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Administrative Agreement on the Establishment of the "Doctoral School for Applied Research in North Rhine-Westphalia"

Announcement by the Ministry of Culture and Science dated November 30, 2020

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Preamble

On the basis of this document, the Universities of Applied Sciences (UAS) in North Rhine-Westphalia agree to cooperate in the field of doctorates and research within the Doctoral School of Applied Research in North Rhine-Westphalia. They do this in the 50th year of their existence and their continuous development as well as in the awareness of their responsibility for the further development of science in connection with application orientation and the promotion of innovation to meet social challenges.

With this cooperation, the UAS offer their most capable graduates and other people qualified for a doctorate a way to continue their academic education within the profile of the UAS with the prospect of a career within and outside the academic system. In this way, they promote the young academics they need for application-oriented research and at the same time open up the prospect of a professorship.

With outstanding research achievements and 25 years of experience in Cooperative doctorates, the UAS are able and willing to take on further responsibility for the training of young academics. This is what the Doctoral School NRW stands for. On the one hand, it aims to further expand Cooperative doctorates together with the universities. On the other hand, this is achieved by the Doctoral School NRW exercising its own right to confer a doctorate, which is implemented in interdisciplinary doctoral programs adapted to the profile of the UAS. These programs reflect the high level of research competence of the community at the

UAS. They open up scientific, interdisciplinary and transdisciplinary discourse to doctoral candidates, even beyond university boundaries.

The quality of doctorates is comprehensively assured, for which the foundations are laid in this agreement. This includes membership criteria based on Research, an obligation on the part of the universities to create an environment for doctorates and an evaluation system involving an Academic Advisory Board. Further quality assurance elements will be implemented in the Doctoral School NRW regulations. The Doctoral School NRW is oriented towards the highest quality standards and thus operates in the national and international context of doctorates, but at the same time pursues an innovative path based on the competencies of the UAS and their networked cooperation.

§ 1

Establishment of the Doctoral College for Applied Research in North Rhine-Westphalia

(1) As sponsors, the following shall be established

1. the FH Aachen - University of Applied Sciences
2. the FH Bielefeld,
3. the Bochum University of Applied Sciences,
4. Bonn-Rhein-Sieg University of Applied Sciences,
5. Dortmund University of Applied Sciences and Arts,
6. the Düsseldorf University of Applied Sciences,
7. the Westphalian University of Applied Sciences Gelsenkirchen, Bocholt, Recklinghausen
8. the hsg Bochum - University of Applied Sciences for Health,
9. the Hamm-Lippstadt University of Applied Sciences,
10. the Fachhochschule Südwestfalen - University of Applied Sciences,
11. Rhine-Waal University of Applied Sciences,
12. the Technical University of Cologne,
13. the Ostwestfalen-Lippe University of Applied Sciences,
14. the Ruhr West University of Applied Sciences,
15. the FH Münster University of Applied Sciences,
16. the Hochschule Niederrhein - Niederrhein University of Applied Sciences,
17. Evangelische Hochschule Rheinland-Westfalen-Lippe - Protestant University of Applied Sciences,
18. the Georg Agricola University of Applied Sciences,
19. KatHO NRW - Catholic University of Applied Sciences North Rhine-Westphalia,
20. the Rheinische Fachhochschule Köln - University of Applied Sciences and

21. the North Rhine-Westphalia University of Applied Sciences for Police and Public Administration

(supporting universities) have established a public corporation with legal capacity under the name "Doctoral School of Applied Research in North Rhine-Westphalia" (Doctoral School NRW).

(2) Pursuant to section 77a (3) sentence 4 of the Higher Education Act, the corporation shall come into existence on the date of the announcement of the approval decree or on the date specified in this decree as the date of establishment.

(3) The corporation has its registered office in Bochum.

Part 1

Legal status and tasks of the Doctoral School NRW

§ 2

Legal status of the Doctoral School NRW

(1) The Doctoral College is a corporation under public law with legal capacity in accordance with Section 77a (3) sentence 4 of the Higher Education Act and has the right of self-administration within the framework of the law and performs the tasks incumbent upon it as matters of self-administration. Unless otherwise permitted by this agreement, the doctoral college performs its tasks in a public law manner.

(2) The doctoral college shall issue the regulations necessary to fulfill its tasks. The Doctoral School NRW shall publish all regulations and resolutions to be published in a promulgation journal, the publication frequency of which shall be specified in the Doctoral School NRW's Constitution. The Constitution may stipulate that the promulgation journal is also or exclusively published in the form of an electronic edition that is offered via publicly accessible networks. In this case, Section 19 (2) of the E-Government Act of North Rhine-Westphalia of July 8, 2016 ([GV. NRW. p. 551](#)) in the currently valid version shall apply accordingly. The Constitution also regulates the procedure and the date of entry into force of the regulations. Prior to their publication, doctoral degree regulations must be reviewed by the Executive Board for their legality, including their compatibility with the collegiate development plan.

(3) The Doctoral School NRW has the right to enter into employment relationships under private law.

(4) The Doctoral School NRW shall have an official seal and may adopt a coat of arms.

§ 3

Tasks of the Doctoral School NRW

(1) The Doctoral School NRW serves to carry out doctorates at the universities of applied sciences in North Rhine-Westphalia.

(2) The Doctoral School NRW carries out the doctorates, supports the cooperative doctorate

program, advises the universities of applied sciences, universities, professors and doctoral candidates on the implementation and reports regularly to the Ministry on the status.

(3) Insofar as the Ministry has granted the Doctoral School NRW or individual departments thereof the Right to confer a doctorate on the basis of an assessment by the German Science and Humanities Council or a comparable institution designated by the Ministry, the Doctoral School NRW shall be responsible for conducting the doctoral procedure and awarding the doctoral degree. The doctoral studies shall be carried out at those universities of applied sciences at which the doctoral candidate obtains proof of his/her ability to carry out independent academic work within the meaning of Section 67 (1) sentences 1 and 2 of the Higher Education Act and is supervised on site.

