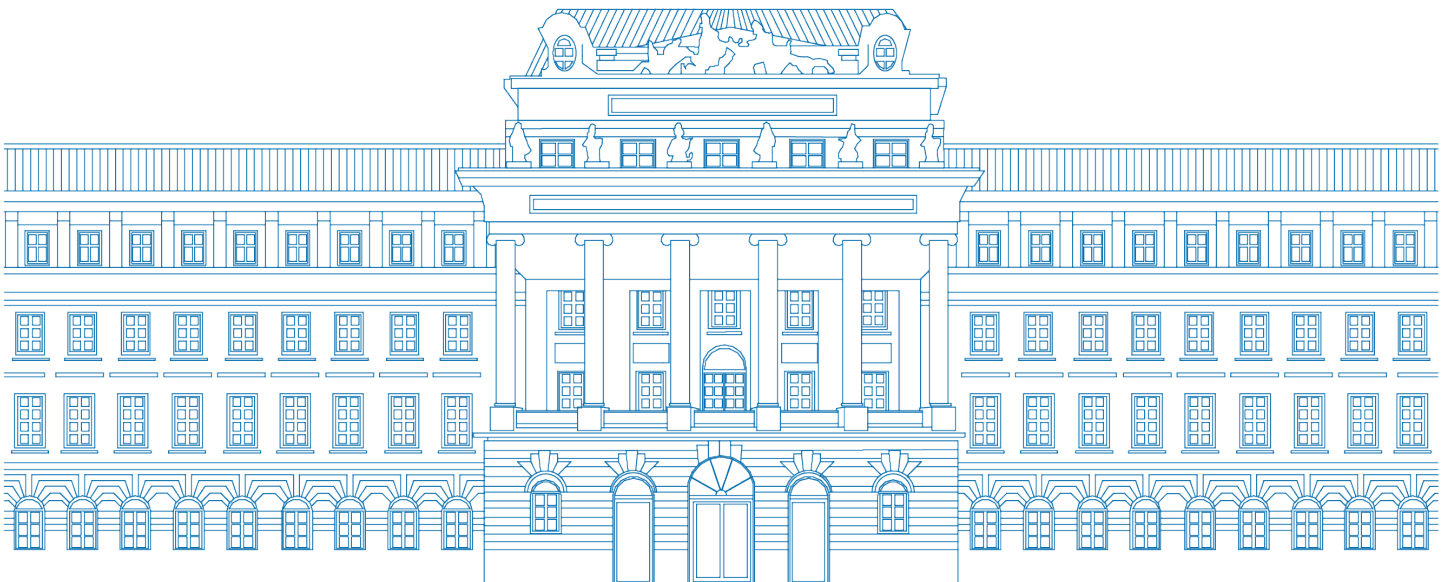




TECHNISCHE  
UNIVERSITÄT  
WIEN

# Career Position Guidelines

Guidelines relating to career positions and qualification agreements



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# CONTENT

<b>1</b>	<b>BASIS AND OBJECTIVES</b>	<b>5</b>
<b>2</b>	<b>DEFINITIONS</b>	<b>5</b>
2.1	Career Position	5
2.2	Qualification Agreement	5
2.3	Conflicts of Interest	5
<b>3</b>	<b>RESPONSIBILITIES AND TASKS</b>	<b>6</b>
3.1	The Rector	6
3.2	The Rector's Office	6
3.3	The Dean	6
3.4	The Advisory Commission	7
3.4.1	Composition	7
3.4.2	Appointment	7
3.4.3	Tasks	7
3.4.4	Rule of Procedure	8
3.5	Administrative Services	8
3.6	The Immediate Supervisor	8
3.7	The Mentor	8
3.7.1	Appointment	8
3.7.2	Tasks	8
3.8	The Evaluation Committee	9
3.8.1	Composition	9
3.8.2	Appointment	9
3.8.3	Tasks	9
<b>4</b>	<b>CONFLICTS OF INTEREST</b>	<b>9</b>
4.1	Identifying conflicts of interest in the Advisory Commission/Evaluation Committee during the inaugural meeting	9
4.2	Identifying conflicts of interest in the Advisory Commission when shortlisting applicants	10
4.3	Conflicts of interest in the Advisory Commission after filling the vacancy	10
4.4	Identifying conflicts of interest among reviewers	10
4.5	Identifying conflicts of interest among members of the Evaluation Committee	11
4.6	Grounds for conflicts of interest	11
4.6.1	Grounds for conflicts of interest leading to the exclusion of the member of the Advisory Commission/Evaluation Committee	11
4.6.2	Grounds for conflicts of interest which must be disclosed by a member of the Advisory Commission/Evaluation Committee	11
4.6.3	Grounds for conflicts of interest requiring the substitution of a reviewer during the selection process	11
<b>5</b>	<b>ALLOCATION OF CAREER POSITIONS</b>	<b>12</b>
<b>6</b>	<b>GRANTING OF CAREER POSITIONS</b>	<b>12</b>

