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**The legally binding version of these regulations can only be found in our Official Notices.**

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# Constitution of the Graduate School for Applied Research in North Rhine-Westphalia (Promotionskolleg NRW)

in the version dated 30.11.2021

Based on section 67b (1) sentence 1 and section 77a of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz – HG) in the version published on 12.07.2019, the Administrative Agreement on the Establishment of the “Graduate School for Applied Research in North Rhine-Westphalia” (Administrative Agreement) of 14.12.2020 and the Establishment Decree of 08.12.2020, the Graduate School NRW issues the following constitution:

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## **Part 1 – Legal status and tasks**

### **§ 1 Legal status**

The Graduate School NRW is a legal entity under public law established on the basis of §§ 67b and 77a HG, the Administrative Agreement and the Establishment Decree.

### **§ 2 Tasks of the Graduate School NRW**

The Graduate School NRW performs the tasks listed in § 3 of the Administrative Agreement. It is committed to the objectives of export control within the meaning of German and European export control law.

## **Part 2 – Members and affiliated members**

### **§ 3 Members**

Members of the Graduate School NRW are the natural persons listed in § 7 of the Administrative Agreement.

### **§ 4 Affiliated members**

(1) Affiliated members of the Graduate School NRW are the associate professors and cooperation partners of universities admitted in accordance with the regulations on members and affiliated members of the Graduate School NRW, provided they are not members. University cooperation partners are professors with a doctorate from universities who exercise the right to award doctorates there.

(2) Affiliated members are involved in the work of the Graduate School NRW. In particular, they can be involved in the supervision of doctoral candidates and participate in events. The regulations of the doctoral college may restrict certain rights to members.

(3) Affiliated members commit themselves to support the aims of the Graduate School NRW by working in the departments.

## **Part 3 – Central organization**

### **§ 5 Central institutions**

(1) The central institutions of the Graduate School NRW are the institutions listed in § 14 of the administrative agreement

1. the board of supporters,
2. the executive board,
3. the chairperson of the executive board,

4. the Graduate School senate,
5. the scientific advisory board and
6. the Graduate School election meeting.

(2) With reference to § 3 sentence (7) of the administrative agreement and in analogous application of section 11b HG, the aim is to achieve gender parity in the composition of all committees.

### **§ 6 Board of supporters**

(1) The duties and powers of the board of supporters are governed by § 15 of the administrative agreement.

(2) In addition, the tasks include the approval of the finalization and amendment of contracts between the Graduate School NRW and other than supporting universities, if this enables the possibility of membership or membership-like affiliation of persons of this university, as well as the approval of the conclusion and amendment of cooperation agreements with supporting universities.

(2) The board of supporters decides on the establishment or dissolution of departments on the proposal of the Graduate School senate in accordance with § 10 sentence (1) and in agreement with the executive board.

### **§ 7 Executive board**

(1) The duties, powers and tenure of the executive board are governed by § 16 of the administrative agreement.

(2) The members of the executive board are

1. the chairperson,
2. up to three further members of the executive board and
3. the managing director in an advisory capacity.

(3) The chairperson can define the guidelines for the execution of the tasks of the Executive Board.

(4) Resolutions cannot be passed against the vote of the chairperson. The chairperson may waive this right in individual cases.

### **§ 8 Chairperson of the executive board**

(1) The duties and powers of the chairperson of the executive board are governed by the administrative agreement in § 19.

(2) The chairperson of the executive board may delegate the exercise of domiciliary rights to other members and affiliated members of the Graduate School NRW or members and affiliated members of a supporting university.

### **§ 9 Managing director**

(1) The duties and powers of the managing director are regulated in § 20 of the administrative agreement.

(2) The managing director is appointed by the executive board in agreement with the board of supporters and in consultation with the Graduate School senate in accordance with administrative agreement § 16 sentence (6).

### **§ 10 Graduate School senate**

(1) The duties and powers of the Graduate School senate are governed by § 21 of the administrative agreement. The recommendations and opinions pursuant to § 21 sentence (1) No. 6 of the administrative agreement include, in particular, proposals for the establishment or dissolution of departments.

(2) The term of office of the Graduate School senate is three years.

(3) Voting members of the senate are:

1. ten representatives of the group of professorial members
2. five representatives of the group of graduating candidates
3. three representatives of the Graduate School staff.

(4) The following members of the Graduate School senate are non-voting members:

1. the members of the executive board,
2. the directors of the departments,
3. the central equal opportunities officer,
4. the representative for people with disabilities or chronic illnesses,
5. the chairperson of the staff committee.

