

THIS TRANSLATION OF 'Leitlinie zu Dauerbeschäftigungsmöglichkeiten von wissenschaftlichen und künstlerischen Mitarbeiter*innen an der Universität zu Köln' PUBLISHED IN 'Amtliche Mitteilungen 35/2021' on 19 May 2021 IS NOT LEGALLY BINDING.

Guidelines on Permanent Employment Opportunities for Academic and Artistic Staff at the University of Cologne

Duty of inspection and right of objection:

In accordance with Section 12 of the Higher Education Act of North Rhine-Westphalia (Hochschulgesetz – HG NRW), procedural or validity violations of higher education law, other applying regulations or other forms of autonomous university law can no longer be asserted after one year has expired since the publication of these Guidelines. Exceptions can be made if

1. the Guidelines were not published in the prescribed manner,
2. the Rectorate has in advance objected to the decision of the committee responsible for ratification,
3. flaws in form and procedure have been asserted against the University in advance describing the violated legal provision and fact causing the flaw, or
4. upon publication, the legal consequences of the limitation period for inspection and objection were not clarified.

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Guidelines on Permanent Employment Opportunities for Academic and Artistic Staff at the University of Cologne

as of 19 May 2021

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Preamble

(1) As an employer conscious of its responsibility, the objective of the University of Cologne (UoC) is to create prospects for permanent employment opportunities at the University beyond professorships and lectureships for persons referred to as mid-level academic staff of the University of Cologne.

(2) These Guidelines tie in closely with the *Strategic Guidelines on Career Paths in the Post-Doc Stage*, which were adopted by the Senate of the University of Cologne on 26 April 2017. These Guidelines present three career paths at the UoC for mid-level academic staff after completing a doctorate: One career path in the field of teaching, one in the field of research and one in the field of science management. The University seeks to establish focal areas in *research*, *teaching* and *science management* as well as in mixed forms of the three profiles; this is supported through opportunities for staff development. In this context, the focal areas are to be understood as “building blocks” or components, and the respective job profiles are composed of several of these “building blocks”, depending on the needs and requirements of the institutions concerned.

(3) On the basis of the *Strategic Guidelines on Career Paths in the Post-Doc Stage*, the Faculties and the Central Institutions have developed their own policies for permanent

positions, which are tailored to their own respective area of responsibility.¹ These policies are an important milestone for achieving permanent positions in the Faculties and Central Institutions of the UoC in a transparent and reliable manner. Following on from this, with these Guidelines the UoC defines the overarching, university-wide framework for permanent employment prospects for academically qualified staff in the Faculties.

(4) It is important in the process, on the basis of a balanced ratio of qualification and permanent employment opportunities in academia, to maintain the innovation capacity of the University as a teaching and research institution as well as to ensure both the continuous fulfilment of tasks and high quality in research, teaching and science management. This creates opportunities to retain highly qualified academic staff on a permanent basis. These employees should not only be offered reliable employment prospects; it is also important to foster their further qualification with corresponding opportunities for staff development. The aim is to further develop the possibility for transparent and merit-based staff development for permanent employees.

(5) Through the explicit permeability to professorships or lectureships for persons with a Habilitation or achievements equivalent to a Habilitation, the UoC expects mid-level academic staff to find optimum incentives and conditions for advancing their own academic development in the area of research and/or teaching. On the one hand, this allows individual decisions to be made regarding the career paths that mid-level academic staff can take after completing a doctorate, and on the other hand these employees are better able to plan and at the same time have greater certainty through permanent employment.

(6) These Guidelines are intended to improve the situation of staff over the longer term, especially with regard to the reconciliation of family, health and career, and at the same time facilitate career development. That is why the UoC, in line with the *Equal Opportunities Strategy*, also pursues the objective, within the framework of its policies on permanent positions, of realizing gender equality, family friendliness and consideration of the concerns of persons with special needs and those with equal status.

Section 1

Scope of Application

(1) These Guidelines shall apply for permanent full-time academic staff of all Faculties of the UoC, with the exception of positions for professors who, in accordance with their employment contract (cf. Section 44 subsection 1 sentence 1 *Higher Education Act of North Rhine-Westphalia*), are charged with academic tasks in research, teaching and patient care. In addition, they should be a source of advice for academic and artistic staff of the UoC seeking a permanent position. These target groups are referred to in the following as “mid-level academic staff”.

(2) As a rule, the assignment of tasks in *research, teaching and patient care* to an area of academic work at the UoC is clear and thus included in the scope of these Guidelines. In

¹ For the purposes of transparency and informing staff, these policies on permanent positions are to be published in their currently applicable version after they have been adopted by the Faculty bodies responsible and after appropriate involvement of the representatives of all interest groups (Staff Councils, Representatives of Persons with Special Needs, Equal Opportunities Commissioner).

the area of *science management*, it is possible to deviate from such an assignment of tasks to an area of academic work if the job profile features a corresponding portfolio.