(4) The doctoral process in accordance with paragraph 2, sub-sentence 1, shall take place in a network-like structure between the Doctoral School NRW and those universities of applied sciences at which the doctoral studies take place.

(5) In cooperation with the universities of applied sciences, the Doctoral School NRW offers its doctoral candidates appropriate research-oriented studies in preparation for their doctorate and enables them to acquire key academic qualifications. In addition, the Doctoral School NRW organizes conferences and promotes academic exchange.

(6) In addition, the Doctoral School NRW has the task of

1. To bring together graduates interested in Cooperative doctorates and university lecturers from universities of applied sciences and universities,
2. to promote the academic qualification of doctoral candidates individually and subject-specifically and to support the professional discourse between them,
3. To network and develop offers for the development of key scientific qualifications and to make them available to doctoral candidates,
4. To network academics from universities of applied sciences and universities across universities as potential supervisors, potential reviewers and potential examiners in the context of doctoral procedures,
5. to work towards subject-related uniform standards for doctoral procedures, including subject-related quality assurance, and
6. document the doctoral procedure.

(7) In performing its tasks, the Doctoral School NRW promotes the effective implementation of equal rights for women and men and works towards eliminating disadvantages that exist for women. Gender-specific effects must be taken into account in all proposals and decisions (gender mainstreaming). The Doctoral School NRW takes appropriate account of the diversity of its members (diversity management) and the legitimate interests of its staff in good employment conditions.

(8) The Doctoral School NRW contributes to the social support of doctoral candidates. It takes into account the special needs of doctoral candidates and employees with disabilities or chronic illnesses or with responsibility for close Affiliated Members with care or support needs and with children by making appropriate arrangements. It promotes the compatibility of

doctorate, career and education for doctoral candidates and employees with children, in particular by providing appropriate care for these children.

(9) The Doctoral School NRW promotes regional, European and international cooperation, especially in the field of higher education.

(10) In order to fulfill the purposes set out in paragraphs 1 to 8, the Doctoral School NRW cooperates with the universities of applied sciences, universities and other research institutions. To this end, the Doctoral School NRW shall support inter-university scientific discourse among the professors of the universities of applied sciences and universities. In order to fulfill the tasks according to sentence 1 and paragraph 3, the universities of applied sciences shall conclude a cooperation agreement with the Doctoral School NRW in accordance with § 67b paragraph 4.

§ 4

Obligations of the supporting universities

The sponsors of the Doctoral School NRW are obliged,

1. to actively participate in the fulfillment of the Doctoral School NRW's tasks, in particular by paying the annual grant in accordance with § 28 paragraph 1,
2. to open their qualification programs to doctoral candidates who are members of the Doctoral School NRW,
3. to open their academic institutions and operating units to doctoral candidates and university lecturers who are members or Affiliated Members of Doctoral School NRW, insofar as this is possible in terms of capacity utilization and legally,
4. to create a working environment that promotes the scientific activities of its members and Affiliated Members within the scope of what is legally possible,
5. to promote the willingness of their university teachers to participate in the realization of the tasks of the Doctoral School NRW.

§ 5

Freedom in science, research, teaching and doctoral studies

With regard to freedom in science, research, teaching and doctoral studies, Section 4 of the Higher Education Act applies accordingly.

§ 6

Structured doctoral studies; quality assurance and evaluation; reporting system

(1) Insofar as the Doctoral School NRW conducts the doctoral studies within the meaning of Section 67 (2) sentence 2 of the Higher Education Act as a degree program and in this case structures it through a previous Master's degree, the provisions of the Higher Education Act, in particular Section 7 (1) of the Higher Education Act, shall apply with regard to this degree program.

(2) With regard to quality assurance through evaluation, Section 7 (2) of the Higher Education Act shall apply accordingly to all of the College's activities.

(3) The Ministry may request anonymized data from the Doctoral School NRW, in particular for the purposes of controlling, evaluation and statistics. Personal data of the members of the doctoral college may be requested in accordance with the Data Protection Act of North Rhine-Westphalia. § Section 77a (5) remains unaffected in each case.

Part 2

Membership and participation

Chapter 1

§ 7

Members and Affiliated Members

(1) Members of the Doctoral School NRW are

1. the members of the Executive Board,
2. the directors of the departments,
3. the professors admitted in accordance with § 8,
4. the doctoral college staff working there on a full-time basis, not only temporarily or as guests, in accordance with § 9 and
5. the doctoral candidates admitted in accordance with § 10.

Section 9 (1) sentence 2 of the Higher Education Act applies with regard to the determination of full-time employment and Section 9 (1) sentence 3 of the Higher Education Act with regard to the determination of non-temporary employment.

(2) The Doctoral School NRW shall include, without being members, those persons working at the Doctoral School NRW on a part-time, temporary or guest basis as well as those persons whom the Doctoral School NRW designates as Affiliated Members in its Constitution. They do not take part in elections.

(3) With regard to the rights and obligations of members and Affiliated Members, Section 10 of the Higher Education Act applies accordingly to the Doctoral School NRW.

§ 8

Professorial members

(1) Professors and habilitated employees of the supporting universities shall become members of the Doctoral School NRW upon application if they are seconded to the Doctoral School NRW by the supporting university at which they are employed as a professor or habilitated employee in accordance with paragraph 2, taking into account the provisions of service and employment law, and the Executive Board appoints the seconded person in accordance with

paragraph 3 and admits them to the Doctoral School NRW. Professors from non-state universities may become members in accordance with the cooperation agreement pursuant to Section 67b (4) sentence 3 half-sentence 2 of the Higher Education Act; the same applies to professors from other universities.

