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## **Habilitation Regulation of the Faculty of Social and Educational Sciences at the University of Passau**

**of 6 July 2023**

On the basis of the first sentence of Art. 9 in conjunction with the first sentence of Article 98(7) of the Bayerisches Hochschulinnovationsgesetz (Bavarian higher education innovation act; BayHIG) of 5 August 2022 (GVBl. p. 414, BayRS 2210-1-3- WK), as amended by § 3 of the act of 23 December 2022 (GVBl. p. 709), the University of Passau lays down the following Habilitation Regulation for the Faculty of Social and Educational Sciences:

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## **I. GENERAL PROVISIONS**

### **§ 1 Purpose of the Habilitation**

(1) <sup>1</sup>The purpose of the habilitation procedure is to formally establish a candidate's academic and pedagogical aptitude for an appointment as professor in a specific subject area (qualification to teach at the professorial level). <sup>2</sup>The habilitation procedure aims to give specially qualified early career researchers the opportunity to independently undertake research and teaching tasks and to qualify for a professorship under the academic tutelage of a "Fachmentorat" (group of subject-specific mentors) consisting of three university teachers, where possible within a period of four years. <sup>3</sup>The subject area must be represented by a professor of the Faculty of Social and Educational Sciences of the University of Passau.

(2) <sup>1</sup>Based on the establishment of the applicant's qualification to teach at the professorial level, the University of Passau shall, at the request of person who has completed the habilitation procedure, grant a licence to teach at the professorial level in the subject area to which such qualification relates. <sup>2</sup>Once the licence to teach at the professorial level has been awarded, the title "Privatdozentin" or "Privatdozent" may be used.

### **§ 2 Habilitation Assessments**

The habilitation procedure establishes the candidate's

1. pedagogical aptitude on the basis of teaching qualifications at university level and the candidate's independent academic teaching performance,
2. qualification to undertake independent research on the basis of a habilitation thesis or a number of articles published in academic journals that are equivalent in academic standard to a habilitation thesis.

### **§ 3 Protective Provisions and Time Limits, Academic Adjustments**

(1) <sup>1</sup>The protective provisions under §§ 3, 4, 6 and 8 Mutterschutzgesetz (act on the protection of mothers at work, in training and at university; MuSchG) apply to the habilitation procedure accordingly. <sup>2</sup>The statutory protective periods provided therein must be taken into account when calculating all the time limits in accordance with the present habilitation regulation. <sup>3</sup>When it comes to the regulation of parental leave, the same goes for time limits under the Bundeserziehungsgeldgesetz (childcare and parental leave act; BErzGG) or the Bundeselterngeld- und Elternzeitgesetz (parental benefit and parental leave act; BEEG) as amended.

(2) <sup>1</sup>To ensure equal opportunities, adequate consideration must be given to the special needs of habilitation candidates with a disability. <sup>2</sup>Applications made in accordance with the first sentence above shall be decided by the group of subject-specific mentors.

## II. ACCEPTANCE AS HABILITATION CANDIDATE

### § 4 Requirements for Acceptance

(1) <sup>1</sup>The habilitation procedure commences once a decision has been taken regarding the applicant's acceptance as the faculty's habilitation candidate. <sup>2</sup>On request, an applicant shall be accepted as a habilitation candidate if

1. he or she has successfully completed a degree programme at a university or equivalent higher education institution in Germany or abroad,
2. he or she is authorised to use the doctoral title or an equivalent academic title,
3. he or she has the pedagogical aptitude and demonstrates a special qualification for academic work.

(2) Proof of successful completion of a degree programme within the meaning of the second sentence of subsection 1 no. 1 above is deemed to have been provided if the applicant is a university of applied sciences graduate and has been admitted to the habilitation procedure in accordance with the relevant doctoral degree regulation.

(3) <sup>1</sup>In order to establish the candidate's pedagogical aptitude within the meaning of the second sentence of subsection 1 no. 3 above, he or she must submit proof that he or she is capable of providing students an academic education in the subject area for which the candidate is seeking the qualification to teach at the professorial level. <sup>2</sup>Such proof is generally provided by holding a course at a university over a period of at least one semester.

