



Constitution

On the basis of Sect. 5 Fig. 2 of the Foundation Document of August, 2, 1972, the Foundation Council issues the following Foundation Charter (hereafter called the “Constitution”):

Art. 1

Name, location, legal form, supervision

- (1) The Foundation bears the name “Catholic University of Eichstätt-Ingolstadt Foundation”.
- (2) The Foundation is located 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) The purpose of the Foundation is the sponsorship of the Catholic University of Eichstätt-Ingolstadt (in the following called the “University”) on the basis of the Foundation Document of August, 2, 1972.
- (2) As a place of discourse between scholarship and the Church, the University is intended to provide scope for an open encounter between different values and world perspectives.

Art. 3

Nature and mandate of the Catholic University of Eichstätt-Ingolstadt

- (1) ¹The Catholic University of Eichstätt-Ingolstadt is a Catholic University canonically established by the Congregation for Catholic Education on 1 April 1980. ²Magnus Cancellarius of the University is the Chairman of the Freising Bishops’ Conference. ³The Chairman (*) of the Foundation Council is the Deputy Grand Chancellor (Vice Magnus Cancellarius). This does not apply to the faculties of Theology and Religious Education for which the Bishop of Eichstätt is Deputy Grand Chancellor.

- (2) The University is at the same time a state-recognised non-state higher educational establishment warranted by the Free State of Bavaria on the basis of the Bavarian Concordat as defined in the Bavarian Higher Education Act (BayHSchG) in combination with ecclesiastical higher education legislation.
- (3) ¹The freedom of research and teaching is guaranteed (Art. 5 Para. 3 Sent. 1 of the German Basic Law (GG); Art. 108 of the Bavarian Constitution (BV)). ²Art. 3 Para. 1 - 4 BayHSchG applies accordingly for the freedom of art and science, research, teaching and study.
- (4) ¹In the scientific and technical world, academic knowledge and education are increasingly becoming the decisive prerequisite for proper, ethically appropriate decisions in business, politics, culture, media, society and the Church. ²As a Catholic higher educational establishment, the University operates independently and in commitment to its scientific self-definition in caring for and developing the sciences through research, teaching, study, transfer and continuing training. ³It competes with state and private higher educational establishments in Germany and abroad for scientific knowledge, students, teachers and funds. ⁴In its work, the intention is that faith and scholarship should meet in a dialogue based on mutual respect. ⁵For the Bavarian dioceses that ensure the long-term achievement of its purpose, it is an important interface between the missionary mandate of the Church and modern society.
- (5) ¹The University is an academic community that builds on the Christian idea of man, on the ethical principles of personality, of justice, solidarity, subsidiarity and sustainability. ²In line with the universal character of the Catholic Church and its academic institutions, it opens up the international dimension of scholarship and devotes particular attention to cooperation with universities and faculties under ecclesiastical leadership throughout the world.
- (6) In agreement with its sponsor, the University adopts a Mission Statement, which is reviewed every three years.
- (7) ¹In significant university matters, the University, Magnus Cancellarius, sponsor and Holy See plus, if necessary, further Catholic institutions foster a constant, trust-based exchange of views, with due consideration of the various areas of competence. ²The academic freedoms of the University, its bodies and its research activities remain unaffected by this.
- (8) Training for ecclesiastically relevant areas of work and the promotion of these areas of work is one of the tasks of the University.
- (9) ¹The University is open to all study applicants without consideration of their religious confession in accordance with the general admission requirements. ²This also applies for all further members of the University. ³All members of the University must be informed about the particular sponsorship of the University.

- (10) The choice of academic staff, especially of the professors, is governed by the principle of “selection of the best”, taking into account Art. 11 Para. 3 Sent. 4.
- (11) The Foundation works towards ensuring the University to be able to operate as independently as possible within the scope of existing law.

Art. 4 Bodies of the Foundation

- (1) The bodies of the Foundation are:
 1. the Foundation Council with its Chairman (Art. 5 and Art. 6);
 2. the Foundation Director (Art. 7).
- (2) The liability of the members of the Foundation Council and the Foundation Management Board is limited to deliberate intent and gross negligence; the Foundation concludes a liability insurance to the appropriate extent for the members of its bodies.
- (3) Members of the University Council, except lecturers, and members of the Foundation Administration, cannot be members of the Foundation Council.

Art. 5 Foundation Council

- (1) ¹The Foundation Council is the deciding body of the Foundation (Art. 7 of the Foundation Document). ²It consists of
 1. the Chairman of the Foundation Council (Art. 6 Para. 1);
 2. the Bishop of the Diocese of Eichstätt or the person responsible for the management of the Diocese according to the provisions of Church law, and
 3. eight further members.