(2) The secondment pursuant to paragraph 1 requires that

1. the professor or habilitated member of staff who is to be seconded offers the guarantee in his or her person that the supervision of the doctorate and the conduct of the doctoral procedure meet the requirements of Section 67 (1) of the Higher Education Act, and
2. the professor or habilitated member of staff is willing and able to participate in doctoral procedures by supervising the doctoral candidates' doctoral work, assessing their dissertations or evaluating their further examinations.

The qualification according to sentence 1 requires that the professor or habilitated employee has made visible research achievements beyond the requirements for appointment as a professor and is currently actively engaged in research; he or she must provide evidence of this when applying for admission to the Doctoral School NRW.

(3) The Executive Board shall appoint the seconded professor or the habilitated member of staff. It shall determine whether the requirements for membership pursuant to paragraph 2 are met, taking into account academic assessments from the departments of the Doctoral School NRW or on the basis of other academic assessments, and shall then decide on admission to the Doctoral School NRW. The Executive Board shall communicate the reasons with its decision; the academic assessments shall not be disclosed. It may also refuse the appointment and admission to Doctoral School NRW if these are not compatible with the doctoral candidate development plan or if there are other reasons in the person that make an appointment or confirmation inadmissible. If there are doubts as to whether the requirements of paragraph 2 are met, the Executive Board may also return the proposal to the university with a request for further action; in this case, the university will review the proposal again.

(4) Membership of the Doctoral School NRW does not confer any entitlement to participate in a cooperative doctoral procedure; cooperation agreements with universities may stipulate further criteria for participation.

(5) The Executive Board may check at any time whether the professorial members of the Doctoral School NRW meet the requirements set out in paragraph 2. If they are no longer fulfilled, it shall decide on the exclusion from the Doctoral School NRW. Paragraph 3 sentence 3 shall apply accordingly.

§ 9

Staff members

(1) The Doctoral School NRW staff members consist of

1. employees and trainees with whom the Doctoral School NRW has established an employment or training contract, and
2. employees who have been or will be seconded to the Doctoral School NRW by the

supporting universities for more than a short period of time.

The Doctoral School NRW will agree in the employment and trainee contracts that the employees and trainees of the Doctoral School NRW are subject to the provisions of this agreement and the regulations issued on the basis thereof.

(2) Doctoral School NRW shall join the state employers' association. Until it joins, it shall apply the resolutions of the state employers' association.

(3) Periods completed at a university or with the state in a civil servant, employment or training relationship shall be credited as if they had been completed at the Doctoral School NRW. Periods completed at the Doctoral School NRW in a civil servant, employment or training relationship shall be credited as if they had been completed at that university. The Doctoral School NRW will ask the state to ensure that the same applies to employment in the service of the state.

(4) The Doctoral School NRW will ask the state to ensure that employees of the Doctoral School NRW can make use of state facilities and services to the same extent and under the same conditions as state civil servants.

(6) With regard to terminations for operational reasons, Section 34 (4) of the Higher Education Act applies accordingly to the Doctoral School NRW.

(7) The Doctoral School NRW shall ensure the legal and factual requirements necessary for a participation agreement with the Versorgungsanstalt des Bundes und der Länder (VBL) for all employees insurable under its statutes. Doctoral School NRW shall be liable for liabilities to employees of Doctoral School NRW resulting from the fact that a participation agreement between the VBL and Doctoral School NRW is not concluded or that Doctoral School NRW does not fulfill its obligation to provide security in accordance with sentence 1. The extent of the liability shall be limited at most to the amount of the benefits that the employees would have under the compulsory insurance vis-à-vis the VBL if the participation agreement between the Doctoral School NRW and the VBL were to take effect on the date of the establishment of the Doctoral School NRW. Sentences 2 and 3 shall apply mutatis mutandis to the period between the end of the day preceding the day on which the Doctoral School NRW is established and the day following the day on which the participation agreement is legally signed.

§ 10

Doctoral candidates

(1) The doctoral candidates of the Doctoral School NRW are those eligible for admission in accordance with Section 67 (4) of the Higher Education Act who have been nominated to the Doctoral School NRW by the University of Applied Sciences upon their application and have been accepted as members by the Doctoral School NRW. The guiding criteria for the decision on nomination and admission are the scientific potential of the applicant, an ambitious and innovative dissertation project and its integration into the scientific profile of the respective department. The Executive Board determines whether the requirements for admission are met on the basis of suitable evidence and makes the decision on admission to the Doctoral

School NRW. Further details on admission are regulated by the Membership Regulations.

(2) Persons nominated and admitted in accordance with paragraph 1 who are not pursuing a cooperative doctorate shall be enrolled as doctoral candidates both at the Doctoral School NRW and at the university of applied sciences at which they are supervised as doctoral candidates. Further details are regulated by the Enrollment Regulations, which may also limit enrollment to a reasonable extent. The University of Applied Sciences in accordance with sentence 1 and the Doctoral School NRW shall ensure that the time limits for enrolment at both bodies are the same. Otherwise, Section 67 (5) sentence 3 of the Higher Education Act shall apply accordingly.

(3) The Executive Board shall determine, on the basis of suitable evidence, whether the requirements for admission are no longer met and shall decide on exclusion from the Doctoral School NRW. Further details are regulated by the Enrollment Regulations.

Chapter 2 Participation

§ 11

Composition of the Body or Board or Committee

(1) For representation on the Body or Board or Committee

1. the professors according to § 8 (group of professorial members),
2. Staff members according to § 9 (group of staff members) and
3. the doctoral candidates according to § 10 (group of doctoral candidates)

one group each.

