



Stiftung Katholische Universität
Eichstätt-Ingolstadt



FOUNDATION CHARTER STIFTUNGSVERFASSUNG

Hinweis Note

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The English translation of the Foundation Charter serves solely for purposes of information. The German language version, published in the official register of the Catholic University of Eichstätt-Ingolstadt Foundation, is the legally binding version.

Catholic University of Eichstätt-Ingolstadt

Foundation Charter

On the basis of Section 5 (2) of the Deed of Foundation of August 2, 1972, the Foundation Council is issuing the following Foundation Charter (hereinafter referred to as the “Charter”):

Art. 1

Name, registered office, legal form, supervision

- (1) The Foundation bears the name “Catholic University of Eichstätt-Ingolstadt Foundation.”
- (2) The Foundation has its registered office in Eichstätt.
- (3) The Foundation is an ecclesiastical foundation under public law.
- (4) The Foundation is under the supervision of the Freising Bishops’ Conference.

Art. 2

Purpose of the Foundation

- (1) As the supporting foundation for the Catholic University of Eichstätt-Ingolstadt (hereinafter “the University”), the Foundation shall have the purpose of supporting the latter, in particular pursuant to the Deed of Foundation of August 2, 1972, and the provisions of the Concordat between the Holy See and the Free State of Bavaria of March 29, 1924 – last amended by the Agreement of June 8, 1988 –, the decree issued by the Congregation for Catholic Education on April 1, 1980, the Apostolic Constitution Ex Corde Ecclesiae of August 15, 1990, and the norms issued by the German Bishops’ Conference on the Apostolic Constitution Ex Corde Ecclesiae of September 2, 2009, in accordance with its mission (Art. 3).
- (2) In fulfillment of the purpose of the Foundation, the University must be promoted as an outstanding place where the spiritual trends and problems of the day can be addressed at a high academic level and in light of the Catholic faith and, in competition with universities in Germany and abroad, academic excellence that can meet the challenges of the present and the future in the spirit of the Gospel can be trained.

Art. 3

Nature and mission of the Catholic University of Eichstätt-Ingolstadt

- (1) ¹The Catholic University of Eichstätt-Ingolstadt is a Catholic university established canonically by a decree issued by the Congregation for Catholic Education on April 1, 1980. ²The Magnus Cancellarius of the University shall be the Chairman of the Freising Bishops' Conference. ³The Bishop of Eichstätt shall be the Vice Magnus Cancellarius of the University (SapChr Art. 13 (2)).
- (2) The University is also an officially recognized non-state university in terms of the Bavarian Higher Education Act, which is safeguarded by the Free State of Bavaria on the basis of the Bavarian Concordat.
- (3) ¹Freedom of research and teaching shall be guaranteed (Art. 5 (3)(1) of the Basic Constitutional Law of the Federal Republic of Germany (GG); Art. 108 of the Bavarian Constitution (BV), Canon 218 of the Codex Iuris Canonici (CIC) 1983; General Norms Art. 2 (5) of the Apostolic Constitution Ex Corde Ecclesiae (ECE) and Art. 3 (2) and (3) of the Bavarian Higher Education Act (BayHSchG)); this guarantee shall be supported by the University's character as a Catholic university. ²Art. 3 (4) BayHSchG shall apply accordingly to the freedom of study.
- (4) ¹As a Catholic university, the University shall be dedicated to the fostering and development of scholarship through research, teaching, study and further education. ²It shall try to instill the message of the Gospel of Christ into the spirit and culture of man and to foster a dialogue between faith and scholarship, the Church and the world. ³In the process, the University shall respect both the autonomy of the various disciplines and their reciprocal links, in order to thus involve scholarship in the search for true knowledge. ⁴The fostering of scholarship at the University shall be shaped by faithfulness to the Christian message, as it is communicated by the Catholic Church. ⁵Thus, the University establishes the presence of Christianity in an institutionalized form in the university sector. ⁶At the same time, due to the universal character of the Catholic Church and its academic institutions, the University opens up the international dimension and devotes particular attention to collaboration with Church-funded universities and faculties throughout the world.

