

The Foundation

Since 1st January 2003, the body legally responsible for the Georg-August-Universität has been a Foundation under Public Law. As a result of this, it has been possible to carry out a rigorous deregulation of the Georgia Augusta in accordance with the Niedersächsisches Hochschulgesetz 2002 (Law Pertaining to the Universities of Lower Saxony of 2002) within the shortest conceivable period of time.

- The Reform Law's purpose is not only that of enabling foundations to be set up for the maintenance of Universities in Lower Saxony. It also includes the following innovative elements:
- The state renounces sovereign powers and concentrates on the results-oriented implementation of university planning in the "Land"; it steers the universities primarily by means of agreements on targets, performance incentives and efficiency checks. The state thereby leaves the operative business to the university itself.
- Within a framework of fewer statutory guidelines, the universities are to provide themselves with their own constitution as corporate bodies under public law with a membership structure.
- New study programs are to be included in the agreements on targets; however, they will no longer be granted approval by the "Land", but accredited by an independent central evaluation agency. The examination regulations will be approved by the Präsidium (Presidential Board or Steering Committee).
- All universities of Lower Saxony have at their disposal overall budgets with commercial bookkeeping, cost accounting and the possibility of creating reserves.
- The universities may opt out of having the state as the body legally (and economically) responsible for them and pass into the responsibility of an independent foundation under public law. The autonomy of the corporate body will be increased and that of its maintaining body supplemented.

The main pillars of the foundation model are as follows:

- The purpose to be achieved when a university passes into the responsibility of a foundation under public law is that said university gains in legal independence vis-à-vis the state and thereby attains a higher degree of self-responsibility with regard to its Organisation.
- The university as a foundation can make use of the benefits provided under the new tax law pertaining to foundations and build up foundation assets in the long term. It is not intended that the revenue should replace state funding but that it should supplement it.
- The running of the foundation's business and its accounting are based on commercial principles. The Financial Regulations of the "Land" Lower Saxony are not, but for a few exceptional cases, applicable.
- The responsible foundation is the employer and principal of all those employed, making it possible for personnel management to be conducted with foresight.

The Präsidium appoints the Professors in mutual agreement with the "Stiftungsausschuss" University .

- The basic assets of the foundation consist of the real property required for the running of the university concerned. It is intended that the property is managed efficiently and without bureaucratic obstacles.
- The foundation as an Institution of civil society brings with it the opportunity for students, former students and employees to identify with their foundation university more strongly than has been the case up to now.
- The members of the "Stiftungsausschuss" University ensure that there is close interconnection between the university and society at large.

The agency responsible for the University of Göttingen is the Foundation. The Foundation maintains and promotes the University in its capacity as a corporate body under public law. This includes in particular the safeguarding and further development of the University in its functions of research, teaching, medical care of the sick, Services within the public health System, training and further training, and technology transfer. It is the aim of the Foundation to raise the quality of research, teaching, study courses and further training at the University by means of self-responsibility and efficiency in the implementation of the funds made available to it. The Foundation takes on the public responsibilities as being its own responsibilities. Pursuant to § 47 Sentence 2 NHG, such public responsibilities consist in particular of the staff administration and management of the funds from the "Land" allocated to the universities, real property and assets belonging to the "Land", the ascertaining of training capacities, the determination of admission numbers and the awarding of study places, as well as participation in or conducting of public examinations. In the basic model, the Organs of the Foundation are the Präsidium (Presidential Board, Steering Committee) and "Stiftungsausschuss" University. The Präsidium of the Foundation is, in the function of the Foundation board, identical with the Präsidium (University directorate) of the University borne by the Foundation. The Präsidium runs the day-to-day business of the Foundation, prepares "Stiftungsausschuss" University resolutions and carries them out. The Foundation is represented externally by the President.

The "Stiftungsausschuss" University consists of seven members:

- five persons working in an honorary capacity who are familiar with the university System and do not belong to the maintained university, primarily from the spheres of commerce, science or culture,
- a representative of the Senate of the maintained university,
- a representative of the competent ministry.

The "Stiftungsausschuss" University advises the University, resolves on Foundation matters of fundamental importance and supervises the activities of the Präsidium. In accordance with § 60 Sec. 2 Sent. 2 NHG, the following duties shall fall to the "Stiftungsausschuss" University in particular:

- Appointment, assignment and dismissal of members of the Präsidium of the University,
- Decision-making with regard to changes to or encumbrances of the basic assets and the taking up of loans,
- Approval of the business plan
- Receipt of the Präsidium's report
- Approval of the annual financial Statements and formal approval Foundation of the "Präsidium",
- Approval of the Foundation's establishment of, or participation in, business enterprises,
- Legal supervision of the university,
- Resolution concerning changes to the Foundation statutes and adoption, amendment and cancellation of other Statutes of the Foundation.

(<http://www.uni-goettingen.de/en/35698.html>)

Georg-August-Universität Göttingen – Becoming an autonomous university

A. Foundation – Readjustment of the relationship between university and state

The legal framework for the University of Göttingen has fundamentally changed due to two developments: the conversion from the legal form of a state office to the a public law foundation as well as the adoption of a new Lower Saxony Higher Education Act, considered to be one of the most modern in Germany, both in the years 2002/2003.

