

On the basis of Section 71.1.1.1 and in conjunction with Section 36 of the Berlin Higher Education Act (*Berliner Hochschulgesetz – BerLHG*) of October 12, 1990, (Law and Official Gazette [*Gesetz- und Verordnungsblatt – GVBI*], p. 2165) in its revised form as it was made public on October 5, 1995 (GVBI, p. 727), the Department Council of the School of Business and Economics enacted the following regulations on postdoctoral university instruction qualifications (*Habilitation*) on October 25, 1995.¹

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Section 1 Purpose of *Habilitation*

I. The process of obtaining postdoctoral university instruction qualifications (*Habilitation*) serves to prove a candidate’s ability to represent a specific academic subject or subject area (the *Habilitationsfach* or “credential subject”) independently in their research and teaching activities (issuing of *Lehrbefähigung* or “a higher education teaching credential”).

II. A credential subject is an academic field whose content can be clearly delineated from that of other fields; typically, the credential subject is already established within the department’s teaching and research activities and represented by at least one professor or another member of the department who holds a *Habilitation*.

III. Credential subjects within a department may be established by the extended department council pursuant to the Basic Rules and Regulations (*Grundordnung*). The establishment of such subjects may take place as part of a specific *Habilitation* process.

IV. In order for a candidate to be granted a higher education teaching credential, the academic subject or subject area must be defined as comprehensively as possible.

¹ This was confirmed by the member of the Senate of Berlin responsible for universities and colleges on March 22, 1996.

Section 2 Achievements required for *Habilitation* (“*Habilitationsleistungen*”)

I. The achievements required for *Habilitation* include:

1. a) an extensive scholarly monograph (*Habilitation* treatise, “*Habilitationsschrift*”), which must represent a significant academic contribution to the subject in which the candidate wishes to obtain the credential;
or
- b) a monograph and published results of research (excluding the dissertation) that, taken as a whole, represent achievements equivalent to those presented in a *Habilitation* treatise;
or
- c) published research results (excluding the dissertation) that, taken as a whole, represent achievements equivalent to those presented in a *Habilitation* treatise.

In exceptional and justified cases and with the endorsement of two professors from the School of Business and Economics whose subject area(s) are the subject of the *Habilitation*, the department council may allow the *Habilitation* treatise to be written in English on request. A German summary must be attached to a treatise written in English.

The published results of research submitted as written achievements for the *Habilitation* must be prefaced by a detailed summary.

2. A public presentation in the subject in which the candidate wishes to obtain the credential, with an academic discussion.
3. Teaching experience at the School of Business and Economics, Freie Universität Berlin, in an academic subject or subject area that is essential to the teaching credential sought. As an exception and in justified cases, the department council may make decisions that deviate from this regulation.

II. In the case of written achievements required for the *Habilitation* (as described in Section 2.I.1 above) that have been prepared and/or co-authored jointly with other scholars, the portion contributed by the *Habilitation* candidate must be clearly delineated and suitable for individual evaluation. The *Habilitation* candidate must submit a detailed report on their contributions in terms conceptualizing and implementing the project as well as compiling and presenting the results.

III. For the public presentation as described in Section 2.I.2 above, which should last a maximum of 45 minutes, candidates should submit three proposed topics, with a short explanation of each. The *Habilitation* board shall reject proposals and request that new proposals be submitted if the content of the proposals is closely connected with the content of the written achievements for *Habilitation*, or with the topic of the candidate’s dissertation. The academic discussion regarding the presentation should generally last 60 minutes, and may also refer to achievements as described at Section 2.I.1 above. The purpose of the presentation and discussion is to demonstrate that the *Habilitation* candidate can present an academic topic in an understandable form, and that they possess extensive knowledge and the ability to engage in scholarly discussion.

IV. The teaching activity should generally take place before submitting the admission request. Candidates are required to submit proof that they have taught courses amounting to not less than eight academic teaching hours per week (*Semesterwochenstunden*, SWS), typically over a period of four semesters. Of the courses taught, four SWS should involve teaching courses in a broader area of the subject or subject area.

Section 3 Admission requirements

I. The minimum requirements for a candidate to be admitted to the *Habilitation* process are:

1. A course of study at a higher education institution within the scope of the German Framework Act on Higher Education (*Hochschulrahmengesetz*), concluded by way of a state assessment or a higher education assessment, and
2. entitlement to use the academic degree of doctor.