6.1	Vacancy Announcement Procedure	12
6.2	Selection Criteria	12
6.3	Selection Procedure	13
6.4	Applications in connection with the excellency programme	13
<b>7</b>	<b>QUALIFICATION AGREEMENTS</b>	<b>14</b>
<b>8</b>	<b>CONTENTS OF THE QUALIFICATION AGREEMENT</b>	<b>14</b>
<b>9</b>	<b>MEASURES FOR THE PROMOTION OF WOMEN</b>	<b>15</b>
<b>10</b>	<b>ANNUAL EVALUATION - STATUS BRIEFING AND REPORT</b>	<b>16</b>
10.1	Status Briefing	16
10.2	Status Report	16
<b>11</b>	<b>INTERIM ANALYSIS</b>	<b>16</b>
<b>12</b>	<b>FINAL EVALUATION</b>	<b>16</b>
12.1	Initiation of the Procedure	16
12.2	Conduct of the Procedure	17
12.2.1	Self-evaluation Report	17
12.2.2	Appraisals and Appointment of Reviewers	17
12.2.3	Addition to the Self-evaluation Report	17
12.2.4	Evaluation of Qualification targets	17
12.3	Final Report	18
12.4	Decision by the Rector	18
<b>13</b>	<b>TERMINATION OF THE QUALIFICATION PERIOD</b>	<b>18</b>
<b>14</b>	<b>CONFLICT RESOLUTION</b>	<b>18</b>
<b>15</b>	<b>ENTRY INTO FORCE AND TRANSITIONAL REGULATION</b>	<b>19</b>

# 1 Basis and Objectives

TU Wien commits itself to an attractive career model for highly qualified academic career starters. Guided by the recommendations of the European Commission<sup>1</sup> framework conditions for career development are to be created and a career model is to be implemented for researchers. This means a clear commitment to procedures for career positions in accordance with the highest international standards. This also includes taking bias into account.

This guideline defines a standardised procedure for the allocation of career positions, standards for the conclusion of qualification agreements and the handling of biases. Based on the collective bargaining agreement for university employees (hereinafter referred to as 'KV') and the development plan, taking account of the plan for the advancement of women and the equality plan, it is intended to ensure a transparent and objective procedure for the allocation of career positions and the promotion of young academics.

## 2 Definitions

### 2.1 Career Position

Career positions are positions for which the signing of a qualification agreement can be considered (section 26(8) KV). They are to be designated as such in the vacancy announcement.

### 2.2 Qualification Agreement

(1) The qualification agreement is the agreement relating to qualifications and achievement targets which must be met within a specific period of time (qualification period) in order to be able to make a university career in the framework of indefinite employment. It regulates the deployment of resources and the promotion measures and ties the fulfilment of criteria to an objective evaluation of achievements.

(2) The qualification agreement according to section 27(2) KV must be in written form and only has legal effect if it has been signed by the Rector and the employee.

### 2.3 Conflicts of Interest

In principle, all persons involved in filling, monitoring and assessing a career position and the assessors must maintain the necessary distance from the applicants to ensure an objective assessment. They must have no close connection with the applicant's professional career or private life. In order to realise this objective, the dean, in his/her responsibility for the career position process, must therefore ensure that conflicts of interest are taken into account. However, this does not release the individual persons involved in the process from their own responsibility.

Applicants are always considered to be biased. They must be excluded from the outset as members of evaluating bodies or as experts. It should also be noted that it is not possible for members of the advisory commission or reviewers to switch to the role of an applicant and vice versa.

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<sup>1</sup> Recommendation of the Commission of 11 March 2005 relating to the European Charter for Researchers and the code of conduct for their recruitment, Official Journal of the European Union (2005/251/EC), L 75/67

The existence of grounds for conflicts of interest in accordance with point 4.6 of all persons and reviewers working on the advisory commission must be reported immediately a) to the dean or, if the dean is biased, to the other members of the advisory commission and b) documented in the minutes.

## 3 Responsibilities and Tasks

Here below the responsibilities and tasks in connection with the granting of career positions and entering into qualification agreements are described.

### 3.1 The Rector

- 1) The Rector is according to the 2002 University Act (UG) and KV responsible for the following tasks:
  - Appointment of the advisory commission,
  - Decision on appointment,
  - Completion of the qualification agreement,
  - Initiation of the procedure for final evaluation,
  - Decision on meeting the qualification agreement.
- 2) The Rector may, according to the rules of procedure of the Rector's Office, delegate these tasks to another member of the Rector's Office.

### 3.2 The Rector's Office

The tasks of the Rector's Office include:

- Determination of the number of career posts in the development plan,
- Allocation of career positions at the proposal of the faculty in question,
- Planning the career positions as part of the target agreements with the faculties and
- Clearing of the vacancy announcement text.

### 3.3 The Dean

The tasks of the Dean include:

- Producing the draft of the vacancy announcement text,
- Nominating the advisory commission,
- Managing the advisory commission,
- Voting on the draft of the qualification agreement with the immediate supervisor of the career post holder,
- Carrying out an interim analysis after 2 years of qualification,
- Carrying out the final evaluation.

