.

(5) Grants to the foundation from third parties can be subject to the requirement that they shall be used for an individual measure intended in the scope of the objective of the foundation.

(6)¹The movable assets in the ownership of the state which have been so far used by the university as well as the corporate assets shall pass into the ownership of a foundation when the university transfers into a foundation.²Rights to use managed by the university which the state has purchased for the university shall be assigned to the foundation when it is founded.³The assets transferred to the foundation according to clauses 1 and 2 shall be determined by the approved closing balance of the university and its institutions.

(7)¹The state government can transfer the ownership of the property required for operating the university to a foundation by decree upon its request.²Para. 2 and para. 4, clause 2, No. 6 as well as Article 55, para. 1, clauses 4 and 5 and Article 63 shall apply accordingly.

Article 57 Economic plan and economic management

(1)¹The foundation shall draw up an economic plan in due time before the beginning of each financial year, in accordance with the rules of proper economic management.²A draft of the economic plan shall be presented to the relevant Ministry early enough to allow the relevant Ministry to create approximate calculations according to Article 27, para. 1 of the LHO.³The information required to draw up the budget shall be issued upon request of the relevant Ministry in due time in the course of the budget preparation process.

(2)¹The economic management and the accounting system shall be based on commercial principles.²The regulations of the Commercial Code (*Handelsgesetzbuch*) concerning large corporations shall be appropriately applied to the annual financial statement.³The examination principles of Article 53, para. 1, No. 1 and 2 of the HGrG shall be correspondingly applied to the auditing of the annual financial statement.⁴The accounting system must include cost accounting which also allows statistics to be created for purposes which concern all the universities.⁵For the purposes of comparing the universities under government responsibility, the foundation shall give the relevant Ministry the information which it also requests from the universities under government responsibility for this purpose.⁶In terms of the structure and content of the economic plan including the standard form of accounts, the balance sheet as well as the cost accounting, the regulations applicable for the universities under government responsibility and the administration regulations passed on this shall be correspondingly applied.

(3)¹The part of the financial grant remaining at the end of the financial year according to Article 56, para. 3, clause 1, No. 1 shall be placed in a reserve for a duration of up to five years and shall be available to the foundation to finance its functions.²The part which has not been used after three years can be allocated to the foundation assets.

(4)¹In target agreements according to Article 1, para. 3, the relevant Ministry can also agree upon the purposes for which grants, in particular

1. from central funding programs or
2. for other investments in terms of the state budget regulation,

shall be awarded to the foundation.²The foundation may only retrieve a grant if this is necessary in order to fulfil the agreed purpose and may only use it for the agreed purpose.³The foundation shall use the annual financial statement to demonstrate that the grants have been used for the agreed purpose.⁴The audit of the annual financial statement shall also include this evidence.⁵The relevant Ministry can claim back a grant guaranteed through a target agreement pursuant to Article 48 to 49 a of the Law on Administrative Proceedings (*Verwaltungsverfahrensgesetz*) by an administrative act if the conditions for claiming back or revoking a grant allocated by an administrative act are in place.⁶The relevant Ministry can review or have reviewed by an authorised representative the proper use of the grants at any time.⁷For this purpose, the foundation shall send or present the documentation which the relevant Ministry or the authorised representative considers to be necessary

and provide the information requested. ⁸The relevant Ministry can govern the further details on auditing the evidence through an administrative regulation, in agreement with the State Court of Auditors. ⁹The auditing rights of the State Court of Auditors remain unaffected. ¹⁰The clauses 1 to 7 shall also be applied for the funds for projects according to Article 91 b of the federal constitution and for other construction projects if a procedural agreement between the foundation and the relevant Ministry, which requires the approval of the Ministry of Finance and the State Court of Auditors, arranges this. ¹¹In the case of clauses 1 to 10, Article 44 of the LHO shall not be applied.

(5) Loans over an amount defined by the relevant Ministry in agreement with the Ministry of Finance may only be borrowed with their consent.

(6) All revenue which the university obtains in connection with its academic and artistic work as well as through the use of personnel, resources and institutions by third parties shall be available to the foundation to perform its functions and may not be taken into account when calculating the financial aid according to Article 56, para. 3, clause 1, No. 1.

(7) ¹The funds according to Article 56, para. 3 may be invested in an interest-bearing account in a bank or a savings account in a member state of the European Union until they are used for the intended purposes. ²In the case of an investment in securities, the principles of Article 54 of the Insurance Supervisory Law shall be observed in connection with the investment law.

(8) ¹The State Budget Regulation of Lower Saxony shall not be applied with the exception of Article 39, 49 and 55. ²Provided these regulations of the State Budget Regulation of Lower Saxony contain provisions on supervision or approval, the Foundation Council shall be responsible for this. ³The economic management of the foundation shall be subject to an audit by the State Court of Auditors according to Article 111 of the LHO.

Article 57 a
Foundation assets and economic management of the Foundation University Göttingen (*Stiftung Universität Göttingen*)

(1) ¹Separate foundation assets shall be in place for the Foundation University Göttingen without the Medical School Göttingen and for the Medical School Göttingen (sub-assets). ²Both sub-assets shall be shown in separate balance sheets. ³They can be independently increased through additional donations. ⁴The balance sheet for the University without the Medical School shall be consolidated with the balance sheet for the Medical School to produce a consolidated balance sheet for the foundation. ⁵The sub-assets may not be used to improve the respective other sub-assets. ⁶If measures are to be assigned to the University as well as the University without the Medical School, costs shall be split internally.

(2) Article 57 para. 3 shall apply accordingly to sub-assets.

(3) Notwithstanding Article 57, para. 1, clause 1, the foundation shall issue an economic plan for both the University without the Medical School and for the Medical School. The foundation statute shall govern the further details.

Article 58
Powers related to service law

(1) ¹ The foundation shall have the capacity to act as principle in terms of Article 2 of the BeamStG. ²The civil servants of the foundation shall be nominated by the president provided they have not transferred the authority to nominate.

(2) ¹The relevant Ministry shall appoint the professors. ²The President Board shall present it with the appointment proposal with the statements of the organs and bodies involved in the procedure after hearing the Foundation Council. ³The relevant Ministry can deviate from the order of the appointment proposal after hearing the Presidential Board or return the appointment proposal altogether. ⁴The relevant Ministry can transfer its powers to the university in such a way that the Presidential Board appoints the professors in agreement with the Foundation

Council.⁵In these cases, the Foundation Council's approval of the advertisement is necessary if the chair does not correspond to the development planning with denomination established in the target agreement according to Article 1, para. 3.⁶In the cases of clause 4, the university shall observe national agreements through which the state is committed in matters concerning the appointment of professors.