(4) <sup>1</sup>Special aptitude for academic work within the meaning of the second sentence of subsection 1 no. 3 above is generally demonstrated by the outstanding quality of a doctoral thesis. <sup>2</sup>The quality of a doctoral thesis is deemed to be outstanding if it is awarded a final grade of at least "magna cum laude". <sup>3</sup>If the doctoral thesis completed in Germany or abroad has not been awarded an overall mark or Latin honour, the Faculty Council will, at the habilitation candidate's request in text format, appoint a referee from the faculty who is an expert in the doctoral subject. <sup>4</sup>In the cases referenced in the third sentence above, the referee will draw up a brief written report on the quality of the doctoral thesis and review whether the work presented can be awarded at least "magna cum laude" in accordance with § 9 of the Subject-Specific Doctoral Degree Regulation of the Faculty of Social and Educational Sciences at the University of Passau, as amended.

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## **§ 5 Application for Acceptance**

(1) The application for acceptance as a habilitation candidate must be submitted to the faculty dean in writing and specify the subject area for which the qualification to teach at the professorial level is to be established.

(2) The application must be accompanied by:

1. supporting documents proving compliance with the requirements specified under § 4;
2. a CV that specifically provides details of the education undertaken;
3. a report about the applicant's previously held courses and lectures and any previously undertaken research work;
4. a complete list of the applicant's publications;
5. a proposal for the lineup of the group of subject-specific mentors;
6. a statement on whether and, if applicable, with what success the applicant has submitted an application for admission to a habilitation procedure at a university before and whether the applicant has ever been stripped of an academic degree.

## **§ 6 Decision on Acceptance of the Application**

(1) <sup>1</sup>If the application pursuant to § 5 is incomplete, the dean will grant the applicant a reasonable time limit for completion. <sup>2</sup>If the application is not completed within this time limit, the dean will reject the application. <sup>3</sup>In all other cases, the dean will decide on the applicant's acceptance as a habilitation candidate no later than four weeks after submission of the complete set of documents.

(2) Acceptance must be refused if

1. the applicant fails to meet the requirements set forth in § 4 or
2. the applicant has been stripped of an academic degree or there are circumstances that would justify stripping him or her of an academic degree.

(3) If a criminal procedure is pending against the applicant for a crime that could lead to him or her being stripped of an academic degree, the decision on acceptance of the application must be deferred until final conclusion of the criminal procedure.

(4) Acceptance must be revoked if grounds for refusal in accordance with subsection 2 occur in the course of the habilitation procedure.

(5) The dean will inform the applicant of the decision in writing; a rejection must be justified and include advice regarding the legal remedies available.

(6) <sup>1</sup>The habilitation candidate is entitled to withdraw a habilitation application in writing prior to final establishment of the habilitation assessments by the group of subject-specific mentors in accordance with the third sentence of § 11(6) without having to state the reasons for such a withdrawal. <sup>2</sup>In this case, the Faculty Council will cancel the appointment of the group of subject-specific mentors and the habilitation procedure will be deemed not to have been initiated. <sup>3</sup>A new habilitation procedure with identical or similar habilitation assessments cannot be initiated at the same faculty.

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### **§ 7 "Fachmentorat" (group of subject-specific mentors)**

(1) <sup>1</sup>In the regular meeting held after acceptance of the habilitation candidate pursuant to § 6, the Faculty Council will appoint an interdisciplinary group of subject-specific mentors. <sup>2</sup>The group of subject-specific mentors shall consist of one chairperson and two further members. <sup>3</sup>Members of the group of subject-specific mentors must be professors or discharged or retired professors or honorary professors or associate professors or adjunct professors and at least one of them must represent the subject area for which the candidate is seeking habilitation. <sup>4</sup>The chairperson must be a member of the faculty. <sup>5</sup>One mentor should be from a different faculty or university. <sup>6</sup>The applicant has the right to submit proposals with regard to the composition of the group of subject-specific mentors.

(2) <sup>1</sup>The group of subject-specific mentors is tasked with providing support and protection to the habilitation candidate. <sup>2</sup>The group of subject-specific mentors shall advise the habilitation candidate in equal measure on his or her research and teaching work during the habilitation procedure.