The Foundation University allows for a more appropriate combination of self-organization by the University and a general framework given by the state, conveyed via target agreements that specify the mutual obligations between state and university. The Foundation University has the full right of appeal and the right to employ public servants; it is the owner of the premises and the property and facilities used by it and has the capacity to plan, build and finance construction projects.

With the new Lower Saxony Higher Education Act, the legislature took a paradigm shift away from the group-university to strengthened governing bodies: The Council was abolished, responsible parties involved are the the Presiding Board, Senate and Board of Trustees.

B. Decentralisation – Readjustment of the relationship between management and faculties

The internal reform process of the University of Göttingen with the aim of strengthening the autonomy of the faculties and to newly define their relationship to the university management can be traced back to the project „Re-coupled autonomy as a principle of the renewal of the University“ that was promoted in the years 2000 to 2004 by the Volkswagen Foundation (Hanover) within the framework of the programme „Efficiency through autonomy“.

The reform approach pursued in this project – the strengthening of decentralized managerial levels simultaneously tied into the overall interests of the University – mainly affected the University’s internal steering and regulation procedures, but also influenced the restructuring of administration as well as the establishment of new management structures in the Presidential Board.

C. Reorganisation – Modernisation of Management

The organisational structures that were initially characterized by a traditional understanding of administration were adapted to the changed areas of responsibility (for example global budget, commercial accounting, capacity to employ, ownership of land and buildings, capacity to plan, build and finance construction projects) to fit to the changes in legal framework and the internal reform processes. The respective administrative bodies continued to develop into service providers for scientists, staff and students; the managerial staff used their expertise and were actively involved in the reform processes.

To A. Autonomy through the legal form of the foundation

Ever since January 1, 2003, the University of Göttingen has been the only comprehensive university in Germany under the auspices of a foundation under public law. The interplay with a competent foundation council, the full right of appeal, larger design options in human resources, real estate and construction management, as well as new financial leeway proved to be significant advantages. The Foundation now carries out affairs that had been previously taken care of by the state. There is no more regulation by the state.

Restructuring of Management Functions

To optimally use the new legal framework for the University of Göttingen and incorporate the demands on management with extended steering and management tasks, the presiding committee gave itself a matrix-like structure. The responsibilities for faculties, institutions and services are clearly defined through this structure and responsibly assigned to the individual members of the Presidential Board.

External expertise in the Foundation Council

The seven-member Foundation Council includes five designated representatives from industry, science and culture whose appointment is voted upon by the University and responsible ministry. The duties of the Foundation Council include decisions on the basic assets of the Foundation, taking out credits, the approval of the economic plan, the determination of the annual financial statement as well as the approval of start-ups or investments by the Foundation. The Foundation Council advises the University; it provides external expertise to the management level and guarantees close links between the University and society.

Task-shifting and supervision

Affairs that were state affairs up to January 2003 are now being carried out by the Foundation University as their own tasks. These include in

particular the complete right to appeal, the capacity to employ public servants and the corresponding management of independent human resources, and the management of state funds that have been allocated to the University as well as property and assets. Other matters additionally include determining the training capacities, specifying the number of admissions and the allocation of places of study as well as participation in or carrying out state examinations. There is basically no longer state supervisory control over the Foundation University. The Foundation University conducts its affairs without being subject to directives.

Appointments

Professors are no longer appointed in the Foundation University by the trade ministry but by the Presidential Board in agreement with the Foundation Council. The supervisor is the President. Since the right of appeals now lies exclusively with the University, the approval process between Senate and University management in the appeals processes were able to be considerably accelerated, and therefore the negotiations with the professors to be appointed. The appeal process is currently being optimized with the aim of even further shortening the time between approval of a chair and the conclusion of an appointment list. In the competition for excellent academics and scientists, time is often a determining factor for success.

Increase of foundation capital

The Foundation University is increasing its efforts to raise private funds and contributions. By setting up its own fundraising and alumni department, contact to former students, potential donors, sponsors and promoters can be systematically established in order to mobilize private and additional public funds for the further development of the University. The University thus continues a long tradition of support by patrons and donors, which extends back to the founding years of the University. Many of its world-famous collections and museums as well as valuable resources in the University library can be traced back to the support of the University's alumni and supporters. As a Foundation University, the University profits today from the advantages of the new foundation law.

Benefits of autonomy

The management structures have been professionalized made more efficient. Tasks are processed within the University without the influence of state supervisory control but is controlled by external experts. The Foundation University specifies the manner in which tasks are processed and implemented. Decision making processes can thus be shortened and made more transparent. Especially in the competition for excellent researchers, the full right of appeal proves to be a great advantage. Through donations, free funds are to be raised to strengthen the profile of the University.

To B. Autonomy of the faculties

During the project „Controlled Autonomy as the Principle of University

Reform”, the principles for greater self-responsibility of the faculties was worked out from 2000 to 2004. The faculties were given full budgetary responsibility, commercial accounting as well as the basis for performance-based funds and distribution of resources were implemented. Medicine functions largely independently and is an economically independent organizational unit in which the Faculty and clinic are integrated.