(3)¹The Foundation Council is the superior body of the members of the Presidential Board.²The president is the superior of the university personnel.

(4) The collective agreements applicable to the employees of the state and other provisions shall apply to the employees of the foundation. The foundation is committed

1. to acknowledging the rights related to employment and collective agreements acquired by the state and to joining an employees' association managed by the state which is a member of the Employers' Association of the Federal States (*Tarifgemeinschaft deutscher Länder*) as well as

2. to ensuring that the effective and legal conditions required for a participation agreement according to the statute of the Federal and State Benefit Agency are created and maintained in order to safeguard the entitlements to an additional old age pension and provision for surviving dependants of the civil servants.

Article 59 Organs

(1) The organs of the foundation are the Foundation Council and the Presidential Board of the university.

(2) The organs of the Foundation University Göttingen are the Foundation Council, the Foundation's University Committee (*Stiftungsausschuss Universität*), the Foundation's Medicine Committee (*Stiftungsausschuss Medical School*), the Presidential Board of the University and the Executive Committee of the Medical School.

Article 60 Foundation Council

(1)¹The Foundation Council shall consist of seven members, at least three of whom should be women.²The members are:

1. five persons who are familiar with the university system and who do not belong to the university, primarily from the fields of economy, science or culture, who are appointed by the relevant Ministry in agreement with the Senate of the university and who can be discharged by the relevant Ministry for good cause,
2. one member of the university who was elected by the Senate of the university as well as
3. one representative of the relevant Ministry.

³The members according to clause 2, No 1 and 2 shall be employed with an honorary capacity and shall not be bound to orders or instructions. Article 62, para. 2 remains unaffected.⁴The Foundation Council shall select a chair and an acting chair from the group of members according to clause 2, No. 1.

(2)¹The Foundation Council shall advise the university, resolve foundation matters of significance and supervise the work of the Presidential Board of the Foundation.²It shall have the following functions in particular:

1. to nominate or appoint and discharge members of the Presidential Board of the university,
2. to make decisions on amendments and charges to the basic assets as well as the borrowing of loans,
3. to agree on the development planning of the university and on the economic plan of the foundation,
4. to accept the statement of account of the Presidential Board,
5. to draw up the annual financial statement and to relieve the workload of the Presidential Board of the Foundation,
6. to exercise the legal supervision of the university,
7. to resolve amendments to the foundation statute as well as to pass, amend and revoke other statutes of the foundation.

³It can express its opinion on the drafts of target agreements which are to be made with the relevant Ministry.

(3) ¹Legal supervisory measures shall be prepared by the Foundation Council and implemented for the university. ²Measures which result from the supervision of the Presidential Board shall be prepared by the Foundation Council and implemented for the Presidential Board. ³Members according to para. 1, clause 2, No. 2 shall not participate in legal supervision measures.

(4) ¹The members of the Presidential Board shall participate in the meetings of the Foundation Council with an advisory capacity. ²The Foundation Council can consult a representative of the student body, the equal rights representative and the members of the personnel representation for advice.

Article 60 a
Foundation's University Committee;
Foundation's Medicine Committee of the Foundation University Göttingen

(1) ¹In the Foundation University Göttingen, the Foundation's University Committee shall perform the functions of the Foundation Council in foundation matters which do not concern the Medical School. ²Article 60 shall apply accordingly.

(2) ¹The Foundation's Medicine Committee shall replace the Foundation's University Committee in foundation matters which exclusively concern the Medical School. ²It is the superior body to the members of the Executive Committee.

(3) ¹The Foundation's Medicine Committee shall consist of:

1. a member selected from the Foundation's University Committee by this committee,
2. two persons appointed by the relevant Ministry at the proposal of the Faculty Council of the Faculty of Medicine and who are neither members nor affiliates of the Universität Göttingen, including one person with expertise in the medical or economic management of hospitals,
3. one member of the Universität Göttingen elected by the Senate and
4. one representative of the relevant Ministry.

²The members of the Executive Committee shall participate in the meetings of the Foundation's Medicine Committee with an advisory capacity. ³The Foundation's Medicine Committee can consult the equal rights representative and the members of personnel representation for advice.

Article 60 b
Foundation Council of the Foundation University Göttingen

(1) The Foundation Council of the Foundation University Göttingen shall consist of the members of the Foundation's University Council and the Foundation's Medicine Council according to Article 60 a, para. 3, clause 1, No. 2 to 4.

(2) ¹The members of the Foundation Council shall be employed with an honorary capacity, with the exception of the representative of the relevant Ministry and shall not be bound to orders and instructions. ²The Foundation Council shall elect a chair and an acting chair from the group of members according to Article 60, para. 1, clause 2, No.1. ³In addition to the members of the Presidential Board, the members of the Executive Committee of the Medical School shall also participate in the meetings of the Foundation Council. ⁴The Foundation Council can consult the equal rights representative and the members of the personnel representation for advice.

(3) The Foundation Council shall replace the Foundation's University Committee and the Foundation's Medicine Committee in matters which concern other parts of the Foundation University Göttingen outside of the Medical School.

Article 61

Presidential Board

(1) ¹The Presidential Board shall organise the day-to-day business of the Foundation, prepare resolutions of the Foundation Council and implement them. ²It shall make decisions upon the conclusion of a target agreement. ³The Presidential Board shall inform the Foundation Council about important matters.

(2) The president shall represent the foundation to the public.

(3) ¹The foundation statute shall govern the further details. ²It must ensure, in particular, that decisions on equity payments, agreements with members of the organs of the foundation and with members and affiliates of the university, the amendment of agreements, the completion of comparisons as well as the deferment, abatement and the waiving of entitlements shall be made by at least two representatives.

Article 62

Supervision and cooperation

(1) ¹The foundation shall be subject to the legal supervision of the relevant Ministry. ²It can demand information at any time. ³In particular, the relevant Ministry must be presented with the documentation which was presented to the Foundation Council in the case of a decision according to Article 60, para. 2, clause 2, No. 3 and 5. ⁴It can object to unlawful measures of the foundation after hearing the foundation and demand their revocation or amendment. ⁵An objection shall have a suspensive effect.

(2) The foundation shall be bound to the instructions of the relevant Ministry when implementing federal laws which the state exercises on behalf of the federal government as well as when exercising the legal supervision of the university.

(3) ¹If an organ of the foundation does not observe the obligations incumbent upon it based on a law, an objection or an instruction according to para. 2, the relevant Ministry can order the organ to take the necessary measures by specifying a deadline. ²Should it not comply with the order within the period set, the relevant Ministry can take the necessary measures. ³If it is not only temporarily unable to act, the relevant Ministry can appoint an authorised representative to perform the functions of the organ of the foundation.