(2) Unless otherwise stipulated in this agreement, all member groups must be represented in the bodies or Boards or Committees with decision-making powers; in accordance with sentence 2, they are generally entitled to vote in the decisions of the bodies. The type and scope of participation of the individual member groups and the numerical composition of the bodies shall be determined by their task and by the subject-specific structure of the Doctoral School NRW and the qualifications, function, responsibility and involvement of the members of the Doctoral School NRW. In committees with decision-making powers in matters directly relating to teaching, the representatives of the group referred to in paragraph 1 sentence 1 number 1 shall have at least half of the votes, and in matters directly relating to Research, the majority of the votes of the members of the Body or Board or Committee; in committees with advisory powers, this ratio of votes is not generally required. Unless otherwise stipulated in this agreement, the corresponding regulations shall be laid down in the Constitution or in accordance with the Constitution.

(3) Section 11b of the Higher Education Act shall apply accordingly with regard to the gender-equitable composition of Bodies or Boards or Committees.

§ 12

Procedural principles

(1) The Bodies have decision-making powers. Other Bodies or Boards or Committees and functionaries shall only have decision-making powers insofar as this is stipulated in this agreement. Bodies or Boards or Committees with decision-making powers may form advisory bodies (commissions) to support them. Bodies or Boards or Committees with decision-making powers can also set up sub-committees with decision-making powers for specific tasks (committees) that can be revoked at any time. The voting members of a committee are elected separately by their respective representatives in the Body or Board or Committee from among its members. The Constitution may provide for commissions and committees. Section 5 must be observed when exercising decision-making powers.

(2) The meetings of the Doctoral School Senate and the Department boards are generally open to the public. The details shall be determined by the respective Rules of Procedure, which may provide for elections, that the presentation of candidates and the related debate may take place in private. Personnel matters and examination matters are dealt with in a closed session. Decisions on elections and personnel matters are made by secret ballot. All other Body or Board or Committee meetings are held in private.

(3) Each outvoted member may present a dissenting position in a written special vote, provided that this has been reserved at the meeting. The special vote shall be recorded in the minutes. The special vote must be attached to resolutions that are to be submitted to other bodies.

(4) In matters that cannot be postponed and in which a resolution cannot be brought about in time by the Body or Board or Committee responsible per se, the Chairperson of the Body or Board or Committee shall decide. This does not apply to elections. The chairperson of the Body or Board or Committee must immediately inform the Body or Board or Committee of the reasons for the decision taken and the manner in which it was made. § Section 15 (9) remains unaffected.

(5) In order to ensure appropriate transparency within the Doctoral School NRW, the latter shall ensure that its members and Affiliated Members as well as the universities of applied sciences supporting the Doctoral School NRW are informed to an appropriate extent about the activities of the Bodies or Board or Committee.

(6) The Bodies or Boards or Committees of the Doctoral School NRW may adopt rules of procedure.

§ 13

Elections to the Body or Board or Committee

(1) The representatives of the member groups in the Doctoral School Senate and the Department board are elected separately by the respective member groups in direct, free, equal and secret elections. The details of the election and substitution of the elected representatives shall be governed by the election regulations; these may also permit decentralized elections at the individual supporting universities.

(2) If an electoral mandate and an official mandate coincide for a member of a Body or Board or Committee, the electoral mandate shall be suspended for the term of office. During this period, the rules on substitutions for elected members shall apply accordingly.

(3) If no new member has been appointed at the end of a term of office or election period, the previous member shall continue to exercise his or her office or function. The end of the term of office of the subsequently elected member shall be determined as if he/she had taken up office on time.

(4) If the election of a Body or Board or Committee or individual members of a Body or Committee is declared invalid after taking office, this shall not affect the legal validity of the previously passed resolutions and official acts of the Body or Board or Committee, insofar as these have been carried out; this applies accordingly in the case of incorrect appointments to bodies.

Part 3

The organization of the Doctoral School NRW

Chapter 1

The central organization of Doctoral School NRW

§ 14

Central Bodies

The central bodies of the Doctoral School NRW are

1. the Board of Supporters,
2. the Executive Board,
3. the Chairperson of the Management Board,
4. the Doctoral School Senate,
5. the Academic Advisory Board and
6. the collective election meeting.

§ 15

Board of Supporters

(1) The members of the Board of Supporters shall be the rectors or presidents of the supporting universities or the representatives appointed by them. The election of the chairperson and deputies shall be governed by the Rules of Procedure of the Board of Supporters

(2) The Board of Supporters shall determine the principles of quality assurance in accordance with Section 6 (2) and exercise the corresponding control function.

(3) The Board of Supporters is responsible for safeguarding the Doctoral School NRW's tasks and monitors its essential academic, programmatic and economic affairs. It advises the

Executive Board and supervises its Managing Director, in particular its financial management. It has a comprehensive right to information. Its tasks and powers otherwise include

1. the election of the members of the Executive Board as part of the collective election meeting in accordance with § 17,
2. the approval of the doctoral colleague development plan in accordance with § 18 paragraph 3 sentence 2,
3. the approval of planning principles in accordance with Section 18 (3) sentence 1,
4. the decision pursuant to section 18 (6) sentence 5,
5. the approval of the business plan,
6. determining the amount of the financial grants of the supporting universities in accordance with Section 28 (1),
7. the approval of the enactment and amendment of the Constitution in accordance with Section 21 (1) sentence 3,
8. the consent pursuant to Section 24 (5) sentence 5,
9. Recommendations and statements on matters relating to the tasks of the Doctoral School NRW that affect the entire Doctoral School NRW or are of fundamental importance, and
10. the adoption of the annual financial statements, the resolution on the appropriation of the net profit for the year or the treatment of a net loss for the year and the discharge of the Executive Board.

The provisions of the Higher Education Act regarding the tasks and powers of the bodies of the Doctoral School NRW remain unaffected.