- (5) ¹The University is an academic community which is supported by the Catholic spirit. ²In research and teaching, it considers and delves into the Christian concept of man, in particular, as well as the ethical principles of personality, of justice, of solidarity and of sustainability. ³The responsibility for the fulfillment of its mission and for the reinforcement of its Catholic character rests primarily with the University itself.
- (6) ¹The University shall fulfill its mission with the academic autonomy of German universities and in competition with other universities. ²In important university matters, in particular with regard to the beneficial perception of formal participation rights, the University, the Magnus Cancellarius, the supporting institution and the Holy See, as well as other ecclesiastical authorities if applicable, shall maintain a constant and confidential exchange, with due regard for their respective responsibilities.
- (7) Education for ecclesiastical fields of work, as well as the promotion of these fields of work, shall be a particularly appropriate task of the University.
- (8) ¹The University shall be open to applicants regardless of their religious denomination, in accordance with the general admission requirements, if they acknowledge and respect the ecclesiastical mission and Catholic character of the University. ²This obligation shall apply to all additional members of the University. ³They must be informed about the Catholic character of the University and the consequences of this when their membership of the University is established.

Art. 4 **Organs of the Foundation**

- (1) The organs of the Foundation shall be:
1. the Foundation Council (Art. 5);
 2. the Chairman of the Foundation Council (Art. 6);
 3. the Chairman of the Foundation (Art. 7).
- (2) ¹The Chairman of the Foundation Council shall be employed full-time; otherwise, work as a member of an organ shall be voluntary; the work of the Chairman of

the Foundation can be performed by employees of the Church, including within the framework of a leave of absence. ²The reimbursement of expenses incurred and a reasonable expense allowance from the foundation shall be permitted.

- (3) The liability of the Chairman of the Foundation Council, the Chairman of the Foundation and the voluntary members of organs of the Foundation shall be limited to willful intent and gross negligence; the Foundation shall take out liability insurance with an appropriate level of cover for the members of the organs.
- (4) Members of the University, except for lecturers, may not be members of an organ of the Foundation with voting rights.

Art. 5 **Foundation Council**

- (1) ¹The Foundation Council shall consist of
 1. the Chairman of the Foundation Council (Art. 6 (1));
 2. the Bishop of the Diocese of Eichstätt or the person who is entitled to run the diocese in accordance with the provisions of canon law, and
 3. eight additional members.

²The additional members pursuant to Sentence 1 (3) shall, upon the nomination of the Chairman of the Freising Bishops' Conference, be elected by the conference and appointed by the Chairman of the Freising Bishops' Conference.

³The term of office shall be four years; a repeated appointment, even several times, shall be permitted. ⁴The Chairman of the Freising Bishops' Conference shall make the decision regarding their dismissal, with the prior agreement of the Freising Bishops' Conference.

- (2) The President of the University ("President") and the Chairman of the Foundation shall belong to the Foundation Council as advisory members.
- (3) ¹The Foundation Council shall monitor the Chairman of the Foundation's performance of his duties, without prejudice to the responsibility of its Chairman.
²Without prejudice to its other responsibilities pursuant to the present Charter, it shall pass resolutions about