(4) ¹Should regulations of the university require approval, the Foundation Council shall be responsible, unless otherwise stated in this law. ²The approval can be rejected for legal reasons, and for reasons of convenience, provided it concerns matters according to Article 47, clause 2 in connection with Article 55, para. 3. ³For these reasons the Foundation Council can demand that a regulation is amended or revoked within a reasonable period. ⁴If a university does not comply with such a demand, the Foundation Council can take corresponding measures after hearing the university. ⁵This also applies if the university does not pass a regulation requiring approval within a reasonable period.

Article 63

Rectification of the land register and legal costs

(1) ¹If the ownership of property has been passed onto the foundation according to this law, the foundation shall file the application to rectify the land register. ²This shall accordingly apply for other rights entered in the land register.

(2) The foundation is released from the payment of the legal costs according to the Order Regulation Court Fees which arise as a result of the rectification of the land register.

Fifth Chapter **Institutions of human medicine**

Article 63 a **Organisation**

- (1) Medical centres, which should be organized into departments, can be set up in the institutions of human medicine.
- (2) The Medical School Göttingen shall include all organisational units of the Faculty of Medicine of the Universität Göttingen and the Universitätsklinikum (*University Hospital*).
- (3) ¹The human medicine institutions can authorise hospitals of other maintaining bodies as academic teaching hospitals. ²An agreement shall be made about the authorisation with the respective maintaining body. ³Medical practices and other institutions for outpatient medical care can be included in the training according to the Order Regulating Licences to Practice as Doctors; clause 2 shall apply accordingly.

Article 63 b **Executive Committee**

¹The Medical School Hannover (*Medizinische Hochschule Hannover*) shall be managed as a central organ according to Article 36, by an Executive Committee which is also the Presidential Board according to Article 37 to 39. ²The Medical School Göttingen shall be managed by an Executive Committee which is also an organ of the Foundation University Göttingen and the university. ³The Executive Committee shall replace the Presidential Board in matters concerning the Medical School Göttingen, unless otherwise stipulated in the following regulations. ⁴The Executive Committee shall consist of:

1. one member responsible for the department of research and teaching, who is the speaker for the Executive Committee as well as the president of the Medical School Hannover,
2. one member responsible for the department of health care, who is also vice-president at the Medical School Hannover, and
3. one member responsible for the field of economic management and administration who is also vice-president at the Medical School Hannover.

⁵The members of the Executive Board shall be appointed for a duration of up to six years. ⁶They shall be employed with an employee status and shall be employed full-time. ⁷The speaker of the Executive Board cannot determine any guidelines for the Executive Board.

Article 63 c **Appointment and discharge of members of the Executive Committee of the Medical School Hannover**

- (1) ¹The members of the Executive Committee shall be appointed by the relevant Ministry. ²If the appointment is rejected, another person shall be proposed. ³The members of the Executive Committee shall agree that activities which are likely to impair the functions of the Executive Committee may not be exercised.
- (2) ¹The University Council shall set up a Search Commission, the formation of which can be found in attachment 1, in order to prepare the proposal for the appointment of a member of the Executive Committee; if an election is planned for the members of the Search Commission, the statutes shall govern the further details on this. ²The member of the Executive Committee whose succession is being prepared and persons who have applied to be a member of the Executive Committee may not participate in the Search Commission. ³The members of the Search Commission shall be committed to confidentiality. ⁴The Search Commission shall make its resolutions with the simple majority.
- (3) ¹The member of the Executive Committee according to Article 63 b, clause 4, No. 1 shall be appointed at the proposal of the Senate in agreement with the University Council and the other members of the Executive Committee at the proposal of the University Council in agreement with the member of the Executive Committee

according to Article 63 b, clause 4, No. 1. ²The member of the Executive Committee whose succession is being prepared and persons who have applied to be a member of the Executive Committee may not participate in the proposal.

(4) ¹The relevant Ministry can appoint the member of the Executive Committee according to Article 63 b, clause 4, No. 1 for further periods of office of up to six years, without advertisement at the proposal of the University Council; the Senate shall be given the opportunity to express its opinion. ²At the proposal of the Executive Committee, to which the University Council has expressed its agreement, the relevant Ministry can appoint the member of the Executive Committee according to Article 63 b, clause 4, No. 2 or 3 for further periods of office of up to six years without advertisement. ³Para. 3, clause 2 shall apply accordingly.

(5) ¹The relevant Ministry can discharge the member of the Executive Committee according to Article 63 b, clause 4, No. 1 at the proposal of the University Council. ²The proposal according to clause 1 requires the majority of two thirds of the members of the University Council. ³The relevant Ministry can discharge a member of the Executive Committee according to Article 63 b, clause 4, No. 2 or 3 at the proposal of the Executive Committee; para. 3 clause 2 shall apply accordingly. ⁴The proposal according to clause 3 requires the agreement of the University Council; at least five voting members must have voted for the agreement.

(6) ¹The Senate can propose the discharge of a member of the Executive Committee according to Article 63 b, clause 4, No. 1 with a majority of three quarters of its members and the majority of members of the university lecturers' group. ²If a proposal of the senate according to clause 1 is present, the proposal of the University Council only requires the majority of the members, notwithstanding para. 5, clause 2.

(7) ¹A member of the Executive Committee discharged according to para. 5 shall be entitled to the payment of the proportionate annual basic salary for the duration of the next six months, at the end of the month in which they were discharged. ²The taxable income from a professional activity earned by the former member of the Executive Committee within this time shall be deducted from the entitlement.

Article 63 d

Appointment and discharge of members of the Executive Committee of the Medical School Göttingen

(1) ¹The Foundation's Medicine Committee shall appoint

1. the member of the Executive Committee according to Article 63 b, clause 4, No. 1 at the proposal of the Faculty Council after preparation by a Search Commission and

2. the members of the Executive Committee according to Article 63 b, clause 4, No. 2 and 3 at the proposal of the Selection Commission;

the respective formation of the Commission can be found in attachment 2; if an election is planned for the members of the Search or Selection Commission, the statutes shall govern the further details. ²It must be agreed with the members of the Executive Committee that activities which are likely to impair the functions of the Executive Board may not be exercised. ³The member of the Executive Board whose succession is being prepared and persons who have applied to become a member of the Executive Committee may not participate in the Search or Selection commission. ⁴The members of the Commission shall be obliged to maintain confidentiality. ⁵The Commission shall make its resolutions with the simple majority. ⁶Article 43, para. 4, clause 2 shall not apply.

