



Our vision on the future development of the Technical University of Munich

Statement on the reformation of the Bavarian higher education act

This statement is also available in German at sv.tum.de.

Abstract

The reform of the Bavarian Higher Education Act (BayHSchG) represents a decisive step for the future of modern Bavarian higher education institutions. However, the key points of this legal reform published by the Ministry for Science and Art (Staatsministerium für Wissenschaft und Kunst) show a potential for major steps backwards, especially concerning the diminished influence of other interest groups in favor of more powerful university management boards, an overburdened focus on success impairing the free development of research, or the various risks of insufficiently regulated entrepreneurial activity. The Student Representation and the Representation of the Doctoral Candidates at the Technical University of Munich (TUM) therefore position themselves against some of the key points of the university innovation law to be enacted, as explained below. Our most important positions are

- Formulation of an organisational statute in cooperation with all interest groups
- Against tuition fees for non-EU international students
- Inclusion of a state student representation capable of action into the Higher Education Innovation Act (*Hochschulinnovationsgesetz*)
- Creation of an independent status group for doctoral candidates
- Against the appointment of full research and full teaching professorships
- Preservation of the freedom of research and teaching content
- The Free state of Bavaria as an employer for all employees at TUM
- Appointment rights granted to deans
- Ensuring supervision of doctoral candidates during foundation semesters
- A clear show of support for the Munich Student Union
- Publication of yearly sustainability reports
- Establishment of inclusive language in everyday university life

In the following, these positions are described in detail.



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The reform of the Bavarian Higher Education Act (BayHSchG) represents a trend-setting process on the way to an innovative, modern Bavarian higher education landscape. Against this background, cornerstones for the design of this higher education law reform were published by the Staatsministerium für Wissenschaft und Kunst in October 2020, guiding the design of the new draft law. In this regard, the Landes-Asten-Konferenz Bayern (LAK Bayern) and the Landesverband Wissenschaftler in Bayern (LWB) have jointly positioned themselves with the *Vision of a Bavarian Higher Education Landscape 4.0*.¹

The Student Representation and the Representation of Doctoral Candidates (Graduate Council) of the Technical University of Munich support this joint position of LAK Bayern and LWB and at the same time would like to take the opportunity to express a vision for the future development of the Technical University of Munich. This vision clearly deviates from the cornerstones of the Staatsministerium für Wissenschaft und Kunst in several aspects, which is why we see an urgent need for discussion on the reform of the BayHSchG, as explained below.

1 The TUM Family - united in harmony

1.1 Internal Governance

The TUM Family is characterized by its high level of cohesion. Sharing the same visions of the future generates a creative spirit that leads to the high level of innovation for which TUM is known worldwide. This cohesion must not be jeopardized by the dismantling of internal democratic structures. The basic idea of full ownership, new beginnings, continuity and the development of the university's own potential can only lead to success if all members of the university help to shape it. Therefore, the representatives of the affected interest groups must be included in the decision-making bodies at all hierarchical levels of the university with voting rights. Only through the participation of students, doctoral candidates and staff can a joint new departure lead to even greater success.

1.2 Organisational Statutes

Deregulation Deregulation plays a central role in the published key points of the reform. This idea is also reflected in the future design of a university's committee structure. Thus, possibilities for independent determination and design of the internal structure are to be granted while adhering to a minimum legal framework. The future committee structure is to be laid down in a so-called organisational statutes. Since these play a central role in the internal governance of the university, we demand a clear commitment from all decision-makers to the participation of all interest groups within our university in the future development and amendment of the organisational statutes. Against this background, we support the demand of LAK Bayern and LWB for the establishment of an independent and separate body to draft the organisational statutes.²

¹<https://hochschulvision.bayern/>

²<https://hochschulvision.bayern/#organisationssatzung>



1.3 Tuition Fees for Students from non-EU Countries

The TUM community is characterized by its strong international character. Foreign scientists, staff and students enrich our university and its innovations. We see an endangerment to these achievements by the possible collection of fees from students outside the EU. The TUM should continue to be a university that focuses on supporting talented students, and students should not be dependent on their parents' income or the availability of jobs in order to be able to financially secure their studies. Therefore, we demand an unequivocal clarification that under no circumstances will tuition or similar additional fees be introduced for students from non-EU countries. Furthermore, we demand that no additional fees be charged for doctoral candidates from non-EU countries for doctoral programs or special TUM offers, such as the Graduate School's qualification program.