### 3.4 The Advisory Commission

To guarantee transparency in granting career positions, complying with the qualification criteria in implementing the qualification agreements and the setting of a standard, advisory commissions are set up.

#### 3.4.1 Composition

- 1) The advisory commissions are each made up of 8 members, whose partiality must be checked in accordance with point 4:
  - The Dean of the faculty in question
  - One member to be appointed by the faculty council
  - One university professor of the academic discipline to which the position is allocated
  - The dean of studies
  - One member of the academic discipline from outside the university.
  - One representative of the Student Union of TU Wien, and
  - One member of the Working Group on Equal Opportunities, and
  - One member of the academic staff works council.
- 2) The members are divided into permanent and alternating members. The permanent members include the Dean, the dean of studies, the SU representative as well as the member of the working group on equal opportunities issues and the works council. The member of the working group on equal opportunities and the member of the works council are not entitled to any votes, they have a merely advisory function.  
The alternating members are appointed only until the completion of each evaluation procedure.
- 3) In interdisciplinary cases, the Dean may nominate an additional guest member to the advisory commission. In that case the guest member is also entitled to the right to vote.
- 4) If the Dean is at the same time a university professor of the academic discipline to which the position is allocated, then he may likewise nominate an additional guest member to the commission who need not belong to the group of the university professors. This guest member is entitled to a vote.
- 5) The Dean chairs proceedings of the commission.

#### 3.4.2 Appointment

- 1) The Rector's Office sets up a commission for each procedure per faculty which is to be composed of permanent and alternating members in accordance with item 3.4.1.
- 2) The Dean will, in consultation with the governance bodies cited above and in accordance with the composition cited above, produce a proposal for the commission and submit it to the Rector. The Rector will appoint the members of the commission.
- 3) For the composition of the advisory commission, care should be taken that a balanced numerical ratio of men and women is achieved.

#### 3.4.3 Tasks

The advisory commission is charged with the following tasks:

- Conducting selection procedures and producing an appointment proposal
- Giving an opinion on the draft for the qualification agreement.

### 3.4.4 Rule of Procedure

- 1) For carrying out the advisory commission's tasks, the rules of procedure for TU Wien collegial bodies will apply (MBI no 20/2019)<sup>2</sup> unless these Guidelines provide otherwise.
- 2) In a departure from the rules of procedure for collegial bodies of TU Wien, the Dean will at all times chair the advisory commission.

## 3.5 Administrative Services

When carrying out tasks as well as in communicating during the procedure, the advisory commission will be supported by qualified administrative employees.

## 3.6 The Immediate Supervisor

The immediate supervisor has the following tasks:

- Production (jointly with the employee) of the draft for the qualification agreement,
- Provision of the resources required to realise the qualification objectives,
- Conducting status briefings as part of the annual staff appraisal,
- Preparing an annual status report for the dean,
- Commenting on the self-evaluation report for the final evaluation and
- Commenting on the dean's final report.

## 3.7 The Mentor

### 3.7.1 Appointment

The employee can nominate a mentor within six months of concluding the qualification agreement. This mentor is appointed by the dean. The appointed mentor must sign a non-disclosure agreement regarding all information that becomes known to him/her in the course of his/her function.

University professors, associate university professors and associate professors of TU Wien may be considered as mentors, whereby the appointment of persons with a superior position is not permitted. The mentor may not be a member of a committee involved in the procedure (e.g. advisory commission member, member of the evaluation committee).

### 3.7.2 Tasks

The mentor has the following tasks:

- Accompanying and supporting the employee during the qualification period
- Having a say in the status briefing and the status report. Co-determination means taking the mentor's opinion into account. If there are contradictions between the immediate supervisor and the mentor, the opinion of the immediate supervisor is to be regarded as decisive and the opinion of the mentor is to be documented,
- Any person providing information during the final evaluation.

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<sup>2</sup>[https://www.tuwien.at/fileadmin/Assets/dienstleister/Datenschutz\\_und\\_Dokumentenmanagement/Geschaeftsordnung\\_Kollegialorgane.pdf](https://www.tuwien.at/fileadmin/Assets/dienstleister/Datenschutz_und_Dokumentenmanagement/Geschaeftsordnung_Kollegialorgane.pdf)



## 3.8 The Evaluation Committee

### 3.8.1 Composition

The evaluation committee is made up of the following members:

- Dean,
- Dean of studies,
- Chairperson of Faculty Council and
- Head of Institute.

At the request of the employee, a member of the works council and/or the Working Group on Equal Opportunities can be invited to the meetings of the evaluation committee.

### 3.8.2 Appointment

The rectorate shall set up an evaluation commission for each procedure, which shall be composed of the members named in Section 3.8.1.

The dean draws up a proposal for the evaluation commission in consultation with the above-mentioned committees and in accordance with the above-mentioned composition and submits it to the rector. The Rector appoints the evaluation commission.

In the composition of the evaluation commission, care must be taken to ensure that a balanced ratio of women and men is achieved.

### 3.8.3 Tasks

The evaluation commission carries out the final evaluation and prepares a final report for the rector.