(2) ¹The president shall forward the proposal of the Selection Commission to the Foundation's Medicine Commission. ²The president shall illustrate the proposal to the Faculty Council and the Clinic Conference and shall give both the opportunity to express their opinion. ³The Foundation's Medicine Committee shall make a decision on the proposal two weeks from the day of the resolution of the Selection Commission at the earliest even if a statement from the Faculty Council or the Clinic Conference has not been presented to it.

(3) ¹The Foundation's Medicine Committee can appoint the member of the Executive Commission according to Article 63 b, clause 4, No. 1 and the member of the Executive Commission according to Article 63 b, clause 4, No. 2 or 3 for further periods of office of up to six years without advertisement, after hearing the Selection Commission. ²The Faculty Council shall be given the opportunity to express its opinion.

(4) ¹The Foundation's Medicine Committee can discharge the member of the Executive Committee according to Article 63 b, clause 4, No. 1 at the proposal of the Faculty Council and the member of the Executive Committee according to Article 63 b, clause 4, No. 2 or 3 at the proposal of the Executive Committee or in agreement with a Commission which corresponds to the respective Selection Commission in its formation; para. 1, clause 3 shall apply accordingly. ²The resolutions of the Faculty Council according to clause 1 require the majority of three quarters of the members, the resolutions of the Commission according to clause 1 require the majority of two thirds of the members. ³Before a decision is made by the Foundation's Medicine Committee about the discharge of the member of the Executive Committee according to Article 63 b, clause 4, No. 2 or 3, the president, the Faculty Council and the Clinic Conference shall be given the opportunity to express their opinion.

(5) ¹A member of the Executive Committee discharged according to para. 4 shall be entitled to the payment of proportionate basic annual salary for the duration of the next six months at the end of the month in which they were discharged. ²The taxable income from professional work earned by the former member of the Executive Committee in this period shall be deducted from this entitlement.

Article 63 e

Functions and powers of the Executive Committee and members of the Executive Committee

(1) ¹The Executive Committee shall be responsible for all matters relating to the institute of human medicine and shall have powers related to service law for the university personnel. ²Clause 1 shall not apply should other regulations be made by law. ³In the Universität Göttingen, the speaker of the Executive Committee shall represent the University to the public in matters relating to the Medical School. ⁴The member of the Executive Board according to Article 63 b, clause 4, No. 1 of the Medical School Hannover shall chair the Senate without the right to vote and shall carry out the tasks of the Board of Deans together with a student dean. ⁵The member of the Executive Committee according to Article 63 b, clause 4, No. 1 of the Universität Göttingen is also the dean of the Faculty of Medicine.

(2) Executive Committee matters are tasks of the Executive Committee which are not assigned to an individual member of the Executive Committee according to para. 4 to 6, in particular:

1. to grant the agreement for the respective resolution of the Senate in the Medical School Hannover or the Faculty Council in the Medical School Göttingen on the main features of development planning and the equal rights plan,
2. to pass the resolution on the development planning,
3. to establish, amend, consolidate and remove organisational units as well as to determine their functions and organisational structures,
4. to conclude a target agreement,
5. to pass the resolution on the economic plan,
6. to pass the resolution on the annual financial statements,
7. strategic controlling,
8. spatial, investment and equipment planning,
9. to conclude agreements on hospitalisation charges and other agreements with the payers,
10. to divide the resources, investment and personnel budgets amongst the organisational units,
11. to provide funds for a central teaching and a central research fund,
12. to make the final decision about appointment proposals of the Faculty Council,
13. to appoint the directors of the departments and the managers of the other organisational units,
14. to manage the appointment and re-appointment negotiations with professors, provided technical, investment and personnel resources are concerned, including the conclusion of agreements for those not covered by collective agreements with professors who carry out medical tasks as well as the resulting agreement matters,
15. to approve regulations provided another authoritative competence is not specified, and
16. other cross-departmental decisions.

(3) ¹Decisions according to para. 2, No. 3 shall be made in consultation with the Senate, in the case of the Medical School Hannover and in consultation with the Faculty Council in the case of the Medical School Göttingen as well as in consultation with the Clinic Conference if health care is concerned. ²Before concluding a target agreement, the Executive Committee shall give the Senate or the Faculty Council, in the case of the Medical School Hannover and the Medical School Göttingen respectively, opportunity to express their opinion; it shall inform the respective Clinic Conference about the conclusion of a target agreement according to Article 1, para. 3. ³The Senate, in the case of the Medical School Hannover and the Faculty Council, in the case of the

Medical School Göttingen as well as the respective Clinic Conference shall be heard before a resolution is passed on the economic plan.

(4) ¹The tasks of the member of the Executive Committee according to Article 63 b, clause 4, No. 1 include

1. to organise and further develop research and teaching,
2. to divide the resources intended for the research,
3. to evaluate the research,
4. to divide the resources intended for teaching,
5. to evaluate the teaching and
6. to cooperate with academic teaching hospitals.

²Decisions according to clause 1, No. 1 of fundamental significance including the formation of main areas of activity as well as decisions and measures according to clause 1, No. 2 to 5 shall be made in consultation with the Senate, in the case of the Medical School Hannover and in consultation with the Faculty Council, in the case of the Medical School Göttingen.

(5) ¹The tasks of the member of the Executive Committee according to Article 63 b, clause 4, No. 2 are:

1. to organise health care, including the performance planning, decisions on the organisation of beds and quality assurance,
2. to divide the resources intended for health care,
3. to guarantee the education, further education and advanced training of personnel employed in health care and
4. to organise the schools for professions in the health system.

²Decisions according to clause 1, No. 1 shall be made in consultation with the head of nursing services and the respective director of the clinical department. ³Decisions according to clause 1, No. 2 shall be made in consultation with the Clinic Conference.

(6) ¹The tasks of the member of the Executive Committee according to Article 63 b, clause 4, No. 3 include:

1. managing the administration of the human medicine institution,
2. economic business planning and business governance,
3. equipment, construction and property matters,
4. personnel administration and personnel development and
5. safeguarding the regulation and exercising the domestic authority as well as operational social welfare matters, occupational safety and environmental protection.

²The member of the Executive Committee according to Article 63 b, clause 4, No. 3 shall be the authorised representative for the budget, including in matters concerning the other departments.

(7) ¹The members of the Executive Committee can participate in meetings of the organs, boards and commissions of the university with an advisory capacity provided these concern a function of the institution of human medicine. ²Clause 1 shall not apply in reference to auditing commissions.

Article 63 f Procedures in the Executive Committee

(1) ¹The Executive Committee shall make its resolutions in Executive Committee matters according to Article 63 e, para. 2 unanimously. ²If a resolution according to clause 1 is not made, the simple majority shall suffice in the case of a second vote. ³Resolutions according to Article 63 e, para. 2, No. 12 shall not be made against the vote of the member of the Executive Committee according to Article 63 b, clause 4, No. 1.