In our opinion, either of these changes would set the TUM back considerably in its quest to attract the best international talents. The introduction of tuition fees for some students also paves the way for a slow reintroduction of tuition fees for all students at Bavarian universities, which we strongly oppose for reasons of educational equality. The decision against tuition fees reflects a social consensus on our education system, which was most recently clearly underlined by a referendum in 2013.

1.4 Landesstudierendenbeirat

The state-wide exchange of Bavarian student representatives has already produced a pool of innovative ideas for quite some time. We believe that the discussion of students' professional, economic, and social concerns continues to be necessary in order to constantly improve studying conditions in Bavaria and to increase its attractiveness as an educational location.

The inclusion of a state student representation in the BayHSchG is positive and shows appreciation for the voluntary work that Bavarian student representations have already done for many years. However, the term "Landesstudierendenbeirat" chosen in the key points of the reform, together with a stipulation on the composition of the executive board, leaves us surprised, as these stricter regulations contradict the principle of deregulation in all other areas of higher education. The Bavarian student representatives have already shown their capability for self-organized, constructive and trusting cooperation via the *Landes-ASten-Konferenz* for many years. The establishment of this structure has already succeeded without additional legal regulations. As a result, we ask the legislator to demonstrate the necessary confidence in our ability to regulate internal structures and working methods ourselves, just as universities as a whole are trusted to do so.

1.5 Representation of Doctoral Candidates as a Status Group

The interests of doctoral candidates are currently represented at TUM by an advisory post in the Senate and the University Council. While doctoral candidates with an employment contract at TUM are represented via the status group of the academic staff, scholarship holders without employment at TUM have no representation with voting rights. In addition



to this disadvantage of doctoral candidates who are financed by a scholarship, we see a further problem in the lack of overlapping interests between doctoral candidates with a fixed-term contract and the group of postdocs and other academic staff with permanent employment contracts. This can be illustrated by the exceptional dependency doctoral candidates have from their respective supervisors, a situation that occurs naturally due to goal and motivation of the doctorate at TUM. These are independent of the financing situation and a possible employment contract at TUM. A more effective representation of all doctoral candidates at TUM can only be ensured by creating a separate elected representation with voting rights. In order to maintain democratic structures at TUM, doctoral candidates who are employed at TUM could be given the opportunity to choose between representation as doctoral candidates or research assistants. This system of representation is already successfully applied at many universities in Baden-Württemberg. We therefore demand that doctoral candidates in Bavaria are able to form their own voting representation of interests in the future and structures are set for a Bavaria-wide representative body of doctoral candidates.

2 Research and Studies

2.1 Global Teaching Workload, Teaching and Research Professorships

The digitization of teaching has received a major boost with the onset of the Corona pandemic. We therefore welcome the willingness to revise the previous Teaching Obligations Ordinance (LUFV), which did not yet take digital teaching into account when it was drawn up. Through the introduction of a “global teaching workload”, universities will have more autonomy in distribution and accreditation of teaching, which should take place in a transparent and fair process that does not lead to individual teaching staff being disadvantaged. This should be developed jointly by all those involved in teaching at TUM.

The training of a new generation of academics is a central task of all universities. Therefore, protective mechanisms should be created that preclude the release of individual lecturers from their teaching duties. The quality of teaching must not be curtailed under any circumstances. Therefore, we are very concerned about the proposal of a reduction of teaching duties in favor of research activities at the Technical University of Munich. In our opinion, excellence in education is only possible if the best scientists contribute and allow for contact and discussion. A withdrawal of the strongest researchers from teaching therefore coincides with a loss of quality, which would be further intensified by a split between pure research and teaching professorships.

2.2 Appraisal of Planned Research

From the published key points on the reform of higher education law, one can derive the demand for a more success-oriented funding of research. In our view, this demand is contrary to the basic idea of freedom of research nominally upheld by the authors of the key points of the reform and thus does not lead to the desired results. The humanities and



social sciences in particular, but also basic research in any discipline, will suffer from the application of such general performance criteria. This suggestion appears to threaten the existence of entire chairs and research fields and appears to open the door for restrictions on the focus of studies, doctoral theses, and the freedom of research in general.

2.3 Freedom of Teaching Content

To ensure a fully comprehensive scientific university education, it is essential that the determination of teaching content remains with the respective faculties or schools, as it is precisely our excellent researchers and lecturers who have the necessary knowledge to decide important aspects of a basic education in their field. The content of courses at a university, unlike at a technical college or college of applied sciences, should not be decided by companies and designed for companies, but should provide a meaningful entry into the scientific world.