## 4 Conflicts of Interest

### 4.1 Identifying conflicts of interest in the Advisory Commission/Evaluation Committee during the inaugural meeting

It is necessary to establish whether the Dean, as the chair of the Advisory Commission/Evaluation Committee, is subject to conflicts of interest under section 4.6.1. If the Dean is subject to a conflict of interest under section 4.6.1, he/she shall remain only formally in charge of the Advisory Commission/Evaluation Committee. He/she shall chair the meetings and organise the process with the support of the Dean's Office.

The Rector shall, at the Dean's suggestion, appoint a full, extraordinary or associate professor or a university professor who is not a member of the Advisory Commission to take the Dean's place; it must also be determined whether the new appointee is subject to conflicts of interest under section 4.6.1. He/she shall take over all subject-specific tasks from the Dean. If the new appointee is also subject to a conflict of interest, another full, extraordinary or associate professor or a university professor who is not a member of the Advisory Commission must be appointed in his/her place; it must also be determined whether the second new appointee is subject to conflicts of interest under section 4.6.1. At all events, this university professor or full, extraordinary or associate professor must not be subject to conflicts of interest under section 4.6.1. In such cases, the Dean may not make any statements regarding the applicants involved. Should the Dean with the conflict of interest under section 4.6.1 nevertheless make statements regarding the applicant, the university professor or full, extraordinary or associate professor acting in the Dean's place with regard to subject-specific matters must deny the Dean the right to speak throughout the process. Statements made notwithstanding the above must not be considered during the decision-making process.

## 4.2 Identifying conflicts of interest in the Advisory Commission when shortlisting applicants

Members of the Advisory Commission and informants who identify a conflict of interest as per the criteria set forth in sections 4.6.1 or 4.6.2 once all the applications have been received must place this on record no later than the time at which the relevant Advisory Commission meeting begins.

If there is a conflict of interest under section 4.6.1, the affected Advisory Commission members are permitted to assist with the compilation of the shortlist. However, they must not make statements regarding the applicants with whom there is a conflict of interest. They must also leave the meeting while these applicants are being discussed and voted upon and may only return to the meeting after the vote has taken place. If an Advisory Commission member has a conflict of interest under section 4.6.1 but still makes statements regarding the applicant concerned, the Chairperson must deny him/her the right to speak. Statements made notwithstanding the above must not be considered during the decision-making process.

In the event of the Advisory Commission recommending the addition of the respective applicant to the shortlist, the Advisory Commission members with whom there is a conflict of interest under section 4.6.1 must resign from the Advisory Commission after the meeting ends and will be replaced in due course.

If there is a conflict of interest under section 4.6.2, the Advisory Commission members concerned may continue participating throughout the process without constraint. If an Advisory Commission member is subject to a conflict of interest under section 4.6.2, the Dean is authorised to deny him/her the right to speak insofar as he/she makes statements regarding the applicant concerned. Statements made notwithstanding the above must not be considered during the decision-making process.

Informants and guest members are deemed subject to conflicts of interest if the grounds for conflicts of interest set forth in sections 4.6.1 or 4.6.2 apply. They must not make statements regarding the applicants concerned but may otherwise participate in the process without constraint. If informants and guest members are subject to conflicts of interest but still make statements regarding the applicants concerned, the Chairperson of the Advisory Commission must deny them the right to speak. Statements made notwithstanding the above must not be considered during the decision-making process.

Resolutions passed during the process while the composition of the Advisory Commission is in derogation of section 3.4.1 must be confirmed or revoked following the admission of new members. The composition of the Advisory Commission under section 3.4.1 must be assured no later than the time the final vote is taken on the proposed appointment.

## 4.3 Conflicts of interest in the Advisory Commission after filling the vacancy

All Advisory Commission members with conflicts of interest vis-à-vis the career post holder under section 4.6.1 must resign from the Advisory Commission and shall be replaced by new members who are not subject to conflicts of interest under section 4.6.1. Newly appointed Advisory Commission members who are subject to conflicts of interest under section 4.6.2 may continue participating in the process. This conflict of interest must be placed on record.

Informants and guest members are deemed subject to conflicts of interest if the grounds for conflicts of interest set forth in sections 4.6.1 or 4.6.2 apply. They must not make statements regarding the career post holder concerned but may otherwise participate in the process without constraint. If informants are subject to conflicts of interest but still make statements regarding the career post holder concerned, the Chairperson of the Advisory Commission must deny them the right to speak. Statements made notwithstanding the above must not be considered during the decision-making process.

## 4.4 Identifying conflicts of interest among reviewers

The criteria on identifying conflicts of interest set forth in section 4.6.3 must be applied when selecting reviewers. On receiving the documents from the Dean, the reviewers are required to submit a declaration regarding conflicts of interest before the review process commences and are obliged to report any conflict of interest or dependency to the Advisory Commission without delay.

## 4.5 Identifying conflicts of interest among members of the Evaluation Committee

If members of the Evaluation Committee are subject to conflicts of interest under section 4.6, the Rector shall appoint suitable replacements at the Dean's suggestion.