(2) ¹The Executive Committee shall lay down rules of procedure for itself. ²The representation of the members of the Executive Committee shall also be governed in this. ³The members of the Executive Committee may not represent one another.

Article 63 g
Clinic Conference and hospital management board

(1) A Clinic Conference and hospital management board including a head of nursing services shall be set up in the institutions of human medicine.

(2) ¹The Clinic Conference shall advise the member of the Executive Board according to Article 63 b, clause 4, No. 2 in all important issues which concern the department, in particular with relation to:

1. the economic plan, provided health care is concerned,
2. the creation and closure of organisational units which entirely or partly serve health care,
3. structural changes in the field of health care as well as
4. the creation of partnerships and the participation in partnerships if health care is concerned.

²The individual members of the Clinic Conference can demand information from the member of the Executive Committee according to Article 63 b, clause 4, No. 2 and the discussion of their motions in the Clinic Conference.

(3) Should the member of the Executive Committee according to Article 63 b, clause 4, No. 2 not support a proposal by the Clinic Conference in the Medical School Göttingen, they shall inform

1. the Foundation's Medicine Committee in a matter according to para. 2, clause 1, No. 1 or 4 and
2. the Executive Committee in a matter according to para. 2, clause 1, No. 2 or 3

of the opinion of the Clinic Conference.

(4) ¹The Clinic Conference shall consist of:

1. four department directors,
2. the head of nursing services,
3. one nurse,
4. one doctor,
5. the equal rights representative,
6. one member of the personnel council and
7. one member of the MTV group.

²The members according to clause 1, No. 1 shall be elected by the department directors; they should represent the operative, conservative and clinical-theoretical fields of medicine. ³The members according to clause 1, No. 3, 4 and 7 shall be elected from their profession or status group in the human medicine institution and the member according to clause 1, No. 6 by the Personnel Council. ⁴The period of office of the members of the Clinic Conference according to clause 1, No. 1, 3, 4 and 7 shall be two years. ⁵A regulation shall govern the further details on the elections according to clauses 2 to 4.

(5) ¹The hospital management board including the head of nursing services shall support the member of the Executive Committee according to Article 63 b, clause 4, No. 2 in running the hospital. ²The hospital management board includes the member of the Executive Committee according to Article 63 b, clause 4, No. 2 as the chair, the member of the Executive Committee according to Article 63 b, clause 4, No. 3, the head of nursing services and other persons appointed by the Executive Committee according to a decision made by it.

(6) The Executive Committee shall resolve rules of procedure for the hospital management board and the Clinic Conference in consultation with the Clinic Conference.

Article 63 h
Special regulations for the Universität Göttingen

(1) ¹The Presidential Board and the Executive Committee shall regularly inform each other about all important matters in their fields of business. ²Decisions in matters which concern

1. the common use of personnel or resources,
2. the common infrastructure or

3. changes to the teaching or research profile of the University or Medical School which significantly affect the other area

require agreement between the Presidential Board and the Executive Committee. ³If an agreement is not reached, the Foundation Council shall decide.

(2) ¹The Faculty Council of the Faculty of Medicine shall replace the Senate in matters concerning the Medical School. ²Notwithstanding clause 1, the Senate shall express its opinion on appointment proposals and self-administration matters of fundamental significance. ³The Executive Committee shall give an account in terms of the processing of personal data to the Senate and the Faculty Council and shall inform them about the conclusion of a target agreement.

(3) ¹The Executive Committee shall make decisions on appointment proposals according to Article 63 e, para. 2, No. 12 within the foundation in agreement with the Presidential Board. ²If an agreement is reached, the Executive Committee shall appoint the professor in agreement with the Foundation's Medicine Committee. ³If an agreement is not reached, the president shall present the appointment proposal of the Executive Committee with the statement from the Presidential Board to the Foundation Council. ⁴If the Foundation Council agrees with the appointment proposal of the Executive Committee, the Executive Committee can appoint the professor. ⁵If the Foundation Council does not agree with the appointment proposal, the Executive Committee shall present a new appointment proposal to the Presidential Board in order to reach an agreement according to clause 1 or it shall discontinue the appointment process.

(4) The Executive Committee shall inform the Foundation's Medicine Committee about important matters.

(5) ¹The Faculty Council shall elect an equal rights representative for the Medical School at the proposal of the Commission for Equal Rights. ²The statutes shall govern the further details on setting up the Commission as well as on the period of office and on the procedure for electing the equal rights representative.

(6) The powers pertaining to service law for

1. nominating and discharging the professors in civil service,
2. exercising legal disciplinary powers over professors,
3. employment warnings and terminations of employment for employed professors, including the senior physician, with the exception of senior consultants employed temporarily, as well as
4. awarding the title of professor to employed professors, including the senior physician, with the exception of senior consultants employed temporarily

shall remain with the president.

SECOND PART

Universities not under government responsibility

Article 64

Recognition of universities

(1) ¹Educational institutions which are not universities under government responsibility require government recognition as a university in order to be able to carry the corresponding designation, conduct university examinations and award university degrees or similar designations. ²The recognition can be granted by the relevant Ministry at the request of the institution if the institution, including its courses of study, has been accredited by a body defined by the relevant Ministry at its request and the following points are also guaranteed based on corresponding evidence:

1. that the studies prepare students for a professional field of activity and the professional knowledge, skills and methods necessary for this are communicated in such a way that qualifies the students to carry out academic or artistic work and to act responsibly in a free, democratic and social constitutional state,
2. that a majority of simultaneous or consecutive courses of study are only offered in the institution or affiliated with other educational institutions or are planned in the scope of development planning, except in situations where

- the establishment of a majority of courses of study within a subject field is not required for the academic development or the corresponding professional field of activity,
3. that the student applicants meet the admission requirements in a corresponding government university,
 4. that the full-time teachers meet the conditions of employment which are required for corresponding work in a public university,
 5. that the affiliates of the institution participate in organising the studies, while correspondingly applying the principles applicable to public universities,
 6. that the teaching is predominantly provided by full-time teachers employed by the institution and
 7. that the existence of the institution is financially secure for the next five years.

³New courses of study may only be established with the approval of the relevant Ministry after accreditation by a body named by the relevant Ministry. ⁴Clause 3 shall accordingly apply to essential amendments to established courses of study.

(2) ¹Establishments of government or officially recognised universities from member states of the European Union are deemed as officially recognised provided they offer university qualifications of their country of origin and the quality of the studies offered is guaranteed according to the regulations applicable in the country of origin. ²The start-up of the establishment as well as the expansion of its studies offered shall be reported to the relevant Ministry six months in advance.