- amendments to the Foundation Charter,
 - statutes of the Foundation,
 - the budget of the Foundation and the revenue and expenditure account,
 - the approval of the basic rules and amendments to them,
 - target agreements with the University and the approval of the university development plan,
 - the granting of consent to the establishment of, a significant change to or cancellation of a degree program, provided that the consent is not already included in a target agreement concluded with the Foundation,
 - approval of the actions of the Chairman of the Foundation and
 - basic human resources, economic, asset management and investment matters, as well as
 - other matters of fundamental significance.
- (4) ¹The Foundation Council shall pass its resolutions in meetings, unless a circulation procedure is provided for in the rules of procedure. ²These meetings shall be convened by the Chairman of the Foundation Council or, on his behalf, by the Chairman of the Foundation with a notice period of two weeks, announcing the agenda. ³The Foundation Council shall be quorate if all the members have been properly invited and at least two thirds are present and have voting rights; it shall pass its resolutions with a majority of those taking part in the vote. ⁴In the event of a tied vote, the Chairman shall have the casting vote.
- (5) ¹The Foundation Council shall not meet publicly; it may call in consultants to its meetings. ²The members of the Foundation Council and the persons called in to give advice shall be bound to secrecy with regard to all the matters dealt with in the Foundation Council, unless a fact is already obvious.
- (6) The Foundation Council shall adopt rules of procedure, in which additional regulations and regulations deviating from Paragraph 4 (3), first half of the sentence, are made.
- (7) ¹The Foundation Council shall meet at least four times per calendar year. ²It must be convened if one third of its members demands this. ³Resolutions of the Foundation Council must be recorded in the minutes, which must show the voting behavior of the individual members by name if not all the members present voted in favor of the resolution or rejected a motion.

Art. 6
Chairman of the Foundation Council

- (1) ¹The Chairman of the Foundation Council shall be elected by the Freising Bishops' Conference and appointed by its Chairman. ²His term of office shall be four years; a repeated appointment, even several times, shall be permitted. ³The Chairman of the Freising Bishops' Conference shall make the decision regarding his dismissal, with the prior agreement of the Freising Bishops' Conference. ⁴The Chairman of the Foundation Council shall appoint one of the additional members of the Foundation Council in terms of Art. 5 (1)(3) as his deputy for a maximum period of his term of office; he also makes the decision regarding the latter's premature dismissal as the Deputy Chairman.
- (2) The Chairman of the Foundation Council shall represent the Foundation, without prejudice to the responsibilities laid down in the present Charter, in particular vis-à-vis the Freising Bishops' Conference, the Congregation for Catholic Education, the Free State of Bavaria and the University.
- (3) ¹The Chairman shall preside over the Foundation Council. ²He shall be authorized to make urgent arrangements and to deal with business which cannot be postponed in lieu of the Foundation Council. ³The Chairman of the Foundation Council shall inform the Foundation Council of this in its next meeting.
- (4) ¹The Chairman of the Foundation Council shall appoint the Head of the Foundation Administration and may dismiss him for good cause. ²The Head of the Foundation Administration may be called in to the meetings of the Foundation Council to give advice and take minutes.
- (5) ¹To carry out the functions of his office, the Chairman of the Foundation Council may avail himself of the support of individual members of the Foundation Council, the Chairman of the Foundation, the Foundation Administration and the President. ²He may be represented by his deputy.

Art. 7
Chairman of the Foundation

- (1) ¹The Chairman of the Foundation is one person; he shall be elected by the Freising Bishops' Conference upon the nomination of its Chairman and shall be appointed by the Chairman of the Freising Bishops' Conference. ²The Chairman of the Foundation may be dismissed by the Chairman of the Freising Bishops' Conference with the prior agreement of the conference.
- (2) The term of office of the Chairman of the Foundation shall be four years; a repeated appointment, even several times, shall be permitted.
- (3) ¹The Foundation Council shall appoint two deputies to the Chairman of the Foundation, on the nomination of its Chairman; these shall perform the duties of the Chairman of the Foundation as an organ of the Foundation together in the event of and for the duration of an actual or legal incapacity of the Chairman of the Foundation. ²Paragraph 2 shall apply accordingly. ³The deputies of the Chairman of the Foundation can be dismissed by the Chairman of the Foundation Council for good cause.
- (4) ¹Without prejudice to the responsibilities laid down in the present Charter, the Foundation shall be represented in and out of court by the Chairman of the Foundation or his deputies, who shall be entitled to represent the Chairman of the Foundation together. ²The representation of the Chairman of the Foundation shall be regulated by the rules of procedure of the Foundation Council. ³The regulations of the particular church law of the German Bishops' Conference with regard to the approval of sales and legal transactions similar to sales (norms of the German Bishops' Conference regarding cc. 1292 (1), 1295 and 1297 CIC) must be applied to the Foundation analogously; the "approval of the diocesan bishop" shall be granted by the Chairman of the Freising Bishops' Conference.
- (5) The Chairman of the Foundation shall manage the business of the Foundation on his own responsibility, taking the guidelines of the Foundation Council and its Chairman into consideration, and shall execute the resolutions of the Foundation Council, unless the present Charter specifies otherwise.
- (6) To carry out the functions of his office, the Chairman of the Foundation may avail himself of the support of the Foundation Administration and the President.