## 4.6 Grounds for conflicts of interest

### 4.6.1 Grounds for conflicts of interest leading to the exclusion of the member of the Advisory Commission/Evaluation Committee

- 1) Marriage/partnership and relationship: spouse, parents, children, grandchildren, siblings, aunt, uncle, nephew, niece, cousin, spouse's parents or children, spouse's siblings, adoptive parents and adoptive children, foster parents and foster children, life partner and children, grandchildren (in the same household, for as long as this is maintained) related to the other partner, registered partner. The conflict of interest is still deemed to exist after a divorce or the termination of a registered partnership,
- 2) Persons who have had an immediate work-related relationship with the applicant within the last 3 years,
- 3) The immediate supervisor of the career post holder,
- 4) Persons employed within the last 3 years by a company in which the applicant and the advisory commission member performed reciprocal functions as members of the management board and supervisory board,
- 5) Persons who within the last 3 years were active members of the management board or supervisory board of a company in which the applicant has an interest of more than 25 % or had such an interest at any time within the last 3 years,
- 6) Persons who acted as the primary supervisor for the applicant's dissertation (applicable until 6 years have elapsed since the primary supervisor's assessment) and persons who acted as the reviewer for the applicant's habilitation thesis (applicable until 4 years have elapsed since the reviewer's assessment),
- 7) Cases in which the applicant and the Advisory Commission member/Evaluation Committee member have participated in reciprocal reviews within the preceding 12 months,
- 8) Persons whose bachelor's thesis or final dissertation are being supervised by the applicant.

### 4.6.2 Grounds for conflicts of interest which must be disclosed by a member of the Advisory Commission/Evaluation Committee

- 1) Academic cooperation between a member of the Advisory Commission /Evaluation Committee and the applicant in the form of joint projects and/or publications within the last 3 years,
- 2) Membership or imminent transfer of a member of the Advisory Commission /Evaluation Committee to the research group or research area (insofar as no research group has been established) to which the advertised post will be assigned at TU Wien,
- 3) Membership or imminent transfer of a member of the Advisory Commission /Evaluation Committee to the applicant's research group or research area (insofar as no research group has been established) at the applicant's current external research facility,
- 4) Concomitant activities in those of the employer's advisory bodies to which the applicant belongs, e.g. scientific advisory Commissions.

### 4.6.3 Grounds for conflicts of interest requiring the substitution of a reviewer during the selection process

- 1) Marriage/partnership and relationship: spouse, parents, children, grandchildren, siblings, aunt, uncle, nephew, niece, cousin, spouse's parents or children, spouse's siblings, adoptive parents and adoptive children, foster parents and foster children, life partner and children, grandchildren (in the same household, for as long as this is maintained) related to the other partner, registered partner. The conflict of interest is still deemed to exist after a divorce or the termination of a registered partnership,

- 2) Persons who have had an immediate work-related relationship with the applicant within the last 3 years,
- 3) Persons employed within the last 3 years by a company in which the applicant and the reviewer performed reciprocal functions as members of the management board and supervisory board,
- 4) Persons who within the last 3 years were active members of the management board or supervisory board of a company in which the applicant has an interest of more than 25 % or had such an interest at any time within the last 3 years,
- 5) Persons who acted as the primary supervisor for the applicant's dissertation (applicable until 6 years have elapsed since the primary supervisor's assessment) and persons who acted as the reviewer for the applicant's habilitation thesis (applicable until 4 years have elapsed since the reviewer's assessment),
- 6) Cases in which the applicant and the reviewer have participated in reciprocal reviews within the preceding 12 months,
- 7) Cases in which a reviewer is a member of the research group or research area (insofar as no research group has been established) to which the advertised post will be assigned within TU Wien,
- 8) Membership or imminent transfer of a reviewer to the applicant's research group or research area (insofar as no research group has been established) at the applicant's current external research facility,
- 9) Academic cooperation between the reviewer and the applicant in the form of joint projects and/or publications within the last 3 years.

All the grounds mentioned must be placed on record.

## 5 Allocation of Career Positions

The allocation of the number of career positions set forth occurs in the development plan in connection with production of the development plan

The rights of the works council to participate under section 98 of the Work Constitution Act (ArbVG) remain unaffected.

## 6 Granting of career positions

### 6.1 Vacancy Announcement Procedure

- 1) Career positions are to be announced publicly and internationally under section 107(1) UG and must be specifically designated as such.
- 2) The Dean will produce a draft for a vacancy announcement text in consultation with the head of the institute to which the career position is allocated as well as with the head of research division or a scientist close to the subject. If there are suitable candidates at the institute who can apply for this career position, care must be taken to ensure that no person involved in the preparation of the job advertisement text is biased towards these candidates in accordance with 4.6.1.
- 3) The final clearing of the vacancy announcement is done by the Rector's Office.

### 6.2 Selection Criteria

- 1) Career positions are directed exclusively at persons who can demonstrate a relevant doctorate or PhD studies from a recognised domestic or foreign university or an equivalent academic or artistic qualification.