(5) The Graduate School senate elects a chairperson and a deputy chairperson by simple majority from among its voting members. The chairperson chairs the meetings of the Graduate School senate prepared by the executive board in consultation with the chairperson of the Graduate School senate.

(6) Meetings of the Graduate School senate can also be held as audio or video conferences.

(7) The Graduate School senate may form commissions and committees as required.

## **§ 11 Scientific advisory board**

(1) The scientific advisory board advises the bodies of the Graduate School NRW, in particular the board of supporters and the executive board, on academic, programmatic and strategic issues and thereby supports, promotes and evaluates the fulfillment of the Graduate School's tasks.

(2) It pays particular attention to ensuring that the doctoral activities at the Graduate School NRW are compatible with the national and international scientific community.

(3) The scientific advisory board consists of at least five and no more than eight voting members who have a proven track record in research, have experience in mentoring doctorates and are neither members nor affiliated members of the Graduate School NRW. At least half of the members must come from universities entitled to award doctoral degrees.

(4) The members of the executive board and the directors of the departments take part in the meetings of the scientific advisory board without voting rights.

(5) The scientific advisory board meets at least once a year.

(6) The members of the scientific advisory board are appointed for a period of five years by the board of supporters on the recommendation of the Executive Board. Reappointment is possible. The chairperson is elected by the committee from among the voting members. If no election is held, the oldest member takes over the chairmanship on an interim basis.

## **§ 12 Graduate School electoral assembly**

(1) The Graduate School electoral assembly elects or removes the members of the executive board in accordance with § 16 sentence (1) nos. 1 and 2 of the administrative agreement; half of the members of the Graduate School electoral assembly are members of the Graduate School senate and the other half are members of the board of supporters. The members of the Graduate School electoral assembly who are also members of the Graduate School senate have voting rights if they are also entitled to vote in the Graduate School senate. Members of the Graduate School electoral assembly who are also members of the board of supporters have the right to vote. If a person has the right to vote in both the Graduate School senate and the board of supporters, they must declare before the start of the election process in which sub-committee they will exercise their voting rights.

(2) The chairperson of the Graduate School electoral assembly is the chairperson of the board of supporters; the deputy chairperson of the Graduate School electoral assembly is the chairperson of the Graduate School senate.

(3) The chairperson or deputy chairperson shall issue a written invitation to the meeting of the Graduate School electoral assembly at which members of the executive board are to be elected or voted out of office, giving ten calendar days' notice.

(4) The votes of the two halves of the members of the Graduate School electoral assembly are in equal proportion to each other. For this purpose, the votes of those who are voting members of the Graduate School senate and the votes of those who are members of the board of supporters

are weighted by multiplying them by an integer factor that results in the smallest common multiple.

(5) Executive board members are elected by a majority of the votes of the body and at the same time by a majority of the votes within its two halves. In a third ballot the executive board is elected by a majority of the votes of the members present and a majority of the votes of the members of both halves present.

(6) Two members of the executive board must belong to the group of professors of the supporting universities. The election of the chairperson of the executive board can be prepared by a selection committee; further details are set out in the election regulations.

(7) Executive board members who are not chairpersons are elected on the proposal of the chairperson or the designated chairperson.

(8) If one of the elections to be held separately and by secret ballot for each member of the executive board is not successful, up to two further ballots shall be held after a discussion; the provisions of § 5 shall be observed. If an election is still not held, the search committee or the designated chairperson of the board of directors is asked to make a new proposal.

(9) Members of the executive board are voted out of office by a majority of five-eighths of the votes cast at the collective election meeting; the term of office of the member voted out of office is terminated upon their removal. The election of a new member should take place immediately.

(10) The Graduate School electoral assembly must decide on a deselection upon the written request of at least five members of the board of supporters with voting rights or upon the recommendation of the Graduate School senate; this requires the existence of good justification. The person affected by the dismissal must be given the opportunity to comment within 20 working days. If necessary, the chairperson of the executive board must also be given the opportunity to comment within this period.

### **§ 13 Equality**

(1) The equal opportunities officer is responsible for equal opportunities issues for all members and affiliated members of the Graduate School NRW in matters relating to the Graduate School NRW. She works towards the inclusion of equality-relevant aspects in the fulfillment of the tasks of the Graduate School NRW. She may participate in meetings of the Graduate School electoral assembly, the Graduate School senate, the board of supporters, the executive board, the department boards and other bodies with the right to propose motions and speak; she must be invited and informed in the same way as a member.