Art. 8
Foundation assets

- (1) The foundation assets shall consist of
 - a) the Foundation's developed and undeveloped plots of land;
 - b) rights of use to developed and undeveloped plots of land;
 - c) movable property;
 - d) other assets and rights.

- (2) As well as the foundation assets and its revenues, the following shall be used to finance the purpose of the Foundation
 - a) the contributions from the (arch)dioceses located in Bavaria which are identified in the supra-diocesan budget;
 - b) the contributions of the state agreed in the Concordat between the Holy See and the Free State of Bavaria;
 - c) other contributions by the Church and state to the operation of the University and contributions of third parties;
 - d) fees and dues incurred, and other donations.

Art. 9
Foundation budget, rendering of accounts and audit

- (1) ¹The Foundation budget must be drawn up – together with the establishment plan – at the start of a financial year as a two-year budget equivalent to the budget of the Free State of Bavaria. ²It shall form the basis for the administration of the revenue and expenditure of the Foundation. ³If it is drawn up late, the Foundation's budget for the previous year shall remain binding in the interim.

- (2) The Foundation budget requires the approval of the Freising Bishops' Conference.

- (3) The asset and economic management must be conducted in accordance with the principles of economy and cost-effectiveness and in accordance with the applicable church and state regulations for foundations.

- (4) ¹The Foundation's budget law must be governed by a statute (Foundation Budget Regulation). ²In this statute, provision should be made for the University participating in the preparation and execution of the budget and in the administration of its own funds.
- (5) ¹Within six months of the expiry of a financial year, the Chairman of the Foundation shall provide the Foundation Council with an account of the execution of the Foundation's budget. ²This should be drawn up in a consistent form within the framework of proper accounting and must include a statement of assets and reserves.
- (6) ¹The audit shall be performed by an auditor to be appointed annually by the Foundation Council. ²The audit report for the revenue and expenditure account shall be supplemented by a "management letter". ³The Foundation Council shall be entitled to have special audits performed at any time, including by third parties.
- (7) The audited revenue and expenditure account must be presented to the Freising Bishops' Conference.

Art. 10

General employment law regulations

- (1) The Foundation shall be the employer for the civil servants and the employees of the Foundation (Foundation Administration and University).
- (2) ¹The highest administrative authority for the civil servants shall be the Chairman of the Foundation. ²The supervisor (Art. 3 (1) Bavarian Civil Servants Act) shall be
 - a) the Chairman of the Foundation Council for the President and the professors,
 - b) the Chairman of the Foundation for the civil servants of the Foundation Administration and
 - c) the President for the academic staff working at the University, with the exception of the professors, as well as for the Chancellor and the other non-academic staff working at the University.

³The tasks of the Chairman of the Foundation Council as the supervisor of the professors may be transferred to the President by a statute of the Foundation; the tasks of the President as the supervisor of the other non-academic staff (Sentence 2 (c)) may be transferred to the Chancellor by the basic rules. ⁴If the staff referred to in Sentence 2 do not have a civil servant status (employees), Sentences 2 and 3 shall apply to the performance of the tasks of the Foundation as an employer.