- 2) The assessment of academic potential occurs on the basis of academic or artistic reputation and international visibility set in relation to academic age and which is shown, among other things, in the criteria
  - a) Academic or artistic publication work
  - b) Teaching experience in the relevant discipline including lecturing and presentation practice
  - c) National and international research collaborations
  - d) Practical experience in grant recruitment (measured by the standards of the discipline) and
  - e) Academic or artistic work outside of TU Wien
- 3) In order to assess the candidates, comparative expert opinions may be obtained for the tripartite proposal. Point 4.6.3 is to be applied when selecting the experts.
- 4) No expert appraisal is in any case required if the applicant has applied in connection with the TU Wien excellency programme (cf. Item 6.4).
- 5) The application for a career position must contain at least the following documents:
  - a) Presentation of achievements in scientific research/development and advancement of the arts
  - b) Presentation of experience and work in teaching and promotion of young talents
  - c) Proof of recruitment of grants
  - d) A strategy for future plans in research and teaching and for contribution to the academic or artistic profile of the faculty or university.

### 6.3 Selection Procedure

- 1) The advisory commission conducts the selection procedure and produces an appointment proposal which must contain the three most suitable candidates for filling the career position.
- 2) The university professors in the relevant discipline are to be given the opportunity to express their opinion (section 99(5) UG).
- 3) The appointment proposal is to be forwarded by the Dean to the Rector (eventually motivated in case of a two-person short list).
- 4) The Rector will decide on filling the announced career position.

### 6.4 Applications in connection with the excellency programme

- 1) Applicants applying for the particular announced position in connection with TU Wien's excellency programme (e.g. ERC, START, Elise Richter  $\geq 36$  months, Herta and Paul Amirian Programme, among others) have already gone through a qualification selection procedure by means of which their academic qualifications exceeding the qualifications of other applicants were unambiguously determined. In such cases, the Dean forwards the application documents with the opinion to the Rector.
- 2) The Rector will seek the views of the university professors of the particular discipline (section 99(5) UG).
- 3) After obtaining the opinion, the Rector may continue the selection procedure by waiving the requisitioning of the appraisal under item 5.2, due to the special academic qualifications and suitability of the applicant and offering the latter the signing of an employment contract after the working group on equal opportunities has dealt with it under section 42 UG.

## 7 Qualification Agreements

- 1) The qualification agreement sets forth the qualification targets as well as the period of time in which the agreed qualifications must be achieved. The qualification agreement constitutes an integral component of the employment contract.
- 2) If TU Wien wishes to make the employee selected for the career position an offer of entering into a qualification agreement, it must do so, at the latest, by two years after commencement of work (section 27(2) KV). TU Wien endeavours to offer the employee selected a qualification agreement within one-and-a-half years after commencement of employment.
- 3) With fixed term employment, its term is extended by periods in which employment is prohibited under sections 3 through 5 of the 1979 Maternity Leave Act (MSchG), any leave under MSchG or the Paternity Leave Act (VKG) or any military service, training or civilian service (section 20(3) KV).
- 4) The draft of the individual qualification agreement will be worked out between the immediate supervisor and the employee in consultation with the Dean and submitted to the advisory commission for its opinion. The Dean then forwards the qualification agreement with the opinion of the advisory commission to the Rector.
- 5) The Rector is responsible for completion of the qualification agreement.
- 6) Upon completion of the qualification agreement, the employee is given an employment contract as "assistant professor" (ass prof). The assistant professor is placed in salary level A 2 in accordance with section 49(2) KV and has a teaching burden of four semester hours as per section 49(7) KV. The extent of holiday leave is increased pro rata in the current calendar year, with a minimum of one working day and comes in the following calendar year to 30 working days (section 19(7) KV).
- 7) Upon conclusion of the qualification agreement, the assistant professor is authorised to nominate a mentor in accordance with section 3.7.1.
- 8) If within two years no offer of a qualification agreement is made or if no qualification agreement comes about in that period of time, then TU Wien may terminate employment after a total period of three years while complying with advance notice periods under section 21(2) KV, even if employment was entered into for a fixed term (section 27(4) KV).

## 8 Contents of the Qualification Agreement

- 1) The qualification targets are to be set such that they can generally be achieved within four years (cf. 27(2) KV). In doing so, care must be taken that target achievement and evaluation are possible in fixed term employment during the period of the employment contract's validity.

- 2) The qualification targets must be defined such that they meet the following criteria:

<b>S</b>	Specific	Targets must be unambiguously defined
<b>M</b>	Measurable	Targets must be measurable (measurability criteria)
<b>A</b>	Accepted	Targets must be accepted by the recipients (appropriate, attractive, doable and demanding)
<b>R</b>	Realistic	Targets must be possible
<b>T</b>	Time-framed	It must be possible to meet the targets within the qualification period.

- 3) The qualification agreement must contain qualification targets from the following clusters:

From the clusters of "research," "teaching" and "supervision and management" qualifications must be set in any case (mandatory clusters). From the clusters of "outside experience," "collaboration in university management and administrative duties," "scientific community service" and "public community service" two qualification clusters must be selected (optional clusters) and corresponding targets must be agreed.