Internal target agreements

In two rounds of target agreements, binding contract management between university management and the twelve faculties (except for Medicine) was tested in the years 2000/2001 and 2002/2003. The target agreements defined the budget scopes and time frame for reform in the faculties and institutions with free implementation by the faculties; this was followed by the evaluation and redefinition of the targets – independent management of funds, transparent decision-making processes, flexible decisions about personnel measures and investments – by Faculties, institutions and university management.

Development planning

In the wake of the contract management between the university management and faculties, there has been a systematic development plan for the areas of research and teaching as a bottom-up process since January 2005. The faculties, with their responsibility for their own budget, are requested to submit their own development plans for their subjects. These plans become part of a binding development plan for the University after they have been agreed upon by the Presidential Board and passed by the Senate and Foundation Council 2006. A focus in research and teaching is promoted in this manner and can be steered with financial incentive system and targeted fundraising (such as participation in the Excellence Initiative by the German and state governments).

Quality assurance and evaluation

With a series of new instruments, quality assurance at the level of the faculties is being tested on the basis of evaluation and resource steering. The „LOM“ project (performance-based resource allocation) for research included computer-based recording of scientific performance in the areas of publications and third-party funding to steer the budget allocation within the faculties. The faculties have developed specific models under consideration of the different faculty cultures. These models are depicted and executed in the system FACTScience. The pilot project with the Faculty of Medicine as the pilot faculty has been completed and the system is currently being implemented university wide. The next steps are the expansion of the performance parameters as well as the introduction of LOM for the areas of teaching and studies.

The external evaluations take place regularly throughout the University and are conducted by the Scientific Commission of the State of Lower Saxony for the area of research, the Central Evaluation Agency for the area of studies and teaching. The fixed term of appointment commitments of five years and the performance-based W salary for

professors since October 2003 are further instruments of quality assurance and the evaluation of scientific performance.

Benefits of autonomy

The innovation potential of the entire University is used by strengthening the faculties. Reform processes are not ordered by the university administration, but developed, defined and supported by the faculties. The experiences with target agreements build the basis for a binding development plan and thus for the future formation of the specialization and profile of the University. Parallel to this, a quality assurance and incentive system through the university-wide introduction of the performance-based allocation of funds (LOM) will then also be established for the area of teaching.

To C. Autonomy due to new management structures

The structures in the administration of the University must be adapted to the changed conditions and demands. In particular, the full right of appeal, the capability to employ public servants and the respective independent management of personnel and state funds as well as real property and assets required a fundamental modernisation and optimisation of processes.

Budget and Finance

An effective management of budget and finances with an overall budget, commercial accounting and cost accounting also meant for the Foundation University the end of detail control by the government. The Lower Saxony State Budget Act with state financial regulation with 150 allocation titles is no longer applicable except for a few exceptions. In the University (excluding medicine), there are now two allocation titles for the financial assistance of around 190 million € (current assets and investment funds), which are managed in the overall budget according to tasks and objectives. Free management of personnel is possible within the framework of upper financial limits.

The project HERAKLES introduced the decentralisation of the financial responsibility with its own resource allocation and budget responsibility. Autonomous budget management has been taking place for all twelve faculties (except Medicine), the Göttingen Library of the University and Lower Saxony and the central administration since 2004 on the basis of a function and task catalogue.

Human resources

In addition to the full right of appeal, the Foundation has the capability employ public servants. It has the right to set up new posts for public servants and eliminate existing posts. At the same time, the Foundation is the employer of the employees, workers and trainees. The Foundation is also obliged to join an employer's association that is a member of a collective bargaining union of the German states. The President is the supervisor of the academic staff.

Construction management

In addition to the reorganisation of the personnel department and the implementation of modern human resource development with a corporate idea management, the new area of University Construction Management is an important part of the comprehensive restructuring in the administrative area, which was strongly influenced by the changeover to a foundation university. Since the beginning of 2004, the University is solely responsible for planning, executing and financially settling the university construction projects. During the transition to a foundation university, the University received the property titles of the land and buildings it uses. University Construction Management has taken over the builder function (capacity to plan, build and finance construction projects) and all connected disciplines such as architecture, building engineering, civil engineering, project management and control, supply, electrical and mechanical engineering as well as independent budget responsibility with control. The transfer of the property and independent responsibility for their management have created new leeway enabling savings to be made that are oriented towards the development plans of the University, savings that in turn can be invested in structural improvements or new construction of buildings and technical facilities. The University can also act as a borrower.

Benefits of autonomy

The administration continues to develop into a service provider that not only reacts to the changes in tasks and requirements but also productively adopts them. The new conditions allow for more efficient management of the resources along with greater flexibility for setting priorities. The Foundation University integrates the decentralized management levels in the budget responsibilities; it develops and test new instruments of control and incentives. Human resource management can be designed independently and with high flexibility. Constructional measures as well as building management and maintenance can be more efficiently and less expensively steered.

(<http://www.uni-goettingen.de/en/33909.html>)



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