- (3) ¹The appointing authority for the President, the Chancellor and the professors shall be the Chairman of the Foundation Council. ²The appointing authority for civil servants working at the University on a temporary basis, with the exception of the professors, shall be the President. ³The appointing authority for civil servants of the Foundation Administration and for civil servants working at the University shall otherwise be the Chairman of the Foundation.
- (4) ¹The obligation to recognize and respect the ecclesiastical mission and the Catholic character of the University (Art. 3 (8)) shall apply to all the staff of the Foundation. ²For staff who are members of the Catholic Church, this shall include the obligation to remain faithful to Catholic doctrine and ethics in their conduct on-duty and off-duty, as well as to promote the ecclesiastical mission of the University. ³Serious and sustained infringements of the obligations under Sentences 1 and 2 in conjunction with Art. 3 (8) may constitute grounds for the termination of this employment relationship. ⁴Before they are employed, staff must be instructed regarding the obligation under Sentences 1 and 2 in conjunction with Art. 3 (8) and referred to Sentence 3. ⁵Before they are employed, they must take an oath, the content of which shall be specified by the Foundation Council.

Art. 11

Particular public sector employment law regulations for civil servants

- (1) ¹The legal relationships of the civil servants, including their old age and survivors' pension, to which the legal principle of the protection of vested rights shall apply, shall be determined on the basis of the civil service and pension law which applies for civil servants of the Free State of Bavaria. ²The legal relationships of the academic staff of the University with the status of civil servants

shall be determined, without prejudice to Sentence 1, on the basis of the Bavarian Law on Staff at Higher Education Institutions (BayHSchPG) and the state regulations supplementing this law, which must be applied accordingly, as well as the ecclesiastical regulations which apply to the academic staff at Catholic universities. ³With regard to the establishment of the civil servant status, the principles laid down in Art. 1, 3 and 4 of the Basic Church Regulations Regarding Employment must be observed accordingly.

- (2) A civil servant may be discharged even without an application if he enters into an employment relationship under public law with another employer.
- (3) ¹The Chairman of the Foundation Council shall make the decision regarding the appointment of professors, without being tied to the sequence of the appointment proposal; he may return the appointment proposal in its entirety. ²If the Chairman of the Foundation Council intends to depart from the sequence of the appointment proposal or to return it, he shall give the President a hearing first. ³In the event that the appointment proposal is forwarded in accordance with Sentence 1, a statement from the President must be submitted which must, in particular, comment on whether, from his point of view, reservations or objections exist with regard to the proposed applicants, in view of the Catholic character and the profile of the University.
- (4) The remuneration of the civil servants shall be based on the salary law which applies to corresponding civil servants of the Free State of Bavaria.
- (5) ¹The disciplinary law for civil servants of the Foundation shall be regulated by a statute of the Foundation (currently the Disciplinary Regulation of the Catholic University of Eichstätt Foundation of June 24, 1994). ²It must take the traditional principles of the civil service into consideration and take account of the principles of the rule of law and the general public sector employment law regulations pursuant to Art. 10 (4) and shall be based on the state disciplinary law. ³A civil servant must be discharged without a formal disciplinary procedure if he leaves the Catholic Church.
- (6) By a statute of the Foundation, regulations which deviate from the applicable state law can be made with regard to responsibilities under civil service law and salary law:

- a) for reasonable compensation in the event that periods of service at the Foundation are not taken into account by employers in terms of Section 121 of the German Civil Service Framework Act, unless an agreement exists with the new employer with regard to a pension rights adjustment;
- b) with regard to the treatment of previous periods of service in the Catholic Church or one of its institutions on an equal footing with previous periods of employment with an employer under public law in terms of Section 121 of the German Civil Service Framework Act when determining the seniority for salary purposes of Foundation civil servants who have been appointed after January 1, 1990;
- c) with regard to responsibilities under civil service law and salary law.