(4) The Board of Supporters is also authorized,

1. to request at any time that another Body adopt or refrain from adopting a resolution, and
2. to convene another Body at any time.

(5) The Board of Supporters may reserve the right to approve legal transactions that go beyond the scope of day-to-day business and impose obligations on Doctoral School NRW that extend beyond one year.

(6) The Rules of Procedure of the Board of Supporters may provide that a qualified majority of the votes of its members, as regulated in the Rules of Procedure, is required for individual resolutions or for certain types of resolutions.

(7) In exercising its right to information in accordance with paragraph 3 sentence 3, the Board of Supporters may inspect and examine all documents of Doctoral School NRW. The Board of Supporters may delegate the exercise of this power to individual members or other competent persons. The Executive Board shall report in writing to the Board of Supporters at least once a year on the development of the budgetary and economic situation. If complaints arise in the course of the supervision of the Executive Board, the Board of Supporters shall work towards clarification within the doctoral college. In the event of serious complaints, it shall inform the Ministry.

(8) The Board of Supporters shall meet at least once a year for consultation.

(9) In matters pursuant to paragraph 3 sentence 1, in particular paragraph 3 sentence 4 numbers 2, 3 and 9, experts appointed by the Landesrektorenkonferenz der Universitäten e. V. and other experts from national scientific institutions may participate in the deliberations of the Board of Supporters. The Rules of Procedure of the Board of Supporters may regulate further details.

(10) The Board of Supporters may appoint a committee (main committee) to perform its duties and exercise its powers if urgent action is required. The decision of the main committee shall be submitted to the Board of Supporters for approval at its next meeting. It may rescind the urgent decision, provided that the rights of others have not already arisen as a result of the implementation of the resolution.

§ 16

Executive Board

(1) The Executive Board shall consist of

1. the Chairperson of the Board of Directors as Chairperson,
2. up to three further members of the Board of Directors in accordance with the Constitution and
3. the Managing Director in an advisory capacity.

(2) The Constitution may provide for,

1. that the Chairperson of the Executive Board can define the guidelines for the performance of the Executive Board's tasks,
2. that resolutions of the Executive Board cannot be passed against the vote of the Chairperson of the Executive Board.

(3) The members of the Executive Board must have completed a university education and have management experience appropriate to their duties.

(4) Unless the Constitution provides for longer terms of office, the first term of office of the members of the Executive Board pursuant to paragraph 1 numbers 1 and 2 shall be six years and subsequent terms of office shall be four years. Re-election is permitted. The Constitution may provide that the term of office of the other members of the Executive Board ends at the latest with the term of office of the Chairperson of the Executive Board.

(5) The members of the Executive Board pursuant to paragraph 1 numbers 1 and 2 shall be elected by the collective election meeting with the majority of the votes of the Body or Board or Committee and at the same time with the majority of the votes within its two halves; in a third ballot, the person elected shall be the person who obtains the majority of the votes of the members present and at the same time the majority of the votes of the members present of their two halves. Two members of the Executive Board must belong to the group of university lecturers of the supporting universities. The election of the Chairperson of the Executive Board can be prepared by a search committee; the election regulations regulate the details of this. The other members of the Executive Board are elected on the recommendation of the Chairperson of the Executive Board or the designated Chairperson of the Executive Board

(6) The Managing Director shall be appointed by the Executive Board in agreement with the Board of Supporters and in consultation with the Doctoral School Senate.

(7) The collective election meeting may vote out the members of the Executive Board in accordance with paragraph 1 numbers 1 and 2 with a majority of five-eighths of their votes. The election of a new member shall take place immediately in accordance with paragraph 5.

(8) The Doctoral School NRW regulates the procedure for election and deselection in the Constitution.

§ 17

Collective election meeting

(1) The Doctoral School Senate Election Assembly elects the members of the Executive Board in accordance with § 16 and removes them from office; half of its members are members of the Doctoral School Senate and the other half are members of the Board of Supporters. Members of the Doctoral School Senate who are also members of the Doctoral School Senate have the right to vote if they are also entitled to vote in the Doctoral School Senate. The members of the college electoral assembly who are also members of the Board of Supporters have the right to vote.

(2) The Chairperson of the Doctoral School Senate is the Chairperson of the Board of Supporters; the Deputy Chairperson of the Doctoral School Senate is the Deputy Chairperson of the Doctoral School Senate.

(3) The votes of the two halves of the members of the college electoral assembly shall be in equal proportion to each other. For this purpose, the votes of those who are voting members of the Doctoral School Senate and the votes of those who are members of the Board of Supporters shall be weighted by multiplying them by an integer factor that results in the smallest common multiple.

§ 18

Duties and powers of the Executive Board

(1) The Executive Board shall manage the Doctoral School NRW. In performing this task, it shall be responsible for all matters and decisions of the Doctoral School NRW for which no other responsibility is expressly stipulated in this Act. In particular, it is responsible for

1. the implementation of the colleague development plan,
2. the resolution on the use of Doctoral School NRW funds,
3. deciding on the type and scope of cooperation between the Doctoral School NRW and universities and concluding agreements between the Doctoral School NRW and universities,
4. promoting exchanges between the directors and university lecturers of the various departments,
5. issuing instructions to the Managing Director for the fulfillment of tasks,
6. the implementation of the evaluation,
7. preparing the meetings of the Board of Supporters, the Doctoral School Senate and the

Academic Advisory Board,

8. implementing the resolutions of the Board of Supporters and the Doctoral School Senate,
9. managing the public relations work of the NRW doctoral college,
10. deciding in cases of doubt on the responsibility of the Body or Board or Committee.

In the event of a tie, the Chairperson of the Management Board has the casting vote.