³The further members according to sentence 2 no. 3 are chosen on the suggestion of the Chairman of the Freising Bishops' Conference by the latter and appointed by the Chairman of the Freising Bishops' Conference. ⁴The period of office is four years; repeated appointment is permitted, even several times. ⁵The Chairman of the Freising Bishops' Conference decides on their dismissal after prior consultation with the Freising Bishops' Conference.
- (2) The President of the University and the Foundation Director may be invited as guests.

- (3) ¹The Foundation Council and in particular its Chairman are in an institutionalised discourse with the University, its bodies and members. ²Details are regulated in a Foundation statute.
- (4) The Foundation Council
- chooses the Foundation Director;
 - supervises the Foundation Director in the exercise of his duties;
 - in consultation with the Foundation Director, determines his deputy;
 - is responsible for supervision of the University;
 - decides on the distribution of areas of competence and tasks between the University Administration and the Foundation Administration;
 - establishes agreement to the University's Mission Statement;
 - can, for the fulfilment of its duties, establish deciding committees which must have at least three members, and delegate tasks to its Chairman.
- (5) Notwithstanding its further responsibilities under this Constitution, the Foundation Council makes decisions in particular about
- changes in the Foundation Constitution,
 - statutes of the Foundation as defined in Article 15,
 - the Foundation budget and budget accounting,
 - the supervisory approval of the Basic Rules and their amendments,
 - confirmation of agreement to the university development plan,
 - objective agreements with the University,
 - discharge of the Foundation Director from responsibility.
- (6) ¹The Foundation Council reaches decisions in meetings unless a circulation procedure is provided for in the Rules of Procedure. ²They are called by the Chairman of the Foundation Council or on his behalf by the Foundation Director with notification of the agenda, subject to a period of notice of two weeks. ³The Foundation Council is quorate if all members have been properly invited and more than half are present and entitled to vote; it reaches decisions with a majority of

those voting. ⁴If there is an equal number of votes, the Chairman's vote is decisive. ⁵Abstentions are not counted.

- (7) ¹The Foundation Council does not meet publicly; it may call people to its meetings for advice. ²The members of the Foundation Council and anyone called in for advice are obliged to maintain confidentiality concerning all matters covered in the Foundation Council unless a fact is already known in public.
- (8) ¹Basically, the Foundation Council meets at least four times in the calendar year. ²It must be convened if a third of its members demand it. ³Decisions by the Foundation Council including the results of the voting must be recorded in a set of minutes.
- (9) The Foundation Council adopts Rules of Procedure in which supplementary rules and rules deviating from Para. 6 Sent.2 as regards the period of notice may be determined.
- (10) Activity in the Foundation Council is honorary; the Foundation is allowed to reimburse expenses incurred and make an appropriate payment for work undertaken.

Art. 6

The Chairman of the Foundation Council

- (1) ¹The Chairman of the Foundation Council is chosen by the Freising Bishops' Conference and appointed by its chairman. ²His period of office is four years; repeated appointment is permitted, even several times. ³The Chairman of the Freising Bishops' Conference decides on his dismissal after prior consultation with the Conference. ⁴The Chairman of the Foundation Council appoints, for the length of his period of office at most, a further member of the Foundation Council as defined in Art. 5 Para. 1 Sent. 2 Fig. 3 as his deputy; he also decides on his premature dismissal.
- (2) Notwithstanding the areas of competence laid down in this Constitution, the Chairman of the Foundation Council represents the Foundation in particular in dealings with the Freising Bishops' Conference, the Congregation for Catholic Education, the Free State of Bavaria and the University.
- (3) ¹The Chairman holds the chair of the Foundation Council. ²He is authorised to make urgent arrangements on behalf of the Foundation Council and to deal with business that cannot be postponed. ³The Chairman of the Foundation Council informs the Foundation Council of any such decision at its next meeting.