3 TUM as an Employer

Flexibility of Employment Status We support the endeavor for increased autonomy of the universities, including the Technical University of Munich, and hope that this will lead to more possibilities for the removal of contractual time limits applied to positions in science (“Entfristung”). However, we are convinced that the Free State of Bavaria should remain the employer for all TUM employees. Here, the current situation creates security and bundles administratively intensive activities in one place.

Career Promotion of the Academic Mid-Level Staff The proposed expansion of career paths is already being applied at TUM, for example in the form of *Career@TUM* as program of *TUM IL*³ or by the programs of ProLehre. These diverse possibilities for promoting young academics, allowing different steps to professorship as well as enabling alternative career opportunities in the academic mid-level, are worthy of full support.

Appointment Procedure With regard to the renewal of the professorial appointment policy, it seems regrettable to us that the quality of teaching continues to wane in importance. In order to better assess not only teaching but also professional competence, we are of the opinion that the right of appointment should remain with the dean of the respective faculty or school that wishes to fill the position. The needs of all interest groups should also be taken into account.

4 Entrepreneurial Activity

In the future, Bavarian universities should be given more opportunities for entrepreneurial activity. In this context, a differentiated view should be taken between the cooperation



between universities and business, the possibility for university members to found companies and the entrepreneurial activity of universities as legal entities.

But there is also a focus on promoting entrepreneurial thinking and action at universities. Here, the Technical University of Munich has already taken on a pioneering role and our actions are closely followed by a broad public. The weight of this responsibility should underlie every decision in this area.

Collaboration with Industry One of the central tasks of universities in the future should be the application of knowledge and technology. Here, the added value for the state, the economy and society, among other benefits, is emphasized. To achieve this goal, close cooperation with businesses is of course necessary. The exchange between business and universities is desirable in order to also provide students with the necessary practical experience for their later professional life.

Founding Semesters for Professors We welcome the possibility of a founding semester for professors. The start-up foundation contributes to the promotion of applying knowledge and technology. However, this regulation can also harbor dangers that must be precluded in advance: for example, the supervision of doctoral candidates with an existing supervision agreement must also be facilitated during the founding semesters. Such supervision agreements could, for example, be extended by commitment agreements in which professors confirm that they can reliably supervise their doctoral candidates even during the years off.

Universities as Legal Entities Like the LAK Bayern and LWB, we do not see entrepreneurial activity as a legal entity within the remit of universities. In our opinion, the resulting conflicts of interest could endanger the freedom of research and teaching. We are also very concerned that the question of liability in the event of entrepreneurial setbacks has not yet been clarified. If taxpayers were liable, this could massively damage the reputation of universities and colleges as scientific and educational institutions.

5 Role of the Munich Student Union

Bavarian student unions are also significantly affected by the reform of the Bavarian Higher Education Act. The entrepreneurial activity of the universities will enable them to enter cooperation agreements with third party providers, who will compete against the established Student Unions, drastically decreasing their market share. This puts a great risk to the availability of balanced, reasonably priced university catering and the availability of affordable housing in the Munich metropolitan region. Likewise, the counselling services offered by the Munich Student Union will likely suffer as well. Therefore, we ask the Munich Universities to show a clear signal of support for the established Student Union.



6 Our Vision for the Future

In order to make Bavarian universities fit for the future, their main purpose must be re-defined. We expressly welcome the expansion to include sustainability, equality and diversity, digitalization and internationalization. In order to fulfill our leading role in the German university landscape justice, we as TUM community must continue to work beyond what we have already achieved.

Last year, for example, TUM took many small steps towards becoming a climate-neutral university. In order to send a signal to society, we propose to make this path more transparent in the future by publishing our progress in mandatory annual sustainability reports.

We as TUM community should also intensify our efforts in the area of equality and diversity. Therefore, minorities, e.g. the trans*, PoC, and persons with impairments, should also be promoted to strengthen their inclusion in science and research and tap their full potential in our society as a whole.

Furthermore, we should pay more attention to inclusive (e.g. gender-neutral) language in the future and thus contribute to creating a pleasant, inspiring work and study environment for all members of the TUM family.

In conclusion, such a fundamental reform of the Higher Education Act offers opportunities and risks at the same time. However, higher education institutions will only benefit from the reform if changes are supported by all parties at those institutions. We therefore hope that all concerns will be adequately taken into account in the drafting and implementation of the Higher Education Innovation Act.

We hope that our vision will contribute to a successful reform of the Bavarian Higher Education Act and look forward to productive discussions with all interested parties.