

Guidelines for the Awarding and Remuneration of Teaching Assignments in Undergraduate and Postgraduate Degree Courses at the Evangelische Hochschule Darmstadt, University of Applied Sciences (Teaching Assignment Guidelines – LARL)

from 6 June 2019

as amended and promulgated on 22 July 2020

Section 1 – Basic Legal Principles

Pursuant to Section 71 of the Law on Universities in the German Federal State of Hesse (*Hessisches Hochschulgesetz* – HHG), teaching assignments may be awarded to supplement the academic programme within the scope of the budget resources available. Assistant lecturers work part-time in secondary employment.

Section 2 – General Principles

- (1) Assistant lecturers independently carry out the teaching responsibilities assigned to them.
- (2) In teaching units, they must independently explore academic findings and methods and guarantee scientifically substantiated teaching of the findings obtained by means of research.
- (3) Teaching assignments are usually awarded for one semester and involve a maximum of eight contact hours per week (SWS). If several teaching assignments are awarded to one individual within the University, the overall total of hours covered by the teaching assignments must not exceed eight SWS. A teaching assignment ends on the date specified in the assignment contract. Awarding a teaching assignment retroactively is generally not possible. A teaching assignment should only be awarded if at least 12 students are expected to attend the teaching unit.
- (4) The teaching assignment can be withdrawn at any time on important grounds or if less than 12 students have signed up to attend the teaching unit using the electronic process provided by the University four weeks before the start of lectures. Assistant lecturers should inform the Dean of the relevant faculty of the number of students who have signed up to attend the teaching unit on request.
- (5) The assignment will be awarded after presentation of the required evidence and notification of clearance for employment (*Erklärung der Unbedenklichkeit der Beschäftigung*) for the assistant lecturer by the responsible ministry pursuant to Section 92 paragraph 1 sentence 1 HHG¹.

¹ "The employment of teaching staff at non-state universities must be reported to the Ministry before the commencement of teaching activities."

Section 3 – Qualification Requirements

- (1) Teaching assignments can only be awarded to individuals who support the University's Protestant objective and
 - a. have completed a university degree in a subject relevant to the content to be taught and have at least three years of relevant professional experience in a non-university field or
 - b. fulfil the employment requirements for professors pursuant to Section 62 HHG.
- (2) If permitted by the requirements of the teaching assignment, the required professional experience specified in paragraph 1 a. can be substituted with a qualified doctorate degree, equivalent academic achievement or a qualified Second State Examination (*zweite Staatsprüfung*) upon a proposal from the Dean. The proposal must be substantiated.
- (3) In exceptional cases and in deviation from paragraph 1, teaching assignments for the teaching units specified in paragraph 1 can also be awarded to individuals who do not have a university degree but have special experience in the area of expertise of the teaching assignment to be awarded and can provide evidence of their suitability for an educational role or are expected to be suitable for said role. The employment must be reported, and the certificate of clearance for employment (*Unbedenklichkeitsbescheinigung*) issued pursuant to Section 92 paragraph 1 sentence 1 HHG.
- (4) Periods of up to one year as a trainee teacher can count towards the relevant professional experience as specified in paragraph 1.
- (5) The President or the authorised Vice-President will decide on exceptions pursuant to paragraphs 2 and 3.

Section 4 – Legal Position of the Assistant Lecturers

- (1) A teaching assignment is a special type of legal relationship under public law and is established by means of an administrative act. The awarding of the assignment does not constitute the establishment of an employment relationship. Agreements under collective bargaining law do not apply.
- (2) The awarding of the assignment does not constitute the establishment of any claim to be employed by the Evangelische Hochschule Darmstadt, University of Applied Sciences, with civil servant status or in a service or employment relationship under private law. This also applies to the awarding of teaching assignments subsequent to or as an extension of existing teaching assignments.
- (3) Services that typically apply to a dependent employment relationship such as holiday leave, allowances, special benefits and in particular continued remuneration when unable to work due to illness or other reasons connected to personal circumstances do not come into consideration for assistant lecturers.