Art. 7 Foundation Director

- (1) ¹The Foundation Director is chosen by the Foundation Council and appointed by the Chairman of the Foundation Council. ²He may be dismissed by the Foundation Council for an important reason.
- (2) ¹He implements the decisions of the Foundation Council, manages, in compliance with the Foundation Council's requirements and guidelines, the Foundation Administration and supervises its employees unless its tasks are carried out by the University Administration.
- (3) ¹The Foundation Director represents the Foundation both in and out of court unless tasks are assigned to the President of the University or the Chairman of the Foundation Council under this Constitution. ²Within this framework, the President or the Chairman of the Foundation Council represent the Foundation in and out of court. ³The provisions of the canon law of the German Bishops' Conference concerning approval of disposals and disposal-like legal transactions (Particular Norms of the German Bishops' Conference regarding cc. 1292 Sect. 1, 1295 and 1297 CIC) are to be applied correspondingly to the Foundation; the "Approval of the Diocesan Bishop" is granted by the Chairman of the Freising Bishops' Conference.

Art. 8 Foundation assets and contributions of third parties

- (1) The foundation assets consist of
 - a) the Foundation's developed and undeveloped real estate;
 - b) rights of use to developed and undeveloped real estate;
 - c) all movable fittings;
 - d) other assets and rights.
- (2) Apart from the foundation assets and their revenues, the purpose of the Foundation is financed by
 - a) the contributions of the (arch)dioceses located in Bavaria which are shown in the budget of the *Überdiözesaner Fonds Bayern*;
 - b) the contributions of the State agreed upon in the Concordat between the Holy See and the Free State of Bavaria;
 - c) other State and ecclesiastical contributions for the running of the University and contributions of third parties;
 - d) fees and dues incurred and other donations.

Art. 9

Foundation budget, financial statement and auditing

- (1) ¹The Foundation budget, together with the staffing plan, must be drawn up as a double budget according to the budget of the Free State of Bavaria at the beginning of each budget year. ²It forms the basis for the management of the Foundation's income and expenditure. ³If its preparation is delayed, the Foundation budget of the previous year remains binding temporarily.
- (2) The Foundation budget requires the approval of the Freising Bishops' Conference.
- (3) Asset and business management must be in accordance with the principles of economy and efficiency and with the valid ecclesiastical and state regulations for foundations.
- (4) ¹The budget must be drawn up in consultation with the University. ²Unless other provisions apply to funds provided by the Free State of Bavaria, the University administers the funds to be allocated to it as a subsidy for ongoing operation and investments and all further funds independently according to the objective agreement to be concluded with it; the funds not spent at the end of the year are available to it beyond the year end. ³The Foundation Council is responsible for supervising the deployment and use of the funds (Art. 5 Para. 5).
- (5) ¹Within six months of the end of a budget year, the Foundation Director shall submit the financial statement to the Foundation Council detailing the implementation of the Foundation budget. ²This statement must be written in a consistent form in accordance with the principles of proper accounting and must show the assets and liabilities.
- (6) ¹Auditing is carried out by an auditor to be determined annually by the Foundation Council. ²The Foundation Council is entitled to have special audits carried out at any time, including by third parties.
- (7) The audited budget accounts must be submitted to the Freising Bishops' Conference.

Art. 10

General provisions of staff and employment legislation

- (1) The Foundation is the employing body for the civil servants and the employer for the employed personnel of the Foundation.
- (2) The highest administrative authority of the civil servants is the Foundation, represented by the Foundation Director.
- (3) ¹The supervisor (Art. 3 Sent. 1 Bavarian Civil Service Act) is

- a) the Chairman of the Foundation Council for the Foundation Director and for the President,
- b) the Foundation Director for the civil servants of the Foundation Administration,
- c) the President for the professors and other academic staff working with the University and for the Chancellor and other non-academic staff working with the University.

²The Basic Rules may assign duties of the President as the supervisor of the other non-academic staff (Para. 3 Sent. 1C)) to the Chancellor.

- (4) If the employees named in Para. 3 Sent. 1 are not civil servants (i.e. are employed personnel), Para. 3 Sent. 1 and 2 apply accordingly to the performance of the tasks of the Foundation as the employer.
- (5) ¹The appointing authority for the Foundation Director, the President, the Chancellor and the professors and the hiring authority for the professors who are not civil servants is the Chairman of the Foundation Council. ²The appointing authority for all other civil servants working at the University and for the civil servants of the Foundation Administration is the Foundation Director. ²Hiring authority for employees of the Foundation Administration is the Foundation Director, hiring authority for the employees working with the University is the President.
- (6) ¹With all hiring and appointments, it must be ensured that all civil servants and employees of the Foundation are committed to the Foundation purpose (Art. 2) and through this to the nature and mandate of the University (Art. 3). ²It must therefore be verified that the applicant is prepared to recognise this. ³This also applies to the first-time establishment of a membership of teachers at the University who are not taken over into an employment relationship. ⁴This verification is the responsibility of the President, or of the Foundation Director for the civil servants and employees of the Foundation Administration. ⁵Verification is carried out in each case according to the University's Mission Statement.

