



Diversity and Equal Opportunity in Hiring Processes

This recommendation sheet is intended for all university members involved in the preparation and conduct of hiring processes or selection procedures for academic positions. It supplements the guidelines on gender equality and the recommendations for addressing care responsibilities and provides guidance on how diversity can be taken into account in selection decisions.

If you have any questions, suggestions, or feedback regarding the content, please feel free to contact Team Equity.

Preliminary Remarks

Of course, a single recommendation sheet cannot comprehensively address the wide range of requirements for achieving equal opportunity and diversity at the university. However, it is intended to raise awareness and facilitate open discussion of diversity within the process. It serves to ensure a more equitable application of the constitutionally mandated criteria of suitability (Eignung), performance (Leistung), and qualifications (Befähigung), and to avoid discriminatory bias. Diversity should therefore not be established as a separate criterion alongside these three but rather optimize the selection of the best candidates from a diverse pool of applicants while ensuring the process remains fair and transparent.

In this way, we can collectively pursue the goal of enriching the university through diverse perspectives, addressing differences in a conscious and appreciative manner, and further developing an inclusive work and study environment for everyone. Taking into account diverse life experiences and backgrounds contributes to a selection process that ensures equal opportunity, in which the best potential candidates are not eliminated from the application process too early.

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Appendix: Legal Basis

1) Diversity: The Goal

„The University of Tübingen views diversity as the foundation of academic excellence and therefore strives for a university culture based on diversity and equal opportunity, in which all its members—regardless of gender, ethnic origin, age, social and religious background, disability, or sexual orientation—can develop and contribute their individual abilities” (University Mission Statement).

As a publicly funded institution, the university is especially committed to fulfilling legal obligations regarding gender equality and diversity, as well as those legal stipulations requiring that only suitability, performance, and qualifications may play a role in the selection of candidates (*Bestenauslese*).

These goals must be brought into alignment with each other. Article 3 of the Basic Law stipulates that no one may be disadvantaged or favored on the basis of gender, ancestry, language, homeland or ethnicity, faith, religious or political views; no one may be disadvantaged on the basis of a disability.

The General Equal Treatment Act (AGG) specifies this principle for employment and education, including with regard to selection procedures and hiring conditions.

Discrimination against any group is prohibited. Appropriate affirmative action measures are permissible if they serve to prevent or compensate for existing disadvantages under Section 1 of the AGG. Reasonable accommodation for disadvantages is thus permissible, e.g., in cases of delays in career progression resulting from structural inequalities.¹

The university offers support for promoting equal opportunity through Team Equity. Diversity objectives are outlined in the university's Diversity Strategy², which defines diversity as a specific profile that complements gender equality. **The goal is to foster a university culture in which diverse students feel included and welcome, in which knowledge production from multiple perspectives is cultivated, and in which academic elites are educated which reflect society more broadly.** This also includes attracting role models from underrepresented groups. Therefore, promoting diversity in the recruitment and selection of students, researchers, faculty, and staff is just as important as reducing unconscious bias.

2) Selection Based on Legal Criteria (*Bestenauslese*) and Equal Opportunity

In its job postings, the University of Tübingen emphasizes its commitment to the goals of equity, diversity, and inclusion:

„The University of Tübingen is committed to the goals of gender equality and diversity and actively promotes equal opportunity. To increase the proportion of women in research and teaching, we strongly encourage qualified female scholars to apply. Qualified international scholars are expressly encouraged to apply.“

In all selection and appointment procedures, the principle of selecting the best candidates as set forth in Article 33, paragraph 2, of the Basic Law applies without restriction, based on the criteria of suitability, qualifications, and professional performance. Goals of equity, diversity, and inclusion are considered only within the framework of these criteria and not as separate, independent selection criteria. This means that equal opportunity does not conflict with the legal stipulations on selection of the best candidates but is understood as a prerequisite for it: Ensuring equal opportunity prevents excellent applicants from being excluded in error or due to unconscious bias. This includes awareness-raising and training to recognize and avoid unconscious discrimination. **For this reason, the Rectorate and the Equal Opportunity Officer strongly recommend participating in video-based anti-bias training, particularly before taking part in a selection process or serving on an appointment committee.**³