II. Equivalent assessments must be recognized as meeting the admission requirements. With regard to the equivalence of assessments and academic degrees outside of the scope of application of the German Framework Act on Higher Education, a statement from the Central Office for Foreign Education (*Zentralstelle für ausländisches Bildungswesen*) may be required.

Section 4 Admission process

The process begins with the submission of a written application (*Zulassungsantrag*) to the dean of the department. The application must state the academic subject or subject area in which the candidate wishes to obtain the higher education teaching credential (i.e., the credential subject). The application must be accompanied by the following documents:

1. Certificate regarding the state assessment or higher education assessment;
2. Doctoral certificate;
3. Curriculum vitae with information on the candidate's academic career;
4. Written achievements for the *Habilitation* as described in Section 2.I.1 above in at least three copies; in the case of results prepared and/or co-authored with other scholars, the names of the other contributors must be indicated, and the portion thereof contributed by the *Habilitation* candidate must be clearly specified as described in Section 2.II;
5. Proposed topics for the public presentation as described in Section 2.I.2 (may be submitted at the latest two weeks before the *Habilitation* board's decision on the written *Habilitation* achievements is announced);
6. Proof of courses taught as described in Section 2.IV;
7. Dissertation;
8. List of other scholarly publications, along with one copy of each publication relevant to the assessment of the candidate's application;
9. A declaration regarding any *Habilitation* processes that have already been concluded or are in progress.

II. If proof of the requisite teaching activities as described in Section 2.IV has not yet been furnished, the candidate must immediately be offered the opportunity to take on a teaching assignment to prove their teaching activities as stipulated in the Basic Rules and Regulations.

III. The department council shall make a decision regarding the admission request, taking into account its subject-specific responsibilities, without delay, and shall do so within one month following receipt of the request if the request is submitted during the period when classes are in session. In the case of interdisciplinary *Habilitation* processes implemented as per Section

7.I.b, the department council's responsibilities in this regard will be assumed by the joint commission (*Gemeinsame Kommission*).

IV. If the department council rejects the application for admission to the *Habilitation* process, the candidate must be notified thereof within two weeks. The notice must include a written explanation of the reasons for the rejection. If any deadline or time limit is exceeded, the candidate must likewise be notified thereof in writing, with an explanation of the reasons for said delay.

Section 5 Admission of candidates already holding a *Habilitation* qualification and professors without prior *Habilitation*

I. Any person who has earned a *Habilitation* for an academic subject or subject area at a different higher education institution that falls within the scope of the German Framework Act on Higher Education is also deemed qualified to teach that subject at Freie Universität Berlin. A new credential cannot be granted for the same subject.

II. If a person who already holds a *Habilitation* wishes to obtain a higher education teaching credential (*Lehrbefähigung*) in a different academic subject or subject area, the candidate's application for admission must be treated in the same manner as it would be treated if it were an application for their first higher education teaching credential.

III. The provisions of Section 18 apply to those who already hold a *Habilitation* and wish their teaching qualification to be expanded or retitled to apply to a different subject.

IV. Professors appointed to teach at higher education institutions without first having undergone the *Habilitation* process may be admitted to the *Habilitation* process. For professors appointed to teach at Freie Universität Berlin without first having undergone the *Habilitation* process, this applies only if the department or members of another department that were already involved in the appointment are not required to evaluate the candidate's *Habilitation* achievements. In specific terms, this means that professors appointed to teach in the School of Economics and Business at Freie Universität Berlin without first having undergone the *Habilitation* process are not admitted to the *Habilitation* process in this department.

Section 6 Denial of admission

I. Applications for admission may be subject to refusal for the following reasons:

1. Failure to meet the requirements stipulated in Section 3;
2. Failure to submit the documents stipulated in Section 4.I (not including No. 5 and No. 6);
3. Failure to comply with the time limit specified in Section 15.IV;
4. One failed repetition of a *Habilitation* process within the scope of application of the German Framework Act on Higher Education in the same academic subject or subject area;
5. A *Habilitation* process is already taking place in the same academic subject or subject area at a different location.