Article 64 a **Agreements on the provision of university education**

¹Institutions which are not establishments according to Article 64, para. 2 may only provide university education based on an agreement with a foreign university if:

1. the foreign university is public or officially recognised according to the law in the country of origin,
2. the quality of the studies offered is guaranteed according to the regulations applicable in the country of origin of the foreign university and
3. the studies offered by the institution providing the university education are accredited in cooperation with a domestic accreditation institution.

²The studies offered shall be reported to the relevant Ministry six months before the start of operation. ³In doing so, it must be demonstrated that the requirements according to clause 1 are met. ⁴Article 10, para. 1 shall apply providing that, in addition to the foreign university awarding the degree, the institution which has provided the university education shall also be indicated. ⁵Clauses 2 and 3 apply accordingly for the expansion of or essential amendment to the studies offered after the operation has been started.

Article 65 **Expiration and revocation of government recognition**

(1) The government recognition shall expire if the university:

1. is not opened within a reasonable period defined by the relevant Ministry,
2. is closed or
3. has not been operated for more than one year without the approval of the relevant Ministry.

(2) The government recognition can also be revoked if:

1. the accreditation of the institution including its studies offered lapsed due to expiry and further accreditation was denied or
2. the university does not comply with the obligations according to Article 66, para. 2.

(3) ¹The relevant Ministry can reject the operation of institutions according to Article 64, para. 1 if these are operated without government recognition and the conditions for recognition are not met. ²The relevant Ministry can close courses of study which are offered without the approval required according to Article 64, para. 1, clauses 3 and 4. ³It can reject the operation of an establishment according to Article 64, para. 2 if it is not considered to be officially recognised. ⁴The relevant Ministry can reject the provision of university education through institutions according to Article 64 a if the requirements according to Article 64 a, clause 1 are not demonstrated.

Article 66

Recognised universities

(1) ¹Studies completed at a recognised university are university studies completed in terms of this law. ²Those who are permanently employed full-time as professors at recognised universities can also hold the title "professor" as an academic title. ³Article 27, para. 7, clauses 2 and 3 shall apply correspondingly. ⁴A recognised university can appoint honorary professors in accordance with this law; the appointment shall entitle the person concerned to hold the academic title of "honorary professor" with an additional designation determined by the university.

(2) ¹Recognised universities and institutions according to Article 64 a shall be subject to the supervision of the relevant Ministry. ²Their maintaining bodies and managements shall be obliged to provide all information and present all documentation necessary to exercise the supervision to the relevant Ministry. ³The supervision guarantees the compliance with the requirements according to Article 64, para. 1, clause 2. ⁴Article 5 shall apply accordingly.

(3) The state can grant a university grants for the ongoing operation and for investment measures at the earliest five years after recognition and starting operation in accordance with the budget.

Article 67

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Article 67a

Kommunale Hochschule für Verwaltung in Niedersachsen **(Community University for Administration in Lower Saxony)**

(1) The *Kommunale Hochschule für Verwaltung in Niedersachsen* is a University of Applied Sciences under non-governmental responsibility recognised for the education for careers in category 2 of the field of corporate services.

(2) ¹The creation of and essential change to courses of study in the *Kommunale Hochschule für Verwaltung in Niedersachsen* requires the approval of the relevant Ministry after accreditation by a body named by the relevant Ministry in the scope of the recognition according to para. 1. ²The approval can be granted if it is guaranteed that, based on corresponding evidence, the requirements according to Article 64, para. 1, clause 2, No. 1 and 3 to 6 are present or if it is otherwise guaranteed that the studies are equivalent to other studies in a similar University of Applied Science for public service.

(3) Grants for operating the establishment or for investment purposes shall not be granted to the *Kommunale Hochschule für Verwaltung in Niedersachsen* from state funds.

(4) The relevant Ministry responsible for the *Kommunale Hochschule für Verwaltung in Niedersachsen* is the Ministry responsible for domestic affairs.

THIRD PART

Student unions

Article 68

Legal status, functions and responsibilities

(1) ¹The Braunschweig, Hannover, Oldenburg and Osnabrück student unions are public law institutions with a legal capacity; the Göttingen student union is a public law foundation with a legal capacity. ²The creation of, consolidation of or amendment to the local jurisdiction, removal or transformation of student unions into another legal form requires a decree from the state government.

(2) ¹The student unions shall support and advise the students socially and culturally as well as in matters relating to finance and health. ²The functions of the student unions include running the student residences, canteens,

cafeterias and care facilities for the students' children. ³The relevant Ministry can transfer further functions as government matters to the student unions by decree. ⁴The student unions may provide pupils and students at Universities of Cooperative Education with canteen facilities provided the university's duty to care is not impaired by this, cost-covering fees are charged and the services can be provided in the scope of available capacities. ⁵A student union can assume other university-related functions through an agreement with a university.

(3) ¹Student unions can participate in businesses in the legal form of a legal person under private law or can found such businesses in order to perform their functions. ²Article 50, para. 4, clauses 2 to 5 shall apply accordingly.

(4) ¹The state government can pass the ownership of the property required to perform functions to a student union in order to improve efficiency at its request by decree. ²Article 55, para. 1, clauses 4 and 5, Article 56, para. 2 and 4, clause 2, No. 6 as well as Article 63 shall apply accordingly.

(5) The student unions shall be subject to legal supervision and the supervision of the relevant Ministry, provided government matters are transferred to them. Article 51, para. 1 and 2 apply accordingly.

Article 69 Self-administration and organs

(1) ¹The student unions shall have the right to self-administration. ²They shall govern their organisation through a statute, which must provide for at least an Administrative Council and a business management as organs. ³The statute requires the approval of the relevant Ministry.

(2) The Administrative Council shall

1. appoint and discharge the members of the business management,
2. resolve the organisation statute with two thirds of its voting members,
3. resolve the economic plan,
4. appoint the auditor,
5. discharge the business management based on the audited annual account (Article 109 LHO),
6. resolve the fees statute and determine the student union fee,
7. resolve general guidelines for the business management and
8. receive the annual statement of account of the business management.

(3) ¹The Administrative Council shall include at least seven voting members. ²Each university in the area of responsibility of the student union shall be represented in the Administrative Council with at least two voting members, one of whom is a member of the students' group and one who is appointed by the Presidential Board of the university from among its members. ³The Administrative Council shall elect one member of the Presidential Board of a university in the area of responsibility of the student union as chair. ⁴The members of the business management shall participate in the meetings of the Administrative Council with an advisory capacity. ⁵The Administrative Council also includes two members from the fields of economy and administration who are appointed by the chair upon a majority proposal of the other members.