¹ See excerpts from German legal texts in the appendix

² <https://uni-tuebingen.de/en/university/equity/policies/diversity-strategy/>

³ Online Tool on unconscious bias provided by HR: <https://uni-tuebingen.de/de/224249#c2524665>, information from the DFG: <https://www.dfg.de/en/basics-topics/basics-and-principles-of-funding/equal-opportunities/bias>

Unlike the requirement for gender equality—which, based on the category of “gender: female” addresses half the population and is based on data from the workforce and valid statistical data as reference values—**diversity cannot be measured using metrics specific to certain target groups** or supported by corresponding quantitative targets. On the one hand, this is often not possible under data protection laws; on the other hand, many dimensions of diversity—such as class-related background—are not measurable, are not (publicly) accessible, and vary greatly in their interactions with other aspects of the individuals’ backgrounds (intersectionality).

This is precisely why it is important to conduct a diversity-sensitive assessment of the pool of applicants and, through a careful and **quality-oriented evaluation**, prevent the early screening out of résumés that appear unusual at first glance.

3) Assessing Suitability, Performance, and Qualifications More Fairly

The legal basis for the selection of the best candidates for public service is established in Article 33 of the Basic Law. Assessments are based exclusively on suitability, qualifications, and professional performance. In each of these areas, selection can be linked to considerations for improved equal opportunity.

a) **Suitability:** Suitability (*Eignung*) refers to the personal characteristics of an applicant which are necessary for the position as civil servant. These include, for example, the ability to work in a team, communication skills, decision-making and assertiveness, as well as resilience and flexibility.

The university needs leaders who, through their example and mindset, can promote diversity. From this perspective, suitability particularly includes aspects of diversity competence—such as the ability to lead inclusively, manage diverse teams, or teach in a non-discriminatory manner. These are assessed as part of personal suitability to the extent that they are relevant to the specific position, such as in teaching and in the support of early-career researchers. Belonging to a particular group or possessing a diversity characteristic in and of itself does not constitute an independent selection criterion. However, for leadership that promotes diversity, it may also be relevant whether a person demonstrates suitability as a role model for underrepresented groups. If a specific life experience (e.g., being a first-generation academic) demonstrably contributes to a person’s suitability in this regard, it may be cited as a factor supporting that suitability. However, it must not serve as the sole criterion for deciding between applications or as the sole basis for giving preference to a candidate.

b) **Qualification:** Qualification (*Befähigung*) refers to an applicant’s professional expertise, acquired through relevant professional training or a degree program. As a rule, qualifications must be substantiated by diplomas, certificates, or references. This is therefore a formal review in which, particularly when evaluating applications from people with a migration background or from abroad, attention must be paid to differences in academic practices (e.g., no formal habilitation procedures, no mandatory publication of dissertations, narrower thematic specializations in research and/or the broader focus more in teaching practice).

International degrees should be evaluated with sensitivity to diversity, taking into account differences in academic cultures.

c) **Performance:** Professional performance (*Leistung*) is reflected in an applicant’s work achievements and career successes to date. This may include the quality and quantity of projects successfully completed in comparable positions, as well as specific professional expertise. Care should be taken here to ensure that performance is assessed fairly with respect to the candidate’s **academic age** (see Chapter 4 below for details).

Furthermore, particularly in academic cultures with a strongly quantitative orientation, it is important to discuss the extent to which a qualitative assessment of performance should also be factored in.

In some academic fields, research performance is often assessed using quantitative indicators (number of publications, amount of external funding, h-index, and other metrics, etc.). At the same time, important voices (the DFG, the EU, and initiatives such as CoARA and DORA) are calling for greater emphasis on the quality of the projects and work submitted. Furthermore, factors such as varying access to research resources (such as relevant journals behind paywalls), heavy teaching loads, or biases and distortions inherent in the metrics themselves should be taken into account.

A diversity-sensitive assessment of qualitative performance may include recognizing unexpected or novel scientific approaches as drivers of creativity for multi-perspective research, including perceptions and experiences stemming from disability or caregiving responsibilities, as well as teaching experience in different school systems.

4) Academic age

In a competitive field where educational backgrounds are becoming increasingly international, it is important for promoting equal opportunity to **avoid referring to biological age as a benchmark**. This is also necessary **in order to compare fairly the track records** of individuals who, for various reasons, have had interruptions in their academic careers. The focus should be on evaluating the relationship between academic age and the applicant's academic output to date.