(2) Decisions on the type and scope of cooperation with universities and the conclusion of agreements with universities in accordance with paragraph 1 sentence 3 number 3 shall be made taking into account the professional exchange between the professors of the departments of the Doctoral School NRW and the professors of the universities

(3) On the basis of planning principles approved by the Board of Supporters and the Doctoral School Senate and taking into account the development plans of the departments, the Executive Board drafts the doctoral student development plan as a binding framework for the decisions of the other bodies or Board or Committee members and updates it at appropriate intervals; the planning principles submitted to the Doctoral School Senate for approval shall be deemed approved if the Doctoral School Senate does not raise any objections within three months of submission. The Doctoral College Development Plan requires the approval of the Board of Supporters.

(4) The Executive Board is obliged to provide information to the Board of Supporters, the Doctoral School Senate and the Academic Advisory Board and is accountable to these bodies with regard to the implementation of resolutions of the Board of Supporters and the Doctoral School Senate.

(5) The Executive Board shall work to ensure that the other bodies, committees and functionaries perform their duties and that the members and Affiliated Members of Doctoral School NRW fulfill their duties. It shall render an annual account of the fulfillment of the Doctoral School NRW's tasks to the Board of Supporters; it shall submit an annual report to the Doctoral School Senate. The accountability report shall be published.

(6) If the Executive Board considers resolutions, measures or omissions of the other bodies, Boards or Committees or functionaries, with the exception of the Board of Supporters, to be unlawful or unjustifiable in accordance with the principles of economic efficiency, it must object to them and insist on a remedy. The objection has a suspensive effect. If no remedy is found, the Board of Supporters must be involved. If no solution can be found even after the Board of Supporters has been involved, the Executive Board must inform the Ministry if measures are deemed to be unlawful. If the Bodies, Boards or Committees or functionaries refuse to take remedial action in the case of decisions, measures or omissions that are deemed unjustifiable according to the principles of economic efficiency, the Board of Supporters shall decide.

(7) The Executive Board shall meet at least four times a year for consultation.

§ 19

Chairperson of the Management Board

(1) The Chairperson of the Executive Board represents the Doctoral School NRW externally. He or she shall be represented by a Deputy Chairperson of the Executive Board. The rules of procedure of the Executive Board regulate the details of representation. The Chairperson of the Executive Board exercises domiciliary rights. He or she may delegate the exercise of this authority to other members or Affiliated Members of the Doctoral School NRW in accordance with the Constitution.

(2) The chairperson of the Executive Board or another member of the Executive Board appointed by him or her shall work through the director of the department to ensure that the persons teaching in the doctoral program properly fulfill their teaching, supervision and examination obligations; in this respect, he or she shall have the right to supervise and issue instructions to the director of the department. Insofar as the obligation exists at the supporting university, this university shall ensure that the chairperson of the executive board can exercise the powers pursuant to sentence 1 at the supporting university.

(3) The Ministry shall appoint or nominate the Chairperson of the Management Board. The Chairperson of the Executive Board shall appoint or nominate the other members of the Executive Board.

§ 20

Managing Director; the administration

(1) The Managing Director shall manage the day-to-day business of the Doctoral School NRW, unless otherwise stipulated in this agreement. He or she shall support the Executive Board and the other bodies of the Doctoral School NRW as well as its departments in their activities. This is done above all in performing the tasks of the Doctoral School NRW in accordance with § 3, supporting graduates in their search for suitable supervisors and by preparing and implementing measures to promote qualification for a doctoral procedure as well as academic events.

(2) As a member of the Executive Board, the Managing Director is responsible for the administration of the Doctoral School NRW, insofar as one exists. He or she shall be assisted by the other staff members of the Doctoral School NRW. The administration is also responsible for the administrative affairs of the Doctoral School NRW's Bodies or Boards or Committees. He or she shall deal with legal and administrative matters in accordance with the instructions of the Chair of the Board of Directors. The Executive Board can decide on matters of fundamental importance to the doctoral college.

(3) The Doctoral School NRW may conclude an agreement with Bochum University of Applied Sciences or another of the supporting universities as to whether and to what extent this university will perform administrative tasks for the Doctoral School NRW. In this case, Section 77a (8) of the Higher Education Act shall apply.

§ 21

Doctoral School Senate

(1) The Doctoral School Senate is responsible for the matters listed below:

1. Participation in the election and deselection of members of the Executive Board as part of the collective election meeting in accordance with Section 16 (5) and (7);
2. Statement on the annual report of the Executive Board;
3. Issuing and amending the Constitution, framework regulations and regulations of the Doctoral School NRW, unless otherwise stipulated in this agreement;
4. Approval of planning principles within the meaning of Section 18 (3) sentence 1;
5. Recommendations and statements on the draft of the doctoral colleague development plan according to § 18 paragraph 3, on the evaluation reports according to § 5 paragraph 2, on the economic plan, on the principles of the distribution of positions and funds among the departments;
6. Recommendations and statements on matters relating to the tasks of the Doctoral School NRW that affect the entire Doctoral School NRW or are of fundamental importance.

The Constitution shall be adopted by a two-thirds majority of the votes of the Body or Board or Committee. Their adoption and amendment require the approval of two-thirds of the members of the Board of Supporters, unless otherwise stipulated in its rules of procedure.

(2) The Constitution, which may also provide for non-voting members, regulates the details of the composition, term of office and chairmanship.

§ 22

Academic Advisory Board

(1) The Academic Advisory Board advises the bodies of the Doctoral School NRW, in particular the Board of Supporters and the Executive Board, on academic and programmatic issues and thereby accompanies, promotes and evaluates the fulfillment of the tasks of the Doctoral School NRW.

(2) The details of the tasks according to paragraph 1, the composition and the chairmanship of the Academic Advisory Board shall be regulated by the Constitution, which may also provide for non-voting members. Anyone who is a member or Affiliated Member of the Doctoral School NRW is not eligible for election to the Academic Advisory Board.