## **III. HABILITATION PROCEDURE**

### **§ 8 Duration of the Habilitation Procedure**

<sup>1</sup>Once accepted, the habilitation candidate status shall generally be limited to a period of four years, excluding the time needed for the evaluation procedure. <sup>2</sup>If there are special reasons that warrant an extension, the group of subject-specific mentors should extend this period on request, particularly by the times for parental leave taken, an employment ban in accordance with the Bayerische Urlaubs- und Mutterschutzverordnung (ordinance on leave, maternity protection and parental leave for Bavarian civil servants; UrlMV). <sup>3</sup>In these cases, the agreement on objectives pursuant to § 9(1) must be amended accordingly.

### **§ 9 Agreement on Objectives**

(1) <sup>1</sup>The group of subject-specific mentors and the habilitation candidate shall enter into an agreement on the type and scope of the research and teaching commitments needed to obtain the qualification to teach at the professorial level; in so doing, they are expected to abide by the duration of the habilitation procedure set forth in § 8 and the other duties specified in the employment agreement. <sup>2</sup>The agreed assessments and the criteria for the interim evaluation (§ 10[1]) must be specified in writing in the agreement on objectives. <sup>3</sup>In addition, the agreement must also define the facilities that are to be made available. <sup>4</sup>The agreement must be signed by the habilitation candidate and the group of subject-specific mentors, and the group of subject-specific mentors shall then submit the original document to the dean.

(2) The group of subject-specific mentors shall assist the habilitation candidate in implementing the agreement and in ensuring that the university provides instrumentation and equipment as needed to ensure third-party funding, to the extent that such funding is necessary for the intended purpose, while supporting the qualification progress in research and teaching.

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(3) <sup>1</sup>If a habilitation candidate is a university member in their capacity as graduate research and teaching assistant, the dean will, in agreement with the group of subject-specific mentors, entrust him or her with the independent performance of research and teaching duties <sup>2</sup>In terms of teaching commitments, the habilitation candidate shall be obliged to teach an average of two or a total of 12 contact teaching hours per week. <sup>3</sup>The group of subject-specific mentors can recognise teaching commitments performed after completion of the doctoral procedure and prior to commencement of the habilitation procedure on the habilitation candidate's request if they are equivalent in nature. <sup>4</sup>The teaching commitment can also include teaching at a different university in Germany or abroad. <sup>5</sup>The courses must be evaluated at least twice in the course of the procedure. <sup>6</sup>In consultation with the faculty, the group of subject-specific mentors shall ensure that the habilitation candidate qualifies as an academic teacher and is given ample opportunity to teach; sentence 2 above shall apply accordingly. <sup>7</sup>The group of subject-specific mentors shall draw up a report on the candidate's teaching performance that takes into account – in analogous application of Article 40(3) BayHIG – an evaluation by the students.

(4) <sup>1</sup>The habilitation candidate must complete a habilitation thesis in the form of a monograph or in an equivalent publication-based format. <sup>2</sup>A habilitation thesis is publication-based when a number of publishable academic articles or academic articles previously evaluated by an expert and published in relevant academic journals or edited volumes, or accepted for publication in these, or articles published in academic journals are submitted that are characterised by an inner coherence. <sup>3</sup>The agreement on objectives must stipulate a minimum number of articles. <sup>4</sup>Their inner coherence must be outlined in a complementary summary (synopsis) which critically assesses the publications from an overarching perspective. <sup>5</sup>If articles have been co-authored, the habilitation candidate's own contribution must be identified in the summary (synopsis). <sup>6</sup>As a rule, the habilitation thesis must be written either in German or English. <sup>7</sup>Where proper evaluation can be ensured, the group of subject-specific mentors can allow the use of other languages in individual cases; if allowed, a summary in German must be submitted, the length and essential content of which shall be determined by the group of subject-specific mentors. <sup>8</sup>The purpose of writing the habilitation thesis is for the habilitation candidate to demonstrate his or her qualification to undertake independent research in accordance with international standards and to provide an essential contribution to academic scholarship. <sup>9</sup>The focus of the habilitation thesis must be on a subject area other than that of the doctoral thesis or of any paper written to obtain an equivalent academic degree.