## MANDATORY:

- a) **Research:** e.g. publications, habilitation degree, lectures, presentations (conferences, congresses), acquisition of third-party funds to an extent customary for assistant professors at the faculty
- b) **Teaching:** e.g. teach independently of full-semester courses<sup>3</sup>, tutoring of academic work, participation in qualification measures (didactics)
- c) **Supervision and management:** e.g. leading groups of employees, participation in seminars, advance training (management and supervision seminars), collaboration in commissions, governance bodies or working groups, assumption of elected offices

## OPTIONAL (at least two qualification clusters must be selected):

- a) **Outside experience:** e.g. research stays of medium length at university or non-university research facilities (domestic or foreign)
  - b) **Collaboration in university management and administrative duties:** e.g. work in governance bodies, working groups, elected offices, collaboration in quality management, etc.
  - c) **Scientific community service:** e.g. organisation for congresses and other academic events, collaboration in relevant discipline governance bodies, etc.
  - d) **Public community service:** Participation in regular activities, e.g. girls' day, children's university, university meets public, etc.
- 4) The deans can implement the general regulations of this guideline on the qualification objectives to the requirements of their faculty and define faculty-specific standards. Faculty-specific standards must be defined for points 8 (3) a) (MUST) and 8.3 d) (OPTIONAL). These standards require the approval of the Faculty Council and must be published appropriately in the faculty.
  - 5) The organizational unit to which the assistant professor is allocated must provide the resources for achievement of the agreed qualification targets. It must grant sufficient time for achievement of the qualification targets and must promote qualification accordingly. Should the assistant professor during the qualification period be of the view that the resources required to achieve the qualification targets are not being provided or not being adequately provided, the assistant professor is under an obligation to inform the advisory commission of this on time. If no appropriate solution can be found, the rules for conflict cases will be applied.
  - 6) During the period agreed for achievement of the qualification targets, termination of the assistant professor (even with fixed term employment) is only allowed for the reasons provided for in section 22(2), letters a), b), c) and f) KV, failing which it has no legal force.
  - 7) The qualification period is extended by periods of any prohibition of employment under the 1979 Maternity Protection Act (MSchG) and/or any leave under MSchG or the Paternity Leave Act (VKG). Such extension periods under section 20(3) KV may together not exceed three years.
  - 8) In specially justified cases, the qualification period may be extended on application by the position of then career post holder. The application for extension must contain a justification as well as an opinion by the immediate supervisor and the institute director. The Rector decides on extension of the qualification period.

## 9 Measures for the promotion of women

In the vacancy announcement for career positions, care must be taken of gender sensitive phrasing.

When setting qualification targets, no criteria may be applied which constitute any discrimination due to gender.

<sup>3</sup> This does not exclude block courses.

## 10 Annual evaluation - Status briefing and report

### 10.1 Status Briefing

In the course of the status meeting between the immediate superior and the employee, which is to be embedded in the annual staff appraisal, the progress of the targets set out in the qualification agreement is to be discussed. Any mentor must be involved in the status meeting in the form of a right of co-determination. The current status of the work on the qualification targets, the progress made and a forecast of the timely achievement of the targets must be discussed. Assessments must also be made regarding resources and the support measures taken.

### 10.2 Status Report

- 1) The result of the status discussion must be summarised by the immediate supervisor together with the employee and any mentor in an annual status report on the progress of the qualification targets and this must be forwarded to the dean. In particular, the status report must also take into account the results of course evaluations (student survey and any results of evaluation procedures).
- 2) The annual status report is to be forwarded by the Dean's Office to the Personnel Administration Department, Service Group University Staff in Science for the personnel file.

## 11 Interim Analysis

- 1) An interim analysis must be carried out after two years of the qualification agreement. This serves to determine the progress of the qualification as well as the proportionality of performance in teaching and research on the one hand and resources on the other. The interim analysis is carried out on the basis of the status reports from years one and two by the dean with the involvement of the dean of studies, the chair of the faculty council and the head of the institute in accordance with point 4.6 of these guidelines. At the request of the career post holder, a member of the works council shall be involved in an advisory capacity in the interim analysis.
- 2) The deans can define faculty-specific standards for the interim analysis. These standards require the approval of the Faculty Council and must be published appropriately in the faculty.

## 12 Final Evaluation

- 1) The achievement of the targets set in the qualification agreement is subject to a final evaluation.
- 2) The final evaluation is carried out by the Evaluation Commission under the direction of the Dean. The immediate supervisor may be consulted by the dean as a respondent to the final evaluation; if the immediate supervisor is consulted, any mentor must also be consulted as a respondent.

### 12.1 Initiation of the Procedure

- 1) The evaluation procedure is initiated as follows:



- a) by the Rector or the respective member of the Rectorate responsible on the basis of the applicable rules of procedure of the Rectorate or the respective members of the Rectorate responsible no later than 6 months before the end of the qualification period (= fixed-term employment contract) or
  - b) at the request of the assistant professor, whereby an application can be submitted at any time.
- 2) In any case, a period must be chosen that ensures that the final evaluation can be completed before the end of the fixed-term employment relationship and a corresponding decision can be made.