II. The application for admission may be refused if the subject falls outside of the department's subject-specific responsibilities as stated in Section 1.11 and III.

Section 7 *Habilitation* process for interdisciplinary subjects

I. A *Habilitation* candidate may apply to the dean of the department to have their *Habilitation* process implemented jointly by multiple departments whose subjects are involved (known as an interdisciplinary *Habilitation* process). The dean shall notify the additional department or departments of such request. The department councils are responsible for deciding whether the process will be implemented

a) within only one of the departments or

b) by a joint commission of the departments.

In the event that the councils do not agree, the academic senate will decide on the matter.

II. If the process is implemented in accordance with Section 7.I.a) above, the additional departments whose subjects are involved must be granted a hearing beforehand and included in an appropriate manner in the *Habilitation* board.

III. Even without a request as described in the first sentence of Section 7.I above, the department council may resolve to have a *Habilitation* process implemented by multiple departments. In such a case, the parties will proceed according to Section 7.I.

Section 8 *Habilitation* board

I. Upon its decision to admit the candidate, the department council shall form a *Habilitation* board that will prepare its further decisions.

II. The *Habilitation* board shall consist of at least three and not more than seven members who are entitled to vote. As an exception and in justified cases, the department may appoint up to 12 members who are entitled to vote. Alongside professors, only members of the department council who already hold a *Habilitation* may sit on the *Habilitation* board. One member of the non-professorial academic staff and one student shall also participate in the board in an advisory capacity.

III. Within the *Habilitation* board, the only members entitled to vote are those who are able to judge the written *Habilitation* achievements in whole or in part with regard to the subject-specific discipline under which they fall. The composition of the *Habilitation* board must be such that it is able to judge all of the written *Habilitation* achievements. The majority of the voting members of the *Habilitation* board must belong to the academic subject or subject area for which the candidate is seeking the higher education teaching credential. Professors from other departments or other academic higher education institutions may also sit on the *Habilitation* board.

IV. The *Habilitation* board meetings shall not be open to the public. Its members and other participants are obligated to maintain confidentiality. Persons who are not public servants must undertake a separate obligation in this regard. The board shall determine its organization and working methods independently.

Section 9 Evaluation of written achievements for *Habilitation*

I. The *Habilitation* board shall designate two reviewers to issue a report on the written achievements presented by the candidate for the *Habilitation* process in accordance with Section 2.I.1. At least one reviewer shall be from the School of Business and Economics of Freie Universität Berlin. The *Habilitation* board may designate additional reviewers, typically not more than two, if necessary, for the subject-specific assessment of the written achievements for the *Habilitation* process. In the case of interdisciplinary *Habilitation*

processes as described in Section 7, the number of additional reviewers must correspond with the number of additional subjects involved.

II. The only persons eligible to serve as reviewers are those who are able to judge the written *Habilitation* achievements in whole or in part with regard to the subject-specific discipline under which they fall. The reviewers must, between them, be able to judge all of the written *Habilitation* achievements as a whole. Reviewers from outside the department must be informed of the applicable provisions of the *Habilitation* regulations.

III. The reviewers are required to prepare their reports to contain assessments that enable the *Habilitation* board to make one of the recommendations mentioned in Section 10.I to the department council. The assessments must be accompanied by a statement providing reasons for the outcome reached. In the event that the reviewers' assessments differ, additional reviewers, typically not more than two, may be designated. The *Habilitation* board is responsible for ensuring that reviewers' reports are prepared independently from each other.

IV. The reports must be presented within three months. If the deadline is not met, the *Habilitation* board may set a subsequent deadline or designate replacement reviewers.

V. The reports must be presented for review by the members of the extended department council for a period of four weeks prior to the decision regarding the candidate's written *Habilitation* achievements. If a member of the extended department council who is eligible to vote pursuant to Section 10.III announces, within this time, that a counter-report will be submitted, the period will be extended until such time as the counter-report has been presented, but not by more than four weeks.

Section 10 Decision regarding written achievements for the *Habilitation*

I. With reference to the reports, the *Habilitation* board shall recommend that the written achievements submitted be

1. accepted

or

2. rejected as *Habilitation* achievements pursuant to Section 2.I.1, and shall provide a written statement justifying its decision. A monograph as stated in Section 2.I.1 can also be returned for revision. The deficiencies requiring remediation must be noted in writing.