## **§ 10 Interim Evaluation**

(1) The group of subject-specific mentors will conduct an interim evaluation after a maximum period of two years based on the criteria set forth in the agreement on objectives stipulated in the second sentence of § 9(1) for the purpose of providing an assessment of the prospects of success in the habilitation procedure and implementing any corrections in the agreement on objectives that may be necessary.

(2) The report with the results of the interim evaluation must be signed by the habilitation candidate and the group of subject-specific mentors, and the group of subject-specific mentors shall then submit the original report to the dean.

(3) If the results meet the specifications set forth in the agreement on objectives, the habilitation procedure will be continued.

(4) If the interim evaluation reveals that corrections in the original agreement on objectives are necessary, these shall be set down as agreed between the group of subject-specific mentors and the habilitation candidate and countersigned by the dean.

(5) <sup>1</sup>If the group of subject-specific mentors establishes that the requirements agreed for the interim evaluation have not been met and that the habilitation candidate will likely not be able to meet the requirements agreed for the habilitation assessment as a whole, the Faculty Council can cancel the appointment of the group of subject-specific mentors. <sup>2</sup>The habilitation procedure ends as soon as the group of subject-specific mentors has been discharged. <sup>3</sup>In this case, the dean will provide the habilitation candidate with a notice of decision in writing that includes a justification and advice regarding the legal remedies available.

## **§ 11 Establishment of Habilitation Assessments by the "Fachmentorat" (group of subject-specific mentors)**

(1) If the habilitation procedure is continued after the interim evaluation, the group of subject-specific mentors will conduct an academic evaluation of the candidate's habilitation assessments in research and teaching once the assessments agreed for establishment of the qualification to teach at the professorial level pursuant to the first sentence of § 9(1) have been completed, but no later than after expiration of the period set forth in the first sentence of § 8 and possibly extended in accordance with the second sentence of § 8.

(2) <sup>1</sup>Prior to evaluation of the habilitation thesis, the dean will as a rule appoint two persons from the group of people eligible according to first clause of the third sentence of § 7(1) who represent the relevant subject area at a different university as referees in agreement with the group of subject-specific mentors. <sup>2</sup>They and the members of the group of subject-specific mentors who represent the habilitation subject shall each draw up a written report, recommend acceptance or rejection of the thesis, and provide a justification for their recommendation. <sup>3</sup>The dean shall ensure that at least three reports on the thesis are provided. <sup>4</sup>If no expert referees from other universities are available or an insufficient number of expert referees from other universities are available, the dean shall appoint the missing number of referees from the University of Passau in consultation with the group of subject-specific mentors. <sup>5</sup>The habilitation candidate shall provide each referee with a copy of the habilitation

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thesis along with an affidavit certifying that the habilitation thesis has been written independently and that the source of the materials used or cited have been duly indicated.<sup>6</sup>In addition, the habilitation candidate must submit a written letter of consent granting the University of Passau the non-exclusive right of use so that the thesis can be checked for plagiarism using plagiarism detection software.<sup>7</sup>Suitable software can be implemented to check the version of the thesis delivered in file format (sentence 5) with a view to establishing whether it was written independently and without any unauthorised assistance; in particular, plagiarism detection software can be used to identify any copied text passages and other sources that have not been cited properly.<sup>8</sup>If data is transmitted to external service providers in the course of the automated check pursuant to sentence 7, such data must be rendered anonymous to the extent possible; deletion of the data after completion of the procedure must be guaranteed.<sup>9</sup>The reports and the outcome of the plagiarism check must be submitted to the group of subject-specific mentors no later than three months after appointment of the referees.

(3) Once all the reports have been submitted, the group of subject-specific mentors shall form a final opinion based on all the reports.

(4) The evaluation of the candidate's pedagogical aptitude by the group of subject-specific mentors must be based on the habilitation candidate's teaching performance and give due consideration to the report on the candidate's teaching performance in accordance with the sixth sentence of § 9(3) as well as his or her completion of professional development in academic teaching.

(5) <sup>1</sup>If the group of subject-specific mentors establishes that the agreed assessments have not been completed in the four-year time limit, the habilitation candidate can be granted an extension.<sup>2</sup>This shall be without prejudice to the second sentence of § 8. <sup>3</sup>In these cases, the agreement on objectives must be amended accordingly.