## 12.2 Conduct of the Procedure

- 1) The dean, together with the dean of studies, the chair of the faculty council and the head of the institute to which the career position is assigned, shall carry out the final evaluation in accordance with the criteria set out in this guideline. At the request of the career post holder, a member of the works council shall be consulted in an advisory capacity.
- 2) The final evaluation is carried out on the basis of the self-evaluation report, any supplements to the self-evaluation report, the expert opinions and any comments.

### 12.2.1 Self-evaluation Report

- 1) The self-evaluation report must be written in English and must in any case contain a listing of the research and teaching achievements and all other targets set in the qualification agreement. Any eventual prizes or awards must likewise be included in the self-evaluation report.
- 2) It must in particular emerge from the self-evaluation report to what extent the agreed targets were achieved or not achieved. Moreover, the achievements made in the qualification period in each of the segments under item 7 must be listed in an informal presentation, as well as the completion of agreed advanced training courses.
- 3) The self-evaluation report must make reference to internal code numbers. Data available to TU Wien in this context will be made available to the assistant professor.
- 4) The complete self-evaluation report must be sent by the assistant professor to the dean within one month.

### 12.2.2 Appraisals and Appointment of Reviewers

- 1) For the reviewers to be appointed, the dean will within three weeks send the Rector a short list of five names. From these names, the Rector will within one week appoint two reviewers.
- 2) The dean will without delay forward the qualification agreement and the self-evaluation report to the reviewers as well as forwarding the self-evaluation report to the immediate supervisor for their opinions.
- 3) A deadline of two months must be set for producing the appraisals.

### 12.2.3 Addition to the Self-evaluation Report

- 1) The appraisals must be forwarded without delay to the assistant professor.
- 2) The assistant professor has the right within one month of receipt of the latest appraisal or the final opinion to make any eventual additions to the self-evaluation report.

### 12.2.4 Evaluation of Qualification targets

#### 12.2.4.1 Evaluation of research and teaching

- 1) Two reviews are obtained to assess the achievement of objectives in the areas of research and teaching.
- 2) In the case of applications within the framework of the Excellence Programme, the reviews from the respective grants can be used for the evaluation. If the teaching performance was not taken into account in these reviews, an additional review must be obtained for the area of teaching.

#### 12.2.4.2 Evaluation of leadership and management as well as individually agreed objectives

- 1) The assessment of the achievement of objectives in the area of leadership and management as well as the achievement of individually agreed objectives is based on the self-report and the written statement by the immediate supervisor.
- 2) Relevant further training must be taken into account in the evaluation.

### 12.3 Final Report

- 1) At the latest two months prior to the end of the qualification period, the dean must produce a final report to the Rector.
- 2) The final report must discuss and in summary establish whether the agreed qualification targets have been achieved.
- 3) This final report must at the same time be sent to the assistant professor and to the immediate supervisor. Both may announce their opinions thereon in writing within two weeks.

### 12.4 Decision by the Rector

- 1) At the latest one month prior to expiry, the Rector must make a decision whether the qualification targets are to be considered achieved or not.
- 2) The assistant professor must be notified demonstrably and without delay of this decision.

## 13 Termination of the qualification period

- 1) If the Rector or the responsible member of the Rector's Office determines that the qualification targets have been achieved, then the employee is with effect as from the following calendar month to be placed in a salary level according to section 49(2), letter a) KV and then bears the title "associate professor" (assoc professor). The employment contract must accordingly be adapted to the new tasks (section 27(6) and (7) KV). Any previously fixed term employment must be converted to indefinite employment unless the employee objects to its continuation.
- 2) If the Rector or the responsible member of the Rector's Office determines that the qualification targets have not been achieved, then the previous fixed term employment ends at the expiry of the agreed period of time. If employment as an assistant professor is indefinite, then it may immediately be terminated while complying with advanced notice periods and deadlines under section 21(2) KV.

## 14 Conflict Resolution

The dean is responsible for any conflicts that arise in connection with the allocation of career positions, the preparation of the qualification agreement, the procedure for implementing the qualification agreement and the evaluation procedure. The parties involved in this situation must be consulted. The dean can use established mechanisms at TU Wien to resolve conflicts (including the company agreement on partnership-based behaviour and anti-discrimination in the workplace). At the request of the employee, the mentor can be consulted in the event of a conflict. The dean, together with the immediate supervisor, must propose suitable measures to the parties involved; the decision on how to proceed is ultimately made by the dean.

## 15 Entry into force and transitional regulation

The amendment to Guideline MBl. 2023, 39<sup>th</sup> edition, no. 428 enters into force on the day after its publication in the University Gazette and replaces the Guideline in the version MBl. 2023, 36<sup>th</sup> edition, in full.

For career position procedures that are already pending and for which a qualification agreement has already been concluded, the Guideline in the version MBl. 2019, 30<sup>th</sup> edition, no 314 applies.