Section 2

General Framework

(1) When creating permanent positions, above all structural aspects play an important role. This means that the UoC establishes permanent positions only as needed and within the framework of guaranteed funding, whereby these may include temporary funds. In the first instance, this guarantee for personnel costs exists in the framework of the budgets available for personnel funding, although permanent employment relationships can, in principle, also derive from special and third-party funds. The prerequisite for this is that the respective budgetary unit (e.g. Faculty or Central Institution) defines procedures for mitigating risks, e.g. through reserve funds or reserving positions financed from the University's budget that become vacant.

(2) In the case of permanent employment opportunities financed from the University's budget, the likely future tasks and the possible impact on calculating capacity shall be taken into account as a matter of principle. Academic staff employed on a permanent basis should therefore also be deployed in teaching, namely – and depending on the focal area – within one of the three profiles (see Section 3) with a correspondingly adjusted, e.g. reduced, percentage.

Section 3

Fundamental Principles and Ratio of Fixed-Term and Permanent Positions

(1) In the framework of the qualification phase, academic staff can be employed on a fixed-term basis. In addition, fixed-term contracts are possible if external circumstances, such as projects, temporary requirements or situations necessitating staff replacements, recommend a fixed-term contract. Essentially, qualifying for positions as early-stage researchers is considered a reason for a fixed-term contract (cf. Section 2, subsection 1 *Academic Fixed-Term Contract Act (WissZeitVG)*). This fosters the continuous advancement of early-stage researchers in employment relationships, the openness of the academic system for individual academic career paths and the associated innovation and renewal function of science in the German higher education system. The term of employment shall depend here on the person's individual qualification (cf. Point 2 *Guidelines on Good Employment Conditions for Early-Stage Researchers at the University of Cologne of 19 July 2018 (further information only available in German), Official Bulletin 48/2018*).

(2) UoC staff in permanent positions and holding an academic qualification are engaged in employment relationships with tasks permanently dedicated to the areas of teaching, research and self-administration. In addition, there is the area of science management (see Section 1). This serves to ensure continuity and quality in these areas. The University welcomes a concentration on specific permanent tasks. The Faculties and Central Institutions shall define these tasks in their policies on permanent positions for their respective institutions, taking into consideration changing research and work priorities as well as their respective operational requirements. A non-exhaustive list of examples of such permanent tasks can be found in the annex.

(3) In accordance with the above-mentioned principles for ensuring qualification opportunities for academic staff on the one hand and continuity in the fulfilment of permanently

occurring tasks on the other, attention shall consistently be paid to a balanced ratio of qualification and permanent positions. The number of permanent positions shall be based objectively on the scale of the permanent tasks that must be performed on a continuous basis in an organizational unit of the UoC. Taking these factors into account, the Faculties and Central Institutions of the UoC are responsible, in consultation with the Rectorate, for defining their own specific requirements and setting quotas regarding permanent positions.

Section 4 Staffing Procedures

(1) The awarding of permanent positions for mid-level academic staff shall take place in a quality-guided, objective, transparent and competitive selection and evaluation procedure in order to ensure the selection of the best applicants at the UoC as well as equal opportunities and gender equality in academia. In the process, achieving gender parity within the meaning of the *Equal Opportunity Act of North Rhine-Westphalia* (Landesgleichstellungsgesetz NRW) shall be guaranteed.

(2) In line with the *Strategic Guidelines on Career Paths*, incumbents of permanent positions among mid-level academic staff shall generally hold a doctoral degree (see Section 3 for further information).

(3) The *Strategic Guidelines on Career Paths* envisage a qualification phase as a prerequisite for successfully applying for a permanent position as a member of the mid-level academic staff. As a rule, this shall comprise three years, but can be shorter in justified individual cases if the qualification beyond the doctoral degree has already been earned – for example in the framework of a research project or through other qualifying activities outside the UoC. During the qualification phase, competencies are primarily acquired as regards the chosen focal area in teaching, research or science management, but achievements are also produced respectively in the other areas.

(4) The Faculties and Central Institutions are responsible for defining the specific requirements and profiles, the selection and appointment procedures as well as the associated qualification procedures in their policies on permanent positions. Basing this on the *Regulations for Quality Assurance in Tenure Track Procedures* is recommended. In any case, the Faculties shall assign this task to appropriate bodies, e.g. the Faculty Tenure Commission, which reports to the Faculty Council and the Dean.

(5) Decisions on the filling of permanent positions are the responsibility of the respective Faculty's management, taking into consideration faculty regulations, and not of the individual professors or institute directors to whom these positions are assigned in terms of the subject in question. The right of co-determination and to information of the interest groups shall be safeguarded.