(4) ¹The business management shall manage the student union and represent it to the public. ²It shall issue the annual account according to Article 109 LHO and present the annual statement of account. ³Article 37, para. 2, clauses 1 and 2 and para. 3, clauses 1 to 3 shall apply accordingly. ⁴The appointment and discharge of members of the business management as well as the regulation on employment relationships requires the approval of the relevant Ministry.

(5) ¹The organisation statute can provide for further organs with decision-making powers. ²If the student union is responsible for several universities in various locations, another organ with decision-making powers shall be established for local matters.

(6) ¹Para. 1 to 5 does not apply for the Göttingen student union. ²In this respect, it shall observe the special regulations.

Article 70
Financing and economic management

(1) ¹The student unions shall receive a financial grant from the state in order to perform their functions.

²Furthermore, the students shall pay fees, which are raised by the universities for the student unions royalty-free.

³The amount of the fees shall be determined by a fee statute. ⁴The fees shall firstly become payable upon matriculation and then at the end of the re-registration period determined by the university. ⁵The right to the fee shall become statute-barred after three years.

(2) If government matters are transferred to a student union, the state shall refund the necessary costs associated with this.

(3) ¹The financial grant shall be granted in accordance with the budget. ²The financial grant according to para. 1, clause 1 shall be formed from:

1. a basic allowance of 300,000 Euro for each student union,
2. the basic amount based on the number of students and
3. the catering allowance depending on the number of students dining at the food court.

³The budget funds remaining after the deduction of the basic allowance shall be divided in a ratio of 1 to 2 between the basic amount and the catering allowance. ⁴The number of students for whom the basic amount is calculated is determined from the official university statistics. ⁵The number of students for the last winter semester which began before the respective financial year shall be decisive. ⁶The catering allowance is calculated from the number of portions of food provided by the student union in its food courts and canteens. ⁷All main meals provided to a student in one day shall be considered as portions of food. ⁸The relevant Ministry can determine the amount of the basic allowance, notwithstanding clause 2, No. 1 for a period of up to five years after consolidating the student unions.

(4) ¹The economic management and the accounting system of the student unions are based on commercial principles; the accounting system must include cost accounting which allows statistics to be produced for inter-university purposes. ²The regulations of the Commercial Code for large corporations shall be applied accordingly. ³The auditing principles of Article 53, para. 1, No. 1 and 2 shall be correspondingly applied to the auditing of the annual financial statement.

FOURTH PART
Transitional and final provisions

Article 71
Administrative offences

(1) Those who intentionally or through gross negligence

1. award foreign degrees, titles or university designations for money,
2.
 - a) operate a non-governmental educational institution as a "university", "academic school" or "university of applied science" or a corresponding foreign title or
 - b) award university degrees, similar designations or designations which are confusingly similar to university degrees without government recognition as a university,
3. operate the establishment of a university or expand the studies offered at the establishment of a university without having indicated this in due time in accordance with Article 64, para. 2, clause 2 or
4. offer university education in the scope of an agreement according to Article 64 a without having indicated the studies offered in due time with the proof required according to Article 64va, clauses 2 and 3, including in connection with clause 5

commit an administrative offence.

(2) Administrative offences can be punished with an administrative fine of up to 250,000 Euro.

Article 71 a
Publications of regulations

¹Regulations of the universities shall be published by the respective university in a suitable way, also in so far as they regulate government matters or matters of a foundation according to Article 55. ²The law on the promulgation, the time of enforcement and the removal of regulations from 1st April 1996 (Nds. GVBl. p. 82, 116), amended by Article 2 of the law from 5th November 2004 (Nds. GVBl. p. 402) shall not be applied.

Article 72
Transitional and final provisions

(1) The courses of study set up when this law comes into force shall be considered as accredited until 31st December 2009.*)

(2) The academic and artistic assistants, senior assistants, senior engineers, university lecturers and lecturers of Universities of Applied Science shall remain in their previous legal relationship, including the respective extension possibilities, and in their previous group when this law comes into force.*)

(3) ¹The chancellor with permanent status as a civil servant present when this law comes into force shall be transferred into the office of a full-time vice-president. ²The Senate shall decide on whether the vice-president shall continue to assume this office at the proposal of the president, at the latest six months after the president elected according to this law was nominated. ³At their request, vice-presidents transferred according to clause 1 can be assumed in an office of the Federal Civil Service Remuneration Act W as civil servants by appointment. ⁴The chancellor with a civil service status by appointment present when this law comes into force shall be transferred into the office of a full-time vice-president for the remaining period of office. ⁵The discharge of the vice-presidents transferred based on this regulation shall be based on Article 40. ⁶The permanent civil servant status shall remain unaffected; Article 38, para. 4 and 6 shall not be applied. ⁷Should a period of office of a full-time vice-president expire before the nomination or appointment of a member of the Presidential Board with a corresponding field of business, they shall continue the business until then.*)

(4) ¹The student fees according to Article 11 and the student fees according to Article 13 in the version of this law applicable from the 1st January 2006 shall be charged for the first time in the winter semester 2006/2007; until then, Article 11, 13, para. 1, 2 and 5 as well as Article 14, para. 2 in the version applicable on 31st December 2005 shall be applied. ²Notwithstanding this, student fees from students who started their studies before the winter semester 2006/2007 shall be levied for the first time in summer semester 2007.

(5) The universities officially recognised when this law comes into force according to Article 135 NHG in the version applicable until this law comes into force shall be considered as accredited in terms of Article 64, para. 1, clause 2 until 30th June 2007.*)

(6) The agreements with churches, religious communities and ideology associations shall not be affected by this law.

(7) ¹The relevant Ministry shall evaluate the regulations on levying tuition fees made in Articles 11, 11 a, 13, 14 and 17. ²The result of the evaluation shall be presented to the state parliament by the 30th June 2010 at the latest. ³The aim of the evaluation is to review the effects of the regulations stated in clause 1 on the improvement in teaching, quality, student results and further development of the autonomy of the universities and the development of the competitiveness amongst universities. ⁴The evaluation shall illustrate the legal possibilities and the expected effects of transferring the competences for independently determining the tuition fees to the universities.

(8) Article 27, para. 2, clause 4 shall not be applied to professors who have already turned 60 on the 1st January 2007.

(9) ¹Civil servants who were appointed as full-time members of a Presidential Board of a university with a civil servant status by appointment after the 1st September 2002 but before 24th September 2004 and who have

therefore been discharged as direct state officials from a permanent civil servant status shall be re-appointed with a permanent civil servant status again upon request; the same shall apply for indirect state officials in the area of application of this law. ²Article 38, para. 6, clause 2 shall correspondingly apply to presidents.