Section 5 – Obligations of the Assistant Lecturers

- (1) The subject matter of the teaching unit will be specified when the teaching assignment is awarded. When conducting their teaching activities, assistant lecturers must observe the requirements that are stipulated in examination and study regulations or arise in connection with other teaching units in the course of study concerned.
- (2) A teaching assignment involves the independent planning, organisation and running of teaching units, teaching preparations and follow-up work. Assistant lecturers are obliged to administer examinations for their teaching units.
- (3) Assistant lecturers must be involved in holding examinations, granting permission to inspect examination papers, holding follow-up and repeat examinations and re-checking marked examinations. Separate remuneration will not be granted for follow-up and repeat examinations.
- (4) Assistant lecturers must assess examination components within the deadlines stipulated by the University and pass them on through the designated official channel. They must support the examination bodies in performing their tasks and comply with the requirements of the Examination Board and Examination Office.
- (5) The University will determine the time and location of the teaching units in consultation with the assistant lecturer. Any cancelled teaching units must be held by the end of the semester. If this is not possible, the Dean must be informed.
- (6) The Dean will ensure compliance with the obligations connected to the awarding of the assignment. The Dean will inform the President immediately if an assistant lecturer violates their obligations or the number of students attending a teaching unit no longer justifies the continuation of a teaching assignment.
- (7) Assistant lecturers must participate in their faculty's usual evaluation procedure.
- (8) Representatives of professional practice who are involved in modules or examinations during the internship semester on behalf of practical training institutions within the scope of the cooperation or participation of these practical training institutions will not receive remuneration for their involvement and are not assistant lecturers as defined by these Guidelines.

Section 6 – Special Obligations of the Assistant Lecturers

- (1) Assistant lecturers must maintain confidentiality on all matters of which they become aware during their work at the Evangelische Hochschule Darmstadt, University of Applied Sciences, and which need to be kept confidential due to their nature.
- (2) Within the scope of their work, assistant lecturers are subject to the data protection regulations of the Protestant Church and the University, especially the

obligation to maintain data secrecy pursuant to Section 26 of the Church Law on Data Protection of the Protestant Church in Germany². The obligation to maintain

data secrecy will continue to apply after the end of the teaching assignment. Any violations of the obligation to maintain data secrecy constitute breaches of duty and may be punished under employment and criminal law and provide a basis for liability.

- (3) Public servants must observe the applicable regulations on secondary employment and obtain the required authorisation to enter into secondary employment in sufficient time where applicable.
- (4) Assistant lecturers are not permitted to accept rewards and gifts in connection with their work. In deviation from the ban on accepting rewards and gifts, assistant lecturers are permitted to accept donations if they are customary and appropriate or if they are based on rules of social interaction and politeness that even assistant lecturers cannot avoid without violating social forms. This applies in the following cases in particular:
 - a. Accepting small gifts of low value that are generally considered to be unobjectionable (e.g. promotional items produced in mass quantities such as pens, calendars and notepads)
 - b. Donations that do not exceed a value of € 10.00 per donor in an individual case and an annual total of € 100.00.

Section 7 – Remuneration

- (1) Remuneration is usually paid for teaching assignments. Teaching assignments can also be completed without remuneration by consensus. If a teaching assignment is awarded to a public servant in primary employment or in such a manner that the public servant's official duties in his/her primary employment are correspondingly reduced, no remuneration will be paid.
- (2) Remuneration for teaching assignments will generally be calculated as an overall fee based on the individual hours actually worked. Assistant lecturers are required to use the University's accounting form (*Abrechnungsf formular*) to bill the individual billable hours actually worked, examinations administered pursuant to Section 9 and any travel costs incurred immediately after the end of the semester and by the end of the eighth week of the subsequent semester at the latest. Instalment payments are not possible.
- (3) Assistant lecturers are only entitled to the payment of remuneration for teaching assignments if the teaching unit or examination is held and takes place to the full extent. If a teaching unit or examination is cancelled (e.g. due to illness, a public holiday, etc.), no remuneration will be paid for the cancelled unit/examination.

² "Individuals involved in data processing are not permitted to process personal data without authorisation (data secrecy). When they commence their work, these individuals must be informed of their obligation to maintain data secrecy in writing insofar as they have not been obliged to maintain confidentiality due to other Church regulations. The obligation to maintain data secrecy will continue to apply after the end of their work."

- (4) All costs and expenses accrued by assistant lecturers in connection with the organisation, running and holding of teaching units, individual tutorials, corrections,

participation in examinations and similar tasks and activities will be deemed to have been covered by the remuneration. No costs for food and drink expenses, attendance fees or daily allowances will be reimbursed.