II. In the case of acceptance as stated in Section 10.I.1, the topic of the presentation required pursuant to Section 2.III must be selected and proposed.

III. The extended department council shall decide in a non-public session as to the recommendations and proposals presented as described in Sections 10.I and 10.II. The members of the department council who are fully or partly qualified to decide on the issue in terms of subject matter shall have a vote in the decision, while the other members shall participate in an advisory capacity. In the event of acceptance, the subject of the presentation must be determined and the presentation date and time set and officially announced at the university without delay. In the event of another outcome, the procedure set forth in Section 15.I or Section 16.II.1 shall be followed.

IV. All votes on the assessment of a candidate's achievements shall be cast openly; abstentions are not permitted.

Section 11 Public presentation with academic discussion

I. The presentation is open to the public and shall be held during the period when classes are in session.

II. The members of the extended department council and of the *Habilitation* board shall participate in the academic discussion. The dean shall lead the discussion, or may ask the chair of the *Habilitation* board to do so. The person leading the discussion may allow members of the audience to ask questions.

III. Following the academic discussion, the extended department council shall consult in a non-public session as to whether to acknowledge the presentation and discussion as a *Habilitation* achievement pursuant to Section 2.I.2. If and insofar as the members of the *Habilitation* board do not belong to the extended department council, they have the right to speak and make requests.

Section 12 Evaluation of teaching achievements

I. The *Habilitation* board shall present an evaluation of the candidate's teaching activity and teaching accomplishments. The evaluation forms the basis for the decision of the extended department council.

II. The board shall designate one member to prepare the evaluation. If the candidate makes a suggestion, such suggestion shall be taken into consideration. The member designated shall document and evaluate the candidate's teaching achievements and abilities.

III. Upon the suggestion of the student who is participating on the board in an advisory capacity, students of the subject or subject area in question may present their teaching evaluations of the candidate to the board and/or submit additional written evaluations. These evaluations must then be addressed in the board's report.

Section 13 Granting of teaching credential

I. The extended department council shall decide in a non-public session as to whether to accept

1. the public presentation and academic discussion, as described in Section 11, and
2. the candidate's teaching achievements, as described Section 12, as *Habilitation* achievements.

The department council is required to vote separately on both types of achievement. If both are acknowledged, an overall resolution shall be drafted concerning all of the candidate's achievements and granting the candidate the higher education teaching credential. All votes shall be cast openly; abstentions are not permitted.

The provisions of Section 10.III.2 also apply to the decision over the first sentence of point 1 above.

II. The designation of the subject in which the credential is granted must be decided at the same time in the overall resolution passed pursuant to Section 13.I, based on a recommendation to that effect from the *Habilitation* board.

III. After the teaching credential is granted, a certificate must be issued to the successful candidate in the form of the annex attached to this regulation. After it is issued, the candidate

has the right to apply to the department for the authorization to teach in accordance with the statutory provisions.

Section 14 Obligation to publish

The successful candidate is obligated to make any monograph submitted as per Section 2.I.1 available in an appropriate manner to the academic community by reproducing and disseminating such monograph. Ten copies shall be submitted to the School of Business and Economics without recompense.

Section 15 Return for revisions, repetition of achievements for *Habilitation*

I. In the event that the written *Habilitation* achievements pursuant to Section 10.I.2 are returned to the candidate for revision, the extended department council shall decide at the same time as to the period within which the stated deficiencies therein must be remedied. The period shall amount to not more than 12 months, and may not be repeated, that is, candidates will be offered only one opportunity to revise and remedy any deficiencies.

II. The foregoing also applies to the public presentation with academic discussion if it is not acknowledged as satisfactory pursuant to Section 13.I. A new public presentation must be scheduled, with a new topic. A second repetition of the public presentation procedure is not permitted.

III. If the candidate's teaching achievements are not acknowledged as satisfactory, the candidate must be given the opportunity during the two following semesters to hold further courses, regarding which a report must be drafted pursuant to Section 12. Candidates will not be given a second opportunity to hold further courses.