(10) Teachers who are permitted to hold the academic title of "professor" according to Article 7, para. 2 of the regulation on the Lower Saxony University of Applied Science for Administration and Judicature from 27th January 2003 (Nds. GVBl. p. 29) when this provision is enforced may continue to hold this title for the period of their full-time teaching in the respective educational institution or a community educational institute which develops through consolidating the previous community educational institutes.

(11) ¹The task and function of the joint steering committee according to Article 54 a shall be evaluated on the initiative of the relevant Ministry on 1st September 2019. ²The result shall be presented to the state parliament by 30th July 2020.

Article 73

Transitional provisions for the closure of the *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* (Lower Saxony University of Applied Science for Administration and Judicature)

(1) ¹Notwithstanding Article 27, para. 1, clause 1, the civil servant regulations on partial retirement as well as the non-active status when remodelling or closing authorities shall be applied to the professors with a civil servant status in the *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* who were granted an office of the Federal Civil Servant Remuneration Act C based on Article 9 of the secondary budget law 2002 from 18th December 2001 (Nds. GVBl. p. 806). ²The non-active status shall require the approval of the professor and may only be declared before 1st October 2009.

(2) ¹The functions of the *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* shall be transferred to the *Norddeutsche Fachhochschule für Rechtspflege* provided they concern the Faculty of Justice on the 1st October 2007. ²The "Judicature" course of studies in the "Judicature" Faculty of the *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* shall be continued from 1st October 2007 by the *Norddeutsche Fachhochschule für Rechtspflege* from 1st October 2007. ³It shall be considered as accredited until 31st December 2009.

(3) The members and affiliates of the *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* present on 30th September 2007 at the Faculty of Justice of this university shall become members and affiliates of the *Norddeutsche Fachhochschule für Rechtspflege*.

(4) ¹The dean of the Faculty of Justice of the former *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* shall carry out the tasks of the rector until the rector of the *Norddeutsche Fachhochschule für Rechtspflege* is appointed. ²The student dean of the Faculty of Justice of the former *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* shall carry out the tasks of the prorector until the prorector of the *Norddeutsche Fachhochschule für Rechtspflege* is appointed. ³The members of the Faculty Council of the Faculty of Justice of the former *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* shall carry out the tasks of the Senate until the constituent meeting of the Senate of the *Norddeutsche Fachhochschule für Rechtspflege*.

(5) ¹The 'Administration' and 'Public Administration' courses of study in the Faculty of General Administration of the *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* shall be continued in the *Kommunale Fachhochschule für Verwaltung in Niedersachsen* from the 1st October 2007. ²They shall be deemed as accredited and approved until 31st December 2010. ³For the continued courses of study, the relevant Ministry can make arrangements which are necessary in order to guarantee studies at a university level.

(6) The students present in the "Administration" and "Public Administration" courses of study in the Faculty of General Administration of the *Niedersächsische Fachhochschule für Verwaltung und Rechtspflege* on 30th September 2007 shall be students in the *Kommunale Fachhochschule für Verwaltung in Niedersachsen* in their respective course of study from 1st October 2007.

Attachment 1
re. Article 63 c para. 2, clause 1

**Formation of the Search Commission for the
members of the Executive Board of the Medical School Hannover**

1. For the member of the Executive Committee according to Article 63 b, clause 4, No. 1:
 - a) three members elected from the Senate, by the Senate,
 - b) three members elected from the University Council, by the University Council,
 - c) the members of the Executive Committee according to Article 63 b, clause 4, No. 2 and 3,
 - d) a representative of the relevant Ministry (without the right to vote),
 - e) a member elected by the Personnel Council from the Personnel Council and
 - f) the equal rights representative.

2. For the member of the Executive Committee according to Article 63 b, clause 4, No. 2:
 - a) two members elected by the University Council from the University Council,
 - b) two department directors nominated by the Clinic Conference from the Clinic Conference,
 - c) the representative of the Personnel Council in the Clinic Conference,
 - d) the head of nursing services,
 - e) the member of the Executive Board according to Article 63 b, clause 4, No. 1 and 3,
 - f) a representative of the relevant Ministry (without the right to vote) and
 - g) the equal rights representative.

3. For the member of the Executive Committee according to Article 63 b, clause 4, No. 3:
 - a) two members elected by the Senate from the Senate,
 - b) two members elected by the Clinic Conference from the Conference,
 - c) two members elected by the University Council from the University Council,
 - d) the members of the Executive Board according to Article 63 b, clause 4, No. 1 and 2,
 - e) a representative of the relevant Ministry (without the right to vote),
 - f) the head of nursing services,
 - g) a member elected by the Personnel Council from the Personnel Council and
 - h) the equal rights representative.

Attachment 2
re. Article 63 d para. 1, clause 1

**Formation of the Search and Selection Commission
for the members of the Executive Committee of the Medical School Göttingen**

1. Search Commission for the member of the Executive Committee according to Article 63 b, clause 4, No. 1:
 - a) the president as chair,
 - b) the members of the Executive Committee according to Article 63 b, clause 4, No. 2 and 3,
 - c) three members elected by the Faculty Council from the Faculty Council,
 - d) one member elected by the Personnel Council of the Medical School from the Medical School Göttingen,
 - e) the equal rights representative of the Medical School,
 - f) a member elected by the Foundation's Medicine Committee from the Committee (without the right to vote) and
 - g) the representative of the relevant Ministry in the Foundation's Medicine Committee (without the right to vote).

2. Selection Committee for the member of the Executive Committee according to Article 63 b, clause 4, No. 2:

- a) the president as chair,
- b) the members of the Executive Committee according to Article 63 b, clause 4, No. 1 and 3,
- c) a member elected by the Faculty Council from the Faculty Council,
- d) two department directors elected by the Clinic Conference from the Clinic Conference,
- e) a member elected by the Personnel Council of the Medical School from the Medical School,
- f) the equal rights representative for the Medical School,
- g) the head of nursing services,
- h) a member elected by the Foundation's Medicine Committee from the Committee (without the right to vote) and
- i) the representative of the relevant Ministry in the Foundation's Medicine Committee (without the right to vote).

3. Selection Commission for the member of the Executive Board according to Article 63 b, clause 4, No. 3:

- a) the president as chair,
- b) the members of the Executive Board according to Article 63 b, clause 4, No. 1 and 2,
- c) two members elected by the Faculty Council from the Faculty Council,
- d) two members elected by the Clinic Conference from the Clinic Conference,
- e) a member elected by the Personnel Council of the Medical School from the Council,
- f) the equal rights representative for the Medical School,
- g) the head of nursing services (without the right to vote),
- h) a member elected by the Foundation's Medicine Committee from the Committee (without the right to vote) and
- i) the representative of the relevant Ministry in the Foundation's Medicine Committee (without the right to vote).