Section 8 – Remuneration Levels

(1) The following hourly rates can be granted:

Level I € 24.00 for assistant lecturers who have completed a bachelor's degree course (lasting six semesters without state recognition) or a comparable degree course at a university, university of technology, university of applied sciences or university of the arts

Level II € 25.30 for assistant lecturers who have completed a bachelor's degree course (lasting six semesters or more with state recognition) or a comparable degree course at a university, university of technology, university of applied sciences or university of the arts and assistant lecturers who have completed a German "Diplom" degree course at a university of technology, university of applied sciences or university of the arts

Level III € 27.00 for assistant lecturers who have completed a master's degree course at a university, university of technology, university of applied sciences or university of the arts and assistant lecturers who have completed a German "Diplom" degree course at a university

Level IV € 37.00 for assistant lecturers who fulfil the requirements for employment stipulated for professors in Section 62 HHG

Level V € 37,00 only for assistant lecturers who take responsibility for events organised to provide supervision for students

Additional payment for levels I – III: An additional payment of € 6.00 for assistant lecturers who have an additional qualification (covering at least three years) with a certificate and five years of professional experience as required for the Evangelische Hochschule Darmstadt, University of Applied Sciences, and the corresponding teaching assignment.

(2) A remuneration level higher than the intended level specified in paragraph 1 can be requested on special grounds justified by the Dean for particularly highly qualified individuals who do not fulfil one or more of the requirements specified but are, from the perspective of the faculty, ideally suited to take on a specific teaching assignment. Remuneration exceeding the basic rates can only be negotiated between the Dean and the assistant lecturer after receiving authorisation from the President and within the scope of this authorisation. The concrete grounds for the higher amount and the aspects and result of the negotiations must be documented. The option of additional payment does not apply in this case.

(3) The maximum amounts of levels I to III can be exceeded up to the maximum amount of level IV on special grounds justified by the Dean and with the authorisation of the President if the teaching assignment is of special importance and an alternative form of employment with the same level of expertise but at a lower price is not possible. The option of additional payment does not apply in this case.

(4) When proposed by the responsible Dean and granted consent by the Head of

Administration, the President can deviate from the maximum amounts specified in paragraphs 2 or 3 if this is necessary in an individual case due to the extreme importance of the subject, the requirements connected to the subject or the individual chosen to take on the assignment. The remuneration is not permitted to exceed the maximum amount of € 55.00. In subjects in which an appropriate academic programme cannot be ensured using a different approach, the maximum amount is € 70.00.

- (5) Level V remuneration can only be granted to individuals who can present evidence of corresponding certification from the German Association for Systemic Therapy, Counseling and Family Therapy (DGSF) or equivalent certification. If the requirement specified in sentence 1 cannot be fulfilled, level III remuneration must be granted.

Section 9 – Special Provisions on the Remuneration of Examination Activities

- (1) The correction and assessment of written examinations (*Prüfungsklausuren*) will be remunerated as follows:
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| a. For each two-hour-long examination | € 6.00 |
| b. For each three-hour-long examination | € 10.00 |
| c. For each five-hour-long examination | € 16.00 |
- (2) The supervision, correction and assessment of other written (module) examinations pursuant to the Examination Regulations will be remunerated per piece of work or, in the case of group tasks, per candidate as follows:
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| a. For up to 10 pages | € 6.00 |
| b. For up to 20 pages | € 12.00 |
| c. For up to 30 pages | € 18.00 |
| d. For more than 30 pages | € 24.00 |
- (3) The supervision and assessment of bachelor's and master's theses will be remunerated as follows:
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| a. Supervising and examining a bachelor's thesis as the first examiner: a one-off payment of € 66.00 |
| b. Supervising and examining a master's thesis as the first examiner: a one-off payment of € 77.00 |
| c. Supervising and examining a bachelor's or master's thesis as the second examiner: a one-off-payment of € 35.00 |
- (4) For the co-supervision of oral (module) examinations, a flat rate of
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| a. € 18.50 for assistant lecturers who meet the requirements as stipulated in Section 3 paragraph 1 lit. a, |
| b. € 21.50 for assistant lecturers who meet the requirements as stipulated in |

Section 3 paragraph 1 lit. b

can be granted per 60 minutes of examination time.

- (5) The remuneration for issuing other assessments of academic performance is covered by the fee for the teaching assignments.

Section 10 – Information on Social Security

Assistant lecturers are not employees as defined by employment and social security law. They are not subject to the obligation to make contributions towards health, long-term care and unemployment insurance. In order to determine whether an assistant lecturer is subject to the obligation to make compulsory pension insurance contributions pursuant to Section 2 sentence 2 no. 1 of Book 4 of the German Social Code (SGB IV), an individual assessment must be conducted by the German Pension Insurance (*Deutsche Rentenversicherung*). The assistant lecturer is responsible for arranging this assessment, paying any contributions he/she is required to pay and correctly paying tax on his/her fee. Assistant lecturers are not covered by statutory accident insurance. They can choose to take out a personal voluntary insurance policy with the responsible institution for statutory accident insurance and prevention in the administrative sector (*Verwaltungsberufsgenossenschaft*).