(6) <sup>1</sup>Once the group of subject-specific mentors has undertaken an evaluation, the chairperson shall submit to the dean the report on the candidate's written habilitation thesis, his or her teaching performance and any documents available on the habilitation candidate's qualification in academic teaching along with an opinion on whether the applicant has completed the agreed assessments within the meaning of the first sentence of § 9(1). <sup>2</sup>If the applicant has completed the agreed assessments, the group of subject-specific mentors shall recommend to the Faculty Council that he or she be granted the qualification to teach at the professorial level. <sup>3</sup>If, in the opinion of the group of subject-specific mentors, the assessments required for establishment of the qualification to teach at the professorial level have not been completed or not within the time limit set forth in the first sentence of § 8, or in the event of an extension pursuant to the second sentence of § 8 after expiration of the extended period, and if these assessments are not completed within a reasonable extension period granted pursuant to the first sentence of subsection 5, the group of subject-specific mentors will recommend that the Faculty Council refrain from proceeding with the establishment of the qualification to teach at the professorial level.

## **§ 12 Conclusion of the Procedure**

(1) <sup>1</sup>Once the group of subject-specific mentors has provided an opinion, the dean shall determine a time limit for public display. <sup>2</sup>This period shall be no less than two weeks during



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the teaching period. <sup>3</sup>During this time period, the habilitation thesis and the reports shall be available in the dean's office for inspection and any opinions by any members of the group of eligible people according to the first clause of the third sentence of § 7(1). <sup>4</sup>The chairperson of the group of subject-specific mentors shall inform them in text format about the possibility of inspection and the time period for submission of opinions.

(2) <sup>1</sup>If the group of subject-specific mentors proposes that the Faculty Council establish the candidate's qualification to teach at the professorial level, the dean will provide for a resolution by the Faculty Council on the proposal put forward by the group of subject-specific mentors within four months from the dean's receipt of the opinion from the group of subject-specific mentors; if no resolution is adopted within this time period, the qualification to teach at the professorial level shall be deemed to have been established. <sup>2</sup>If the case referred to in the third sentence of § 11(6) occurs, the Faculty Council will cancel the appointment of the group of subject-specific mentors; this shall conclude the habilitation procedure. <sup>3</sup>The dean must inform the habilitation candidate in writing of his or her failure to obtain the qualification to teach at the professorial level and provide a justification as well as a notice of the legal remedies available.

### **§ 13 Degree Certificate**

<sup>1</sup>On successful conclusion of the habilitation procedure, a certificate signed by both the president of the University of Passau and the dean and bearing the University of Passau seal will be issued and presented to the applicant. <sup>2</sup>The certificate shall bear the date of the Faculty Council's resolution and indicate the subject area of the qualification to teach at the professorial level.

### **§ 14 Printed Copies of the Habilitation Thesis**

The habilitation thesis is to be published; in this case, two copies shall be made available to the University Library free of charge.

### **§ 15 Inaugural Lecture**

<sup>1</sup>No later than six months from being granted the license to teach at the professorial level, the candidate who has completed the habilitation procedure must present himself or herself to the university public by way of an inaugural lecture. <sup>2</sup>The dean shall invite to this event no later than two weeks ahead of the lecture.

### **§ 16 Repeating the Habilitation Procedure**

<sup>1</sup>A habilitation procedure that has been concluded unsuccessfully can be repeated once at the habilitation candidate's written request, which must be addressed to the dean within six months from receipt of the official notice of unsuccessful conclusion of the initial habilitation procedure; any assessments successfully completed in the first habilitation procedure will be recognised in the second habilitation procedure. <sup>2</sup>In duly justified exceptional cases, the dean can extend the time limit in accordance with the first sentence above. <sup>3</sup>If the habilitation thesis

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is rejected, the applicant can only repeat his or her habilitation procedure with a habilitation thesis on a different topic and this new habilitation thesis must be submitted within two years from receipt of the notification regarding the request for evaluation. <sup>4</sup>In duly justified exceptional cases, the dean can extend the time limit in accordance with the third sentence above. <sup>5</sup>If the procedure is repeated, the habilitation candidate shall be supervised by the original group of subject-specific mentors appointed in accordance with § 7.