(2) The equal opportunities officer works together with the equal opportunities officers of the supporting universities where necessary. She is only responsible for the interests of the Graduate School NRW and does not work in competition with the equal opportunities officers of the supporting universities.

(3) The equal opportunities officer and her two deputies are elected by the Graduate School senate from among all female members of the Graduate School NRW and appointed by the chairperson of the executive board. They should include one professorial member and one member of the group of doctoral candidates. The positions are to be advertised publicly to all members. The equal opportunities officer and her deputies are elected for a period of three years.

(4) The department boards can elect equal opportunities officers for the departments. Further details are regulated by the departmental regulations.

(5) The Graduate School NRW develops an equal opportunities concept, which is adopted by the executive board in agreement with the Graduate School senate following a statement by the equal opportunities officer.

(6) Otherwise, the provisions of § 23 of the administrative agreement shall apply.

#### **§ 14 Good scientific practice, ombudsman procedure**

(1) The Graduate School NRW is committed to the principles of good scientific practice. These principles, including the procedural rules for the ombudspersons of the Graduate School NRW as well as procedural rules for dealing with scientific misconduct, are adopted by the Graduate School senate as regulations. They are based on the relevant recommendations of the DFG.

(2) The ombudspersons are appointed by the executive board for a period of three years.

#### **§ 15 Ethics committee**

(1) The Graduate School NRW can appoint an ethics committee. This committee acts in an advisory capacity when research ethics issues arise in the context of research projects, in particular in connection with experiments on and with living beings or with deceased persons.

(2) The composition and procedural principles of the ethics committee shall be decided by the Graduate School senate.

### **Part 4 – Decentralized organization**

#### **§ 16 Internal organization, departments**

The Graduate School NRW is divided into departments in accordance with § 24 of the administrative agreement. The institutions of the departments are the director of the department and the department board. The departments should comprise at least 18 professors and habilitated staff from supporting universities who meet the criteria for professorial membership.



### **§ 17 Management of the departments**

- (1) The duties and election of the head of the department are governed by § 25 of the administrative agreement.
- (2) The tenure of the director of the department and the deputy director is three years.
- (3) By resolution of the department council, the tasks of managing the department can also be carried out by a management committee consisting of three persons, one of whom shall chair the committee as director. The rules for election and deselection as well as for the tenure apply accordingly.
- (4) Pursuant to § 25 sentence (6) of the administrative agreement, the department board may dismiss the director of the department and elect a new director at the same time, subject to a notice period of ten days and a majority of three quarters of the votes of the body. The member to be dismissed must be given the opportunity to make a statement. If the chairperson of the executive board of the Graduate School NRW confirms the election, the elected person shall take over the management of the department or the chairmanship of the board for the remaining term of office. If no new election is held with the required majority or if the chairperson of the executive board of the Graduate School NRW does not confirm the election, the previous incumbent shall remain in office.

### **§ 18 Department board**

- (1) The tasks and responsibilities of the department board are regulated in § 26 of the administrative agreement.
- (2) The tenure of the department board is three years.
- (3) The following members of the department board are entitled to vote:
  1. six representatives from the group of professorial members,
  2. three representatives from the group of doctoral candidates and
  3. a member of the Graduate School NRW staff working in this department.
- (4) The director of the department is a non-voting member of the department council in accordance with § 26 sentence (2) of the administrative agreement.
- (5) The chairperson of the department council is the director of the department.

## **Part 5 – Supplementary regulations**

### **§ 19 Procedure and entry into force of regulations of the Graduate School NRW**

The Graduate School NRW publishes all regulations and resolutions to be released in its consecutively numbered announcement sheet (Official announcements of the Graduate School NRW), which appears exclusively in the form of an electronic edition on the website of the

Graduate School NRW; it ensures accessibility. Insofar as the regulations published there do not contain a provision on entry into force, they shall enter into force one day after publication.

### **§ 20 Severability clause**

Should any provision of this constitution be invalid, this shall not affect the validity of the remaining provisions. The Graduate School undertakes 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.

### **§ 21 Entry into force**

This constitution shall enter into force on the day following its announcement in the promulgation journal of the Graduate School for Applied Research in NRW.

Issued on the basis of the decision of the Graduate School senate of 30.11.2021 and the approval of the Board of Supporters of the Graduate School NRW of 16.12.2021.

Sankt Augustin, 30.11.2021

The Chairman of the Graduate School Senate  
signed *Jung*

(Prof. Dr. Norbert Jung)

Gelsenkirchen, 16.12.2021

The Chairman of the Board of Supporters  
signed *Kriegesmann*

(Prof. Dr. Bernd Kriegesmann)