Section 11 – Travel and Accommodation Costs

- (1) Travel and accommodation costs that were necessary in order to complete a teaching assignment or due to involvement in an examination will be paid on a pro-rata basis, only up to the amount of the full fee pursuant to Section 7 paragraph 2 sentence 1 in connection with Sections 8 and 9.
- (2) Travel costs for travel to and from the intended teaching unit venue can be reimbursed if the assistant lecturer travels by car, a two-wheeled vehicle or on regularly scheduled public transport. No travel costs will be reimbursed for travel within the city area of Darmstadt or Schwalmstadt-Treysa. The regulations of the German Federal Travel Expenses Act (BRKG), the Administrative Regulation on the Reimbursement of Travel Expenses for Employees of the Protestant Church in Hesse and Nassau (RKVO) and the travel expense guidelines of the Evangelische Hochschule Darmstadt, University of Applied Sciences, do not apply.
- (3) If a journey begins outside of Germany or is, for example, intended to involve air travel, any costs incurred will only be reimbursed if an application for the reimbursement of costs was submitted to the President via the Dean four weeks before the start of the journey and the reimbursement of costs was approved before the start of the journey. The application must contain a list of the expected travel costs and an explanation justifying why travel from outside of Germany is necessary or travel via train/public transport or car is not possible. If the expected travel costs can already be estimated before the teaching assignment is awarded or because the assistant lecturer lives outside of Germany, these must be factored into the awarding of the teaching assignment.
- (4) An allowance for kilometres travelled will be paid at a flat rate of € 0.30 for each kilometre travelled on the journey to and from the venue.

- (5) Accommodation costs of up to € 100 per night will only be reimbursed if
 - a. the teaching assignment was awarded as a block of teaching units,
 - b. at least four teaching unit hours are completed on each day of the event and
 - c. the assistant lecturer must cover more than 200 km (to the venue and back) to travel to and from the event.
- (6) In justified exceptional cases, the Dean can make a separate arrangement deviating from the maximum amount in paragraph 1.
- (7) The travel and accommodation costs specified in paragraphs 1 to 6 will only be reimbursed upon presentation of the original receipts and/or invoices.
- (8) The Dean must confirm in writing that the details provided by the assistant lecturer are correct upon the request of the Accounting department.

Section 12 – Awarding of Teaching Assignments

- (1) The President or the authorised Vice-President will decide on the awarding, repeat awarding, withdrawal and amendment of teaching assignments within the scope of the available budget resources on the basis of the course planning concluded by the Senate or based on a proposal by the Dean of a faculty.
- (2) The responsible examination boards of the degree courses will decide on the awarding of assignments to administer or supervise examinations.
- (3) Public servants whose official duties in their primary employment include a teaching activity or who can be committed to performing teaching activities within the scope of their official duties cannot be awarded a remunerated teaching assignment at their own university.
- (4) Research assistants can be given the opportunity to carry out a remunerated teaching assignment subject to tax payments and compulsory social security payments if their official duties in their primary employment do not include a teaching activity or they cannot be committed to performing teaching activities within the scope of their official duties.

Section 13 – Legal Validity^{3 4}

- (1) These regulations will come into force on 1 October 2020. The German version of these Guidelines alone is legally binding; this English version of the Guidelines therefore serves translation purposes only.
- (2) At the same time, the Guidelines for the Employment and Remuneration of Assistant Lecturers in the Undergraduate Degree Courses at the Evangelische Hochschule Darmstadt, University of Applied Sciences (*Richtlinien für die Tätigkeit und die Vergütung von Lehrbeauftragten der grundständigen Studiengänge an der*

Evangelischen Hochschule Darmstadt) from 3 January 2011 will no longer apply.

- (3) These regulations apply to all teaching assignments that are awarded for the semester after 30 September 2020.

Resolved by the Executive Committee (*Präsidium*) of the Evangelische Hochschule Darmstadt, University of Applied Sciences, on 6 June 2019.

Passed by the President of the Evangelische Hochschule Darmstadt, University of Applied Sciences

Darmstadt, Germany, 6 June 2019

The President of the Evangelische Hochschule Darmstadt, University of Applied Sciences

3 Amendment resulting from the resolution of the Executive Committee (*Präsidium*) from 28 August 2019: paragraph 1 – come into force on 1 April 2020 instead of 1 September 2019; paragraph 3 – apply to all teaching assignments awarded after 31 March 2019 instead of 30 September 2019

4 Amendment resulting from the resolution of the Executive Committee from 22 July 2020: paragraph 1 – come into force on 1 October 2020 instead of 1 April 2020; paragraph 3 – apply to all teaching assignments awarded after 30 September 2020 instead of 31 March 2020