### **§ 17 Extended Qualification to Teach at the Professorial Level**

<sup>1</sup>On reasoned request, the established qualification to teach at the professorial level can be extended to cover other subject areas of the Faculty of Social and Educational Sciences. <sup>2</sup>The provisions of this Habilitation Regulation shall apply accordingly to the extent that the group of subject-specific mentors is able to recognise the establishment of pedagogical aptitude provided in the first habilitation procedure. <sup>3</sup>A certificate will be issued for extension of the qualification to teach at the professorial level and the additional subject area. <sup>4</sup>It shall bear the date of the Faculty Council's resolution.

### **§ 18 Withdrawal and Revocation of the Establishment of the Qualification to Teach at the Professorial Level**

The Faculty Council decides whether to withdraw or revoke the establishment of the qualification to teach at the professorial level (Articles 48 and 49 Bayerisches Verwaltungsverfahrensgesetz [Bavarian administrative procedures act; BayVwVfG]).

### **§ 19 Viewing of Examination Papers and Minutes**

A request for access to view records (Art. 29 BayVwVfG) can be filed with the dean after conclusion of the procedure with the dean determining the place and time of access.

### **§ 20 Entry into Force, Repeal and Transitional Provision**

(1) This Habilitation Regulation shall enter into force on 1 July 2023.

(2) At the same time, the Habilitation Regulation for the Faculty of Arts and Humanities of the University of Passau of 4 December 2008 (vABIUP p. 358) shall be repealed.

(3) <sup>1</sup>By way of derogation from subsection 2, the Habilitation Regulation referenced there shall continue to be applicable to habilitation candidates who at the time of entry into force of this statute have already been accepted as habilitation candidates, up until completion of their habilitation procedure. <sup>2</sup>In the cases referred to in the first sentence above, the Faculty Council and the dean of the Faculty of Social and Educational Sciences shall replace the Faculty Council and the dean of the Faculty of Arts and Humanities as the relevant authorities in the habilitation procedure, provided the chairperson of the group of subject-specific mentors pursuant to the second sentence of § 7(1) of the statute mentioned in subsection 2 at the time of occurrence of subsection 1 is a member of the Faculty of Social and Educational Sciences. <sup>3</sup>In the cases mentioned in the first sentence above, the members of the group of subject-

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specific mentors appointed within the scope of the habilitation procedure shall remain in office until completion of the habilitation procedure notwithstanding the fourth sentence of § 7(1) of the statute mentioned in subsection 2.

(4) <sup>1</sup>If the group of subject-specific mentors agrees by written declaration addressed to the dean, habilitation candidates pursuant to subsection 3 can apply for extension of their habilitation procedure in accordance with the provisions of the present statute if this application is made prior to submission of the habilitation thesis in accordance with § 11(1) and the requirements for acceptance as habilitation candidate are met as set forth in the present statute. <sup>2</sup>Applications in accordance with the first sentence above shall be decided by the dean. <sup>3</sup>If the habilitation candidate's application pursuant to the first sentence above is accepted, all habilitation assessments previously completed shall be deemed to have been completed in accordance with the provisions of this statute; § 6(2) shall apply accordingly. <sup>4</sup>A favourable decision in accordance with § 10(1) of the statute mentioned in subsection 2 in the scope of the interim evaluation shall also be deemed to have been given in accordance with the present statute in the cases mentioned in the third sentence above. <sup>5</sup>The previous duration of the habilitation procedure will be taken into account when calculating the time limits set forth in the first and second sentence of § 8, § 10(1), first and second sentence of § 11(5) and the third sentence of subsection 6.

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Issued as per the resolution of the Senate of the University of Passau of 14 June 2023 and as approved by the President of the University of Passau on 5 July 2023 (reference number V/S.I-10.3560/2023).

Passau, 6 July 2023

UNIVERSITY OF PASSAU  
The President

Professor Ulrich Bartosch

This statute was issued by the University on 6 July 2023 and announced on 6 July 2023 by posting on the noticeboards of the University.

The date of promulgation is 6 July 2023.