IV. In the event that the candidate's written achievements are rejected as *Habilitation* achievements pursuant to Section 10.I.2, a one-time repetition of the process, with submission of written achievements pursuant to Section 2.I.1, is permitted. Candidates are not permitted to apply for admission to a new *Habilitation* process in the same subject or subject area until after a period of 12 months has elapsed. The foregoing provision also applies to processes concluded at other higher education institutions without issuance of the teaching credential. Acknowledged achievements can be credited toward the new process by request.

Section 16 Conclusion of process without issuance of teaching credential

I. The candidate is entitled to retract their application for admission until the *Habilitation* board has issued its recommendation (see Section 10.I). If the application is retracted pursuant to the foregoing sentence, the process is considered not to have been a concluded *Habilitation* process as specified in Section 4.I.9 and Section 6.I.4.

II. The application for issuance of the teaching credential must be denied if:

1. one of the achievements to be demonstrated fails to meet the requirements for a *Habilitation* achievement for a final time, or if achievements are not performed in due time;
2. in the event that written achievements are returned or a second opportunity is granted to repeat a different achievement and the time limits that have been set are not complied with and the candidate has not offered any compelling reason for such non-compliance;
3. in the event of attempted deception or fraud on the candidate's part, and doubts in this regard have not been allayed even after the candidate has been granted a hearing.

III. A refusal of a teaching credential must be accompanied by a statement of the reasons therefor. The statement of the reasons must be drafted and resolved in the wording stipulated by the extended department council.

Section 17 Retraction of teaching credential

If, after the teaching credential is granted, it becomes known that in the context of the admission process or in the further course of the process, deception, fraud, or administrative offenses or misconduct have been perpetrated, those achievements in whose case such misconduct has applied must be declared rejected as *Habilitation* achievements. The teaching credential that has been issued must be retracted and the *Habilitation* certificate revoked.

Section 18 Changes to the teaching credential

I. Candidates who have already successfully completed the *Habilitation* process are entitled to apply for changes (expansion or retitling) of their teaching credentials. The admission requirements are considered met upon the presentation of the *Habilitation* certificate. The application must state those achievements upon which the application for the change is based. If and insofar as the matter concerns written documents, those documents must be submitted.

II. The extended department council shall decide whether the application can be approved without an additional process. If an additional process is considered necessary, the provisions on the implementation and conclusion of *Habilitation* processes shall apply accordingly. The body granting the authorization is not permitted to demand the presentation of a *Habilitation* treatise.

Section 19 General procedural provisions

I. With regard to all procedural decisions and all decisions concerning the assessment of achievements within the *Habilitation* process, the provisions of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz*) with regard to concerns of bias apply.

II. The dean is obligated to ensure that the entire process, aside from processes conducted pursuant to Section 4.II, can be concluded within nine months if at all possible, starting from the date that the admission application was submitted. If this cannot take place within this period, the department council must pass a resolution that the time limit will be exceeded and must notify the candidate thereof in accordance with Section 19.IV. All of the parties to the process are entitled to apply to the dean in case of any query or comment.

III. The participants may bring problems within the *Habilitation* process to the attention of the Standing Commission on Research and Early-Career Scholars and Researchers (*Ständige Kommission für Forschung und wissenschaftlichen Nachwuchs*). This body must be notified of the status of the process.

IV. All notices to the candidate that are material to the process must be made in written form. This applies in particular to decisions with significant consequences, and to statements regarding time limits and deadlines. Each of these must be accompanied by a statement of the reasons therefor where required. The candidate has the right to examine the files related to their case within the scope provided in the Administrative Procedure Act. The confidentiality of expert reports must be ensured.

V. If the candidate raises objections to a decision made by the extended department council within one year after receipt, the decision must be reviewed under consideration of the objections and a decision reached regarding the result. The regulation on the objection process for examination results is to be applied *mutatis mutandis*.

Section 20 Entry into force

These regulations on postdoctoral university instruction qualifications (*Habilitation*) enter into force on the day following their publication in Freie Universität's official bulletin *FU-Mitteilungen*.

II. The rules and regulations on *Habilitation* of the School of Business & Economics of May 24, 1978 (*FU-Mitteilungen* no. 6/1980, 3ff) shall cease to apply as of this date.

Section 21 Transitional provisions

Candidates who have submitted an application for admission to the *Habilitation* process prior to the time at which these rules and regulations on *Habilitation* take effect are entitled to choose between these rules and regulations and those that previously applied.