(6) At the Faculty of Medicine, such decisions are moreover made jointly with the Executive Board of University Hospital Cologne.

(7) When filling a permanent position again, the Faculty shall give due consideration to the scheduled retirement of a professor in charge of the subject.

Section 5

Situating of Permanent Staff and Supervisors in the Organizational Structure

In general, efforts should be made to ensure that the tasks of permanent mid-level academic staff are situated across professorships at institute, department or Faculty level (see annex for examples). Responsibility for staff therefore lies with the respective institution's management (e.g. an institute's director). The individual professors are supervisors. The respective area of responsibility and the scale of teaching duties can only be defined in each individual case in consultation with the Faculty's management. This shall also apply in cases where new permanent positions are established in conjunction with appointment procedures for professorships or other management positions. In line with the usual procedure, personnel administration is responsible for assigning tasks, as effective pursuant to employment legislation.

Section 6

Qualification and Staff Development

(1) The objective is to strengthen the UoC's permanent mid-level academic staff through additional development opportunities. It is therefore in the interest of mid-level academic staff to set a focus also in the case of mixed forms of the three profiles mentioned in the Preamble, subsection 2. This should be done in consultation with the supervisors and institutions concerned. Such support can also include financial support. To be able to take successes into account, for example in promotion decisions, further qualification should take place in the respective focal area.

(2) During the course of their employment at the UoC, permanent mid-level academic staff shall continue to qualify, depending on the job profile, both in the area of independent research and in relation to the other components ("building blocks") of their job profiles, if appropriate also in a chosen focal area, e.g. by participating in internal further training opportunities.²

(3) In line with the Service Agreement, the direct supervisor shall conduct and document annual staff development reviews.³

(4) In addition, the Faculties and Central Institutions are responsible for developing concepts for the appropriate monitoring of medium- and long-term personnel development for permanent mid-level academic staff, for example in the form of structured self-evaluation reports. These overarching concepts shall be coordinated with the Senate Commission on Academic Staff Affairs and with the Rectorate.

Section 7

Evaluation

² HR Development for Researchers (Dept. 43) is developing corresponding certification programmes as part of the further implementation of these Guidelines.

³ The Service Agreement is currently being compiled.

These Guidelines and their impact shall be evaluated by the Rectorate, with the participation of the Senate Commission on Academic Staff Affairs, the Central Equal Opportunities Commissioner and the Representative of Persons with Special Needs, five years after coming into force. The evaluation shall also look at the ratio of permanent positions and the gender parity among academic staff as well as the self-evaluation reports with regard to working conditions. Each year, Human Resources shall make available the data on the ratio of permanent positions and on gender parity.

Section 8

Concluding Provisions

The Faculties and Central Institutions shall undertake to further develop, with the participation of the relevant bodies, their own policies on permanent positions within the meaning of these Guidelines within three years and to report accordingly to the Senate Commission on Academic Staff Affairs and to the Rectorate. The Rectorate shall comment on these policies.

Section 9

Entry into Force

These Guidelines shall enter into force on the day after their publication in the Official Bulletin of the University of Cologne.

Issued on the basis of the resolution of the Rectorate of the University of Cologne of 4 May 2021.

Cologne, 19 May 2021

The Rector of the University of Cologne

signed

Professor Axel Freimuth

Annex: Examples of Permanent Tasks

In accordance with the *Strategic Guidelines on Career Paths in the Post-Doc Stage*, permanent positions for mid-level academic staff can feature a focal area in teaching, research, science management or patient care. The exact formats of these positions, with subject-related specificities concerning the focal areas, vary depending on the organizational unit.

Examples of tasks can be:

In the area of research:

- Scientific supervision of research-specific infrastructure (e.g. special laboratories, large-scale equipment, research-related service platforms, specialist libraries and scientific collections)
- Scientific services in faculty-wide or university-wide facilities (e.g. computer and network administration, for maintaining radiation protection or research ethics, transfer activities)

In the area of teaching:

- Science-based language teaching
- Science-based teaching of fundamental principles
- Management tasks related to teaching and examinations
- Design and accreditation of degree programmes as well as quality assurance
- Teaching-related services (e.g. regarding digitalization, media support, university didactics)

In the area of patient care:

- Tasks as senior physicians or particularly well-qualified consultants
- Tasks as certified instructors (if the head of the department/institute is not authorized to do so)

In the area of science management:

- Management or coordination of academic organizational units (e.g. Faculties, departments, centres, larger and long-term research projects, research networks or graduate schools)
- Faculty-wide management of degree programmes
- Faculty-wide research management
- System accreditation management
- Conceptualizing and managing subject-specific advisory services for studies and career
- Management of international relations