§ 23

Equality; Person in charge of Equal Opportunities Affairs

(1) Section 24 (1) and (2) of the Higher Education Act shall apply accordingly with regard to the Person in charge of Equal Opportunities Affairs.

(2) Section 3 (7) shall apply accordingly with regard to equal opportunities, and otherwise the current version of the State Equal Opportunities Act, with the exception of Section IV.

Chapter 2

The decentralized organization of Doctoral School NRW

§ 24

Departments

(1) The Doctoral School NRW shall be divided into departments, unless otherwise stipulated in paragraph 5. These are the basic organizational units of the Doctoral School NRW.

(2) Notwithstanding the overall responsibility of the Doctoral School NRW and the responsibilities of the central College bodies and committees for its area, the department fulfills the tasks of the Doctoral School NRW. At the same time, it shall ensure that its tasks are carried out.

(3) The bodies of the department are the Director and the Department board. The department shall regulate its organization by means of Departmental Regulations and shall issue the other regulations necessary for the performance of its tasks.

(4) Members of the department are

1. the director,
2. the professorial members of the Doctoral School NRW, who are mainly active in this department,
3. the full-time Doctoral School NRW staff members who work primarily in this department, and
4. Doctoral School NRW doctoral candidates who are doing their doctorate in one of the doctoral programs represented in the department.

(5) The Constitution may regulate an organization of the decentralized structure of the Doctoral School NRW that deviates from paragraph 1 sentence 1. In doing so, they may stipulate that tasks of the department are transferred to the Doctoral School NRW and then tasks and powers of the bodies of the department are transferred to central bodies. It may also stipulate that the Doctoral School NRW shall be structured in non-departmental decentralized organizational units that deviate from paragraphs 1 to 4. In this case, the Constitution shall provide that the tasks of the departments are assigned to these organizational units; it shall also regulate their bodies and their tasks and powers. Insofar as the Constitution provides for a regulation in accordance with sentence 1 in conjunction with sentence 2 or a regulation in accordance with sentence 1 in conjunction with sentences 3 and 4, this regulation requires the approval of the Board of Supporters.

§ 25

Director of the department

(1) The Director heads the department and represents it within the Doctoral School NRW. He or she shall be represented by one or more deputy directors.

(2) The director is responsible for the following tasks as an outflow of management authority:
He or she

1. draws up the department's development plan in consultation with the Department board as a contribution to the doctoral colleague development plan,
2. is responsible for carrying out the evaluation,
3. is responsible for the completeness of the courses offered and for the organization of studies and examinations; he or she issues the necessary instructions,
4. prepares the drafts of the doctoral degree regulations,
5. prepares the meetings of the Department Board and executes its resolutions. He or she is accountable to the Department Board for the implementation of its resolutions,
6. distributes the positions and resources within the department,
7. decides on the deployment of the department's employees, and
8. without prejudice to the supervisory rights of the Executive Board, works to ensure that the functionaries, the department's bodies or Board or Committee perform their duties and that the members and Affiliated Members of the department fulfill their duties.

In addition, he or she is responsible for performing other tasks assigned to him or her by the Constitution or by resolution of the Department board.

(3) If he or she considers a resolution of the department to be unlawful, he or she shall bring about a further discussion and resolution; the request for a further discussion and resolution shall have a suspensive effect. If no remedy is found, he or she shall immediately inform the Executive Board.

(4) The Director shall prepare the meetings of the Department Board and implement its resolutions. He or she shall be accountable to the Department Board for the implementation of its resolutions. The Director may be assigned further tasks by the Constitution or by resolution of the Department board.

(5) The Director and the Deputy Directors are elected by the Department Board from the group of professors by a majority of the votes of the members of the Body or Board or Committee. The election must be confirmed by the Chair of the Executive Board. The term of office of the director and deputy directors is governed by the Constitution. Re-election is permitted.

(6) The Director shall be voted out of office by a majority of three quarters of the votes of the Department board if a new Director is elected at the same time in accordance with sentence 1 and the elected Director is confirmed by the Chairperson of the Board of Management. The notice period for voting out of office is at least ten working days. The procedure for deselection is governed by the Constitution.

§ 26

Department board

(1) The Department board is responsible for making decisions on departmental matters that are not the responsibility of the director or another responsibility. In this respect, it is responsible for all matters relating to doctoral studies and issues the Departmental Regulations, the doctoral degree regulations and the other regulations of the department. It receives reports from the Director and may request information on departmental matters.

(2) The Constitution shall regulate the number and term of office of the voting members of the Department board as well as its chair and may provide for non-voting members. Non-voting members of the Department board are the director.

(3) The Department boards involved should form joint committees to decide on certain matters that affect several departments and require coordinated action.

§ 27

Scientific institutions and operating units

Where appropriate, scientific facilities and operating units may be established with the approval of the Board of Supporters.

Part 4

The Doctoral School NRW's assets and financial management

§ 28

Doctoral college assets; grants

(1) The Doctoral School NRW shall receive an annual grant from the supporting universities to fulfill the tasks of the doctoral college in accordance with § 3.

(2) The Doctoral School NRW is entitled to accept donations from third parties and to generate other income.

(3) Income from the doctoral college's assets, grants from third parties and other income may only be used to fulfill the tasks of the doctoral college in accordance with § 3.

§ 29

Economic management

(1) The financial management and accounting of the Doctoral School NRW shall be governed by Section 77a (5) sentence 2 of the Higher Education Act and thus by the regulations issued by the state for the Doctoral School NRW.

(2) The Managing Director shall be responsible for managing the budget in accordance with the resolutions of the Executive Board. Subject to a different decision by the Executive Board, he or she may delegate the management of the budget to the departments, without prejudice to his or her responsibility under the relevant provisions of state law.