Art. 12

Particular employment law regulations for employees

¹The legal relationships of the employees shall be determined on the basis of the Basic Church Regulations Regarding Employment. ²In addition, they shall be based on the respective collective agreements which apply to employees of the Free State of Bavaria – currently the Collective Agreement for the Public Sector of the Federal States (TV-L), the Collective Agreement on the Transfer of Employees of the Federal States to the TV-L and on the Regulation of Transitional Law (TVÜ-Länder), as well as collective agreements which supplement, amend or replace these – and the decree of the Bishop of Eichstätt of November 30, 2014 (Pastoralblatt des Bistums Eichstätts 2014, No. 122) regarding the application of the “Basic Church Regulations Regarding Employment” at the University, unless agreed otherwise in individual contracts. ³The legal relationships of the academic staff of the University without a civil servant status shall be determined, without prejudice to Sentences 1 and 2, on the basis of the Bavarian Law on Staff at Higher Education Institutions and the state regulations supplementing this law, which must be applied accordingly, as well as the ecclesiastical regulations which apply to the academic staff at Catholic universities.

Art. 13
Additional regulations regarding responsibilities
in human resources matters

(1) ¹The following responsibilities shall, without prejudice to the provisions in Art. 10, 11 and 12 of the Charter, be transferred to the President:

- a) the employment, promotion and dismissal of employees working at the University;
- b) the fixed-term employment of professors pursuant to Art. 18 (8)(1) BayH-SchPG and of visiting professors;
- c) the issuing of teaching assignments.

²The President may revocably transfer the responsibilities pursuant to Sentence 1 (a) for the non-academic staff to the Chancellor.

(2) Unless otherwise provided for by the Foundation Charter and the statutes passed on the basis of this, as well as the correspondingly applicable state law, the University shall be responsible for the human resources matters of the civil servants and employees of the Foundation working there.

(3) The University shall, provided that it is not responsible for human resources matters itself, have the right to present applications and proposals for the staff decisions to be made to the competent office of the Foundation.

(4) ¹When civil servants are appointed or employees are engaged, the protection of the Catholic character of the University must be taken into consideration (Art. 3 (4), (5) and (8), Art. 10 (4), Art. 11 (1)(3) and Art. 12 (1)); this shall also apply when the membership of teachers at the University who are granted an employment contract is established for the first time. ²Therefore, in the cases in Sentence 1, it is necessary to check whether there are objections to the person under consideration, in view of the Catholic character of the University ("Churchliness check"). ³The check shall be the responsibility of the President, without prejudice to Art. 10 (3) and Art. 11 (3)(3); for the civil servants and staff of the Foundation Administration, it shall be the responsibility of the Chairman of the Foundation. ⁴Sentences 2 and 3 shall also apply accordingly in the case of conflicts if there are concerns about civil servants, employees or other members of the University, with the exception of the students, with

respect to compliance with the obligations which are incumbent upon them in accordance with the regulations referred to in Sentence 1. ⁵Decisions regarding the end of an employment as a civil servant or an employee or of a membership on account of serious and lasting infringements of these obligations shall be the responsibility of the competent body according to disciplinary law in the event of temporary civil servants and civil servants for life; in the case of civil servants employed for a probationary period and in the case of employees and other members of the University, with the exception of the students, this shall be the responsibility of the Chairman of the Foundation.

- (5) ¹The Foundation shall be responsible for the remuneration of the civil servants and the employees, as well as for the granting of loans. ²Responsibilities under salary law that do not fall within the remit of the State Ministry for Education, Science and the Arts in the public sector can be transferred to the University by statute.

Art. 14

Staff representative committee

The staff representative committee's right to formation, co-determination and participation shall be determined on the basis of the Staff Representation Regulation – MAVO (KU) – passed for the Foundation and the University in agreement with the Foundation Council.

Art. 15

Transfer of legal action

The regulations of Chapter II Section II of the German Civil Service Framework Act shall apply accordingly to all lawsuits of civil servants, including emeriti, retired civil servants, former civil servants and surviving dependents, arising from their employment as civil servants.