Art. 11

Special employment regulations for civil servants

- (1) ¹The legal position of the civil servants, including pensions and provision for surviving dependants, as far as the legal principle of protection of vested rights applies to them, is determined, unless otherwise stipulated in this Constitution, according to the civil service and public service pensions legislation applicable for civil servants of the Free State of Bavaria. ²The legal position of the University's academic staff employed as civil servants is determined irrespective of Sentence 1 according to the Bavarian Higher Education Employment Act (BayHSchPG) and

the state regulations supplementing this Law which are to be applied correspondingly, and by the ecclesiastical regulations applicable for the academic staff at Catholic universities.

- (2) A civil servant can be dismissed without application if he moves to another employing authority in a public law agency or employment position.
- (3) ¹The right to appoint professors is transferred to the University for a limited period of 10 years. ²This provision must be evaluated by the Foundation Council in good time. ³If no other arrangement is made, the University will retain the right of appointment after the end of the limited period. ⁴In the appointment process, it must be ensured that the applicants are prepared to recognise and follow the University's Mission Statement.
- (4) Payment of civil servants is determined according to the payment legislation applicable for corresponding civil servants of the Free State of Bavaria.
- (5) ¹The disciplinary rules for civil servants are regulated by the Foundation's statutes (currently the Disciplinary Code of the Catholic University Foundation of July, 1, 2012). ²The regulations are intended to be based on state disciplinary legislation.
- (6) Arrangements differing from the state legislation to be accordingly applied may be made by the statutes of the Foundation concerning the following topics:
 - a) to ensure fair compensation if service periods in the Foundation are not taken into account by employing bodies as defined in Sect. 121 of the German Civil Service Framework Act, unless there is an agreement with the host employing body concerning a pension rights adjustment;
 - b) concerning the equal treatment of previous periods of service in the Catholic Church or one of its institutions with previous periods of service with a public-law employing body as defined in Sect. 121 of the German Civil Service Framework Act in determining the payment service age of Foundation civil servants who were appointed after January, 1, 1990;
 - c) concerning areas of competence under civil service and payment legislation.

Art. 12

Special employment regulations for employees

¹The legal position of employees not employed as civil servants is determined according to the Basic Rules of Church Employment within the framework of ecclesiastical employment. ²In addition, the legal position is determined by the relevant tariff agreements applicable for employees of the Free State of Bavaria and the relevant valid provisions of diocesan law of the Diocese of Eichstätt. ³The legal position of the University's academic staff not employed as civil servants is determined irrespective of Sentence 1 and 2 according to the Bavarian Higher Education Employment Act (BayHSchPG) and according to the state regulations supplementing this Law which are to be applied

correspondingly, and the ecclesiastical regulations applicable for the academic staff at Catholic universities.

Art. 13

Employee representation

The right to form employee representation bodies, the membership in those bodies and their participation in decisions is determined according to the Employee Representation Ordinance (MAVO) (Catholic University) issued for the Foundation and the University in consultation with the Foundation Council.

Art. 14

Notice of legal process

For all legal action taken by civil servants, including emeriti, retired civil servants, former civil servants and surviving dependants, arising from employment as a civil servant, the provisions of Chapter II Section II of the German Civil Service Framework Act shall apply.

Art. 15

Statute legislation

- (1) The statutes of the Foundation and the University are statutes of the Catholic University of Eichstätt-Ingolstadt Foundation.
- (2) The Foundation's statutes have to be established by the Foundation Council and issued by its Chairman.
- (3) ¹The University establishes the Basic Rules and their amendments plus other statutes which may, under state law, be established by the universities, especially study and examination regulations plus statutes concerning admission restrictions. ²The University Council decides on the Basic Rules with a two-thirds majority of the votes cast.
- (4) ¹The Basic Rules and their amendments require the supervisory 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 Foundation Council with the exception of the statutes that require no state approval under state law.
- (5) ¹The participatory rights of the Holy See for ecclesiastical courses of study as regulated by the Apostolic Constitution Veritatis Gaudium of December, 8, 2017 and the ordinances of the Congregation for Catholic Education of December, 27, 2017 remain unaffected. ²The internal organisation will be regulated by a separate statute.