(3) The Managing Director may object to decisions made by the Executive Board with regard to financial management. The objection shall have a suspensive effect unless the Executive Board declares the implementation of the individual decision to be urgent by the votes of its members in accordance with section 16 (1) nos. 1 and 2. If no agreement is reached, the Executive Board shall report to the Board of Supporters, which shall reach a decision.

(4) The Managing Director shall prepare annual financial statements and a report on the state

of affairs within six months of the end of the financial year. The annual financial statements shall be audited by expert auditors or an independent auditing institution, notwithstanding the audit by the State Court of Auditors. The auditors or the auditing institution shall be appointed by the Board of Supporters at the proposal of the Chairperson of the Management Board. The annual financial statements must be submitted to the Ministry together with the report on the state of affairs.

(5) If the Doctoral School NRW becomes insolvent, the supporting universities shall be liable for the wages, salaries or remuneration claims of the Staff members.

Part 5

Transitional and final provisions

§ 30

Transitional provisions regarding employees, rights and objects

(1) Bochum University of Applied Sciences and the Doctoral School of Applied Research in North Rhine-Westphalia shall take the necessary legal steps to ensure that the assets, liabilities and all rights and obligations of the previous higher education institution "Graduate Institute of Applied Research in North Rhine-Westphalia" (Graduate Institute NRW) are transferred to the Doctoral School NRW by way of singular succession as of the date of establishment of the Doctoral School NRW.

(2) Bochum University of Applied Sciences and the other supporting universities concerned as well as the Doctoral School NRW shall take the necessary legal steps with regard to the employees who have been working at the Graduate Institute to date.

(3) Until further notice, Bochum University of Applied Sciences shall continue to provide the Doctoral School NRW with the infrastructure that it has previously provided to the Graduate Institute. The details shall be governed by a separate agreement between the supporting universities and Bochum University of Applied Sciences, which may also provide for reimbursement of costs.

§ 31

Transitional provisions regarding the transfer of the Graduate Institute

(1) The previous specialist groups of the Graduate Institute shall be converted into departments.

(2) The chairperson of the Landesrektor_innenkonferenz der Hochschulen für Angewandte Wissenschaften e.V. shall convene and chair the first meeting of the Board of Supporters. The Board of Supporters shall elect a chairperson at its first meeting.

(3) The person chairing the Board of Supporters shall appoint a founding chairperson of the Management Board for a limited period of three years with the approval of the Board of Supporters. The Board of Supporters shall appoint up to three further members of the Management Board for the same period in consultation with the chairperson of the

Management Board. Until the end of the establishment phase has been determined in accordance with paragraph 6, the Executive Board shall perform the duties of the Bodies on a transitional basis, with the exception of the duties of the Board of Supporters and the bodies of the departments.

(4) The Founding Board shall appoint Founding Directors and their deputies for the departments in agreement with the Board of Supporters and for a limited period of three years. The founding directors shall perform the duties of the departments' Bodies on an interim basis until the end of the establishment phase has been determined in accordance with paragraph 6.

(5) The Board of Supporters shall also take the measures necessary for the transfer of the Graduate Institute to the Doctoral School NRW during the establishment phase. This applies in particular with regard to the transfer of the previous subject groups into departments.

(6) Once the Doctoral School Senate and the Department boards have been elected, the establishment phase is completed. The Board of Supporters shall formally declare the termination. The founding board and founding directors shall remain in office for the specified period.

(7) Notwithstanding Section 2 (2) sentence 2, the first regulation on the enactment of the Constitution shall be promulgated in the Ministerial Gazette for the State of North Rhine-Westphalia and shall enter into force upon its publication.

(8) The Agreement on the Graduate Institute for Applied Research of the Universities of Applied Sciences in North Rhine-Westphalia dated December 14, 2015 is hereby repealed.

§ 32

Transitional provisions regarding memberships

(1) Professors admitted to the Graduate Institute are admitted to the Doctoral School NRW as professorial members in accordance with Section 8, subject to fulfillment of the admission criteria set out in the Membership Regulations. The Executive Board shall formally determine admission and the duration of admission in accordance with sentence 1.

(2) Doctoral candidates admitted to the Graduate Institute shall be admitted to the Doctoral School NRW as cooperative doctoral candidates in accordance with § 10 for the remaining period of time for which they have been admitted to the Graduate Institute. The Executive Board shall formally determine admission and the duration of admission in accordance with sentence 1.

(3) The Executive Board shall determine the membership of the persons affected by the measures pursuant to Section 30 (2) if the requirements of Section 9 (1) sentence 1 are met in the respective person.

§ 33

Dissolution of the Doctoral School NRW

(1) Dissolution of the Doctoral School NRW is only possible in accordance with the Higher

Education Act and requires an agreement in accordance with Section 77a of this Act.

(2) In the event that the Doctoral School NRW is dissolved, employees pursuant to Section 8 who were employees of the Graduate Institute NRW at the time the Doctoral School NRW was founded shall, upon application, be reinstated in the service of the member university at which they were employed at the time the Doctoral School NRW was founded until the end of the contract term agreed at the time the Doctoral School NRW was founded.

(3) If the Doctoral School NRW is dissolved, the assets of the Doctoral School NRW shall revert to the State of North Rhine-Westphalia, which shall use them directly and exclusively for academic purposes of the universities of applied sciences.

§ 34

Entry into force; termination; ministry; severability clause

(1) This agreement shall enter into force upon signature.

(2) This agreement may be terminated by the contracting parties with six months' notice for the first time after a period of five years.

(3) For the purposes of this Agreement, the Ministry shall be the Ministry responsible for higher education institutions.

(4) Should a provision of this agreement be invalid, this shall not affect the validity of the remaining provisions. The parties undertake to replace an invalid provision with a new, valid provision that comes as close as possible to the meaning and purpose of the original provision.

November 30, 2020

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