Art. 16
Statute law

- (1) The statutes of the Foundation and the University shall, without prejudice to Paragraph 3, be statutes of the Catholic University of Eichstätt-Ingolstadt Foundation.
- (2) Statutes of the Foundation shall be decided upon by the Foundation Council and drawn up by its Chairman.
- (3) ¹The basic rules and their amendments, as well as other statutes which may be issued by the University according to national law, in particular study and examination regulations and statutes regarding admission restrictions, shall be issued by the University. ²The University Council shall approve the basic rules and their amendments with a two-thirds majority of the votes cast.
- (4) ¹The basic rules and their amendments require the approval of the Foundation Council and the agreement of the Congregation for Catholic Education. ²The remaining statutes of the University require the approval of the Chairman of the Foundation, with the exception of statutes that do not require the approval of the State Ministry for Education, Science and the Arts according to state law. ³Before study and examination regulations are submitted to the aforementioned State Ministry (pursuant to Art. 80 in conjunction with Art. 58 and 61 BayH-SchG), they must be submitted to the Chairman of the Foundation for information purposes and to give him the opportunity to provide a statement as to whether objections to the draft statute exist from an ecclesiastical perspective.
- (5) The above rights of participation of the Holy See for ecclesiastical degree programs, as regulated by the Apostolic Constitution Sapientia Christiana, shall remain unaffected.

Art. 17
Higher education law

- (1) The Bavarian Higher Education Act and the state legislation supplementing this Act shall apply accordingly to the University, unless there are deviating provisions in the present Charter.

- (2) ¹Only professors, honorary professors or extraordinary professors may be elected as the President. ²The Vice Presidents must be elected from amongst the professors who are employed at the University full time.
- (3) The President and the Chancellor (head of the University Administration) and the majority of the University Management must be members of the Catholic Church.
- (4) ¹The election and voting out of the President and the Vice Presidents shall be governed by a statute of the Foundation pursuant to Paragraph 10. ²The dismissal of the Chancellor requires the agreement of the Chairman of the Foundation Council.
- (5) ¹The Chancellor shall manage the administration of the University, without prejudice to the tasks and responsibilities of the University Management and the President. ²He shall be the Budget Officer in terms of Art. 9 Bavarian Financial Regulation and shall not be bound by instructions of the University Management and the President in this role.
- (6) It must be laid down in the basic rules that at least one representative appointed by the Chairman of the Foundation Council shall be a member of the University Council or another appropriate collegial body, without voting rights.
- (7) ¹The basic rules must provide for the University Council conducting one meeting per calendar year as a joint meeting with the Foundation Council. ²In this meeting, issues of development planning, in particular, must be dealt with.
- (8) The University's own affairs shall, unless otherwise determined in the present Charter, be all affairs of the University which are not state affairs according to state law (Art. 11 (3) BayHSchG); assigned affairs shall be the state affairs in terms of Art. 12 (3) BayHSchG, insofar as the University is competent to take care of these.
- (9) In the basic rules, in addition to the regulations provided for in accordance with the Bavarian Higher Education Act, provisions which deviate from state higher education law can be laid down in the following areas, subject to the provisions of the present Charter:
 - a) formation, composition, tasks and responsibilities of organs and committees, as well as management of institutions of the University;
 - b) voting rights;

- c) special conditions for admission to a program;
 - d) position of honorary professors and retired professors within the University.
- (10) By a statute of the Foundation, deviating regulations can be made for the University for the areas referred to in Paragraph 9 (a) to (c), as well as within the framework of the regulation of Art. 106 (2)(1) BayHSchG which applies to state universities.
- (11) ¹In the present Foundation Charter, the term “President” shall be understood to mean the President, Rector or other Chairman of the University Management, depending on the development of state higher education law and the university management regulation in the basic rules. ²The same shall apply accordingly for “Vice Presidents”.

Art. 18

Supervision of the University

- (1) In its own affairs, the University shall be under the legal supervision of the Foundation, in accordance with the present Charter.
- (2) In assigned affairs, the University shall be subject to the supervision of the Foundation (functional supervision), in accordance with the present Charter.
- (3) Art. 75 BayHSchG shall apply accordingly.