Art. 16 Higher education legislation

- (1) The Bavarian Higher Education Act and the state legal provisions supplementing this Act apply to the University correspondingly unless this Constitution states otherwise.
- (2) ¹Only professors, honorary professors or adjunct professors are eligible as President. ²The Vice Presidents must be chosen out of the professors employed full-time at the University.
- (3) The President and the Chancellor plus the majority of the University Management must be members of the Catholic Church.
- (4) ¹The election and deselection of the President and the Vice Presidents are regulated by a statute of the Foundation (cf. Para. 8).
- (5) ¹The Chancellor is designated by the President in consultation with the University Council and appointed by the Chairman of the Foundation Council. ²The same applies accordingly for his removal from office. ³The Chancellor leads the University's administration notwithstanding the tasks and competences of the University Management and of the President. ⁴He is the Budget Officer as defined in Art. 9 of the Bavarian Budget Regulations and, in this function, is not bound by the instructions of the University Management or the President. ⁵The Chancellor proposes his Deputy, who is appointed by the University Management after consultation with the University Council.
- (6) The Basic Rules must contain the following provisions with regard to the University Council:
 - a) that a member of the Foundation Council determined by the Chairman of the Foundation Council should belong to it without voting right, and
 - b) that the University Council has to hold at least one meeting in the calendar year as a joint meeting with the Foundation Council.
- (7) In addition to the regulations laid down under the Bavarian Higher Education Act and subject to the provisions of this Constitution, the Basic Rules may define regulations deviating from the state higher education legislation in the following areas:
 - a) Formation, composition, tasks and areas of competence of bodies and committees and management of facilities of the University;
 - b) Voting regulations;
 - c) Special preconditions for admission to study.

- (8) The procedure for voting the President and the Vice Presidents in and out may be regulated by a statute of the Foundation in ways differing from the provisions of the Bavarian Higher Education Act.

Art. 17

Supervision of the University

- (1) In its own matters, the University is under the legal supervision of the Foundation in accordance with this Constitution.
- (2) The remaining Foundation matters are treated in the same way as matters that the state universities treat as state matters.
- (3) Art. 12 and 75 Bavarian Higher Education Act apply accordingly.
- (4) Supervision is the responsibility of the Foundation Council.

Art. 18

Cessation of teaching activities and closure of the University

- (1) ¹The Foundation Council shall decide on the permanent cessation of teaching activities and closure of the University subject to a majority of at least two thirds of the votes of its members. ²The decision requires the approval of the Freising Bishops' Conference.
- (2) In this case, the legal position of the civil servants and employees is based on Art. 10 to 14.

Art. 19

Changes to the Foundation Constitution and dissolution of the Foundation

- (1) ¹Changes to the Foundation Constitution and the dissolution of the Foundation are decided on 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) ¹If the Foundation is dissolved the (Arch)dioceses located in Bavaria shall assume the subsequent obligations. ²The foundation assets according to Art. 8 Para. 1 lit a) and b) shall revert to the diocese in which they are located, other assets according to Art. 8 Para. 1 lit c) and d) to the Bavarian Supra-Diocesan Fund.

Art. 20

Transitional regulation

The Foundation Constitution of September, 8, 1971, the Foundation Constitution of February, 10, 1988 in the version published on February, 11, 1988 and in the version published on November, 25, 1991 and the Foundation Constitution of July, 21, 2010 most recently amended by the statute of March, 4, 2015 shall continue to apply in so far as later amendments affect contractual agreements or restrict the guaranteed rights of employees in a way that is impermissible.

Art. 21

Reference to state law

¹References in this Constitution to the provisions of state law and to tariff regulations applicable for employees of the Free State of Bavaria are in relation to the currently valid version. ²If a regulation or tariff agreement becomes invalid, the reference relates to the regulation or tariff agreement that comes into force in its place.

Art. 22

Validity of ecclesiastical law

The provisions of ecclesiastical law, especially of the Codex Iuris Canonici and the relevant concordats, are not affected by this Constitution.

Art. 23

Entry into force, repeal

¹The Constitution of the Catholic University of Eichstätt-Ingolstadt Foundation adopted on December, 10, 2019 enters into force on April, 1, 2020. ²At the same time, the Foundation Constitution of July, 21, 2010, most recently amended by the statute of March, 4, 2015, is repealed subject to the regulation in Art. 20.

Drawn up on the basis of the decision of the Foundation Council of December, 10, 2019. The Foundation Constitution was approved by the Conference of Bavarian Bishops in December 2019; the Congregation for Catholic Education agreed to it in its letter of January, 29, 2020, Prot. N 774/1982/F.

Peter Beer
Chairman of the Foundation Council

(*) All statements refer to all genders. However, for linguistic simplicity and clarity, we have only used one form in the Foundation Constitution.