Art. 19

Cessation of teaching operations and closure of the University

- (1) ¹The Foundation Council shall pass a resolution regarding the permanent cessation of teaching operations and the closure of the University with a majority of at least two thirds of the votes of its members. ²The resolution requires the agreement of the Freising Bishops’ Conference.
- (2) In this case, the legal position of the civil servants and employees shall be based on Art. 10 to 15.

Art. 20

Amendment of the Foundation Charter and dissolution of the Foundation

- (1) ¹Amendments to the Foundation Charter shall be passed by the Foundation Council with a majority of two thirds of the votes of its members. ²They require the approval of the Freising Bishops' Conference.
- (2) ¹In the event of the dissolution of the Foundation, the (arch)dioceses located in Bavaria shall take on the subsequent charges. ²The Foundation assets pursuant to Art. 8 (1)(a) and (b) shall go to the diocese in which it is located, the other assets pursuant to Art. 8 (1)(c) and (d) to the supra-diocesan budget for the dioceses located in Bavaria.

Art. 21

Transitional arrangements

- (1) The Foundation Charter of September 8, 1971, and the Foundation Charter of February 10, 1988, shall continue to apply in the version published on February 11, 1988, and in the version published on November 25, 1991, to the extent that later amendments affect contractual agreements or restrict guaranteed rights of staff in an impermissible manner.
- (2) In deviation from Art. 5 (1)(1)(3), the Foundation Council shall have ten additional members within the meaning of this provision for the duration of the current term of office. Their term of office of five years shall remain unaffected.
- (3) ¹When the present Charter enters into force, the term of office of the Chairman of the Foundation who is in office shall end. ²In departure from this, the Chairman of the Foundation shall remain in office in terms of the present Charter for the duration of his term of office; Art. 7 (2), second half of the sentence.
- (4) ¹Art. 14 must be applied for the next regular election of the staff representative committee. ²Until the Staff Representation Regulation for the Foundation and the University referred to in Art. 14 is issued, the MAVO for the Diocese of Eichstätt must be applied. ³Staff in terms of the Staff Representation Regulation shall also include civil servants of the Foundation; Section 54 (2) MAVO shall apply accordingly for the group of persons pursuant to Art. 22 (3) BayHSchPG.

⁴In other respects, necessary deviations on the basis of a resolution by the Foundation Council must be enacted by the Bishop of Eichstätt in terms of dispensation with regard to Section 55 MAVO Eichstätt.

- (5) ¹The basic rules shall be adapted to the present Charter by December 31, 2010, at the latest. ²Without prejudice to the adaptation of the basic rules, Art. 17 (4) of the Charter shall apply to the next election of the President.

Art. 22

Reference to state law

¹References to regulations of state law in the present Charter and collective agreements which apply to employees of the Free State of Bavaria shall relate to the currently valid version of these. ²If a regulation or a collective agreement ceases to be in force, the reference shall relate to the regulation or collective agreement which replaces it.

Art. 23

Validity of canon law

The regulations of canon law, in particular the Codex Juris Canonici and the relevant concordats, shall not be affected by the present Charter.

Art. 24

Entry into force, annulment

¹The Charter of the Catholic University of Eichstätt-Ingolstadt Foundation adopted by resolutions of the Foundation Council on January 11 and July 21, 2010, shall enter into force on October 1, 2010. ²At the same time, the Foundation Charter of February 10, 1988, amended by a statute of November 25, 1991, shall cease to be in force.

Drawn up on the basis of the resolution of the Foundation Council of July 21, 2010*. The Foundation Charter was approved by the Conference of Bavarian Bishops in September 2010; the Congregation for Catholic Education agreed to this with the letter of April 15, 2010, Record No. 774/1982.

* The Foundation Charter has been amended three times; this version reflects the current legal situation.

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