The starting point for academic age is the doctoral examination (date of the oral defense), not the date of the degree certificate (which may not be issued until after the dissertation has been published).

Academic age is the sum of the years of work actually available for research activity since the doctoral examination, expressed in full-time equivalents.

For example, 3 years in a 50-percent postdoctoral position correspond to 1.5 years of academic age. *The length of the doctoral phase itself is irrelevant.* Non-research periods are not counted. This allows for a comparison of all applications based on research publications in relation to the actual time available for research.

In the tabular synopsis of all applications provided to the committee, the academic age should be shown in a column showing the year of the doctoral examination and the number of years of academic activity in full-time equivalents (FTE), for example, "2017, 8.5 years." This value may be discussed and corrected by the appointment committee. **The year of birth should not appear in the synopsis** in order to prevent age discrimination as much as possible and to signal that it is irrelevant to the selection process.

Career interruptions or **periods outside of academia that are not counted** as years of academic age include:

- Leaves of absence, such as parental leave, maternity leave, or extended sick leave.
- Periods of unemployment or job search, including those resulting from refugee status or displacement.
- Periods of employment at non-research organizations, institutions, or companies.

In addition, time-related limitations during employment should be taken into account if they could affect performance. The following, for example, may be deducted:

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- Caregiving responsibilities, i.e., family responsibilities related to caregiving or raising children (see also the recommendations of the Equal Opportunity Officer).
 - Temporary limitations resulting from a move from abroad, such as when a laboratory is not available, a team must be rebuilt under challenging conditions, language skills need to be acquired, or adapting to a new research location takes time, among other reasons.
 - Pandemic-related limitations.
 - Longer orientation periods due to coming from educationally disadvantaged backgrounds.
 - Positions with a particularly heavy teaching load or administrative responsibilities.

It is the responsibility of the appointment committee to appropriately consider and acknowledge individual delays in the applications. **Blanket assessments of disadvantages cannot be made** but must be examined on a case-by-case basis. Only information that is clearly documented in the application materials or provided during an interview with the committee—in a manner that is transparent to all committee members—may be taken into account.

IMPORTANT: Academic age is used exclusively by the appointment committee to ensure a fair comparison of performance (output per year). **It must be distinguished from other calculations.** For contracts for W1 and TT professorships, for example, the length of employment before and after the doctorate must be taken into account. This has nothing to do with the assessment of performance but is based on other legal grounds. Similarly, academic age should not be confused with calculations based on the Academic Fixed-Term Contract Act (*Wissenschaftszeitvertragsgesetz*) or an age limit for civil service appointments, which are purely matters of labor law.

5) Handling of Personal Data

All personal information provided in applications is voluntary. To ensure a fairer assessment of performance and suitability, only information that applicants themselves have provided during the process may be taken into account. In accordance with the AGG, there is protection against the mandatory collection of potentially discriminatory data. **Personal data provided voluntarily must never form the basis for discriminatory evaluations.** Since such data may also be particularly relevant under data protection law, all parties involved in selection processes are generally obligated to handle this data with care.

- Applicants are given the opportunity to disclose specific diversity-related characteristics that explain interruptions or delays in their academic careers. Applicants are informed in advance of the purpose for which personal data will be used and who has access to it. Personal data is taken into account in the selection process in a transparent and traceable manner.
- The Commission will handle information regarding life experiences or disadvantages arising from diversity-related experiences responsibly, and such information may be considered solely to the benefit of the applicant. Self-assessments of the extent to which non-academic factors may have hindered qualifications or performance are taken seriously.
- It is advisable to designate a trained contact person to answer questions.

Personal data that play no role in the selection process and are required only for hiring—particularly the year of birth—should not appear in the synopsis and should not be taken into account in the selection process.

Appendix: Legal Basis (selected excerpts)

Basic Law for the Federal Republic of Germany

Article 3 on the prohibition of discrimination

(3) No one may be disadvantaged or given preferential treatment on the basis of gender, ancestry, race, language, homeland or origin, faith, or religious or political views. No one may be disadvantaged on account of a disability.

Article 33 on the selection for public service

(2) Every German shall be equally eligible for any public office according to his aptitude, qualifications and professional achievements.

(3) Neither the enjoyment of civil and political rights nor eligibility for public office nor rights acquired in the public service shall be dependent upon religious affiliation. No one may be disadvantaged by reason of adherence or non-adherence to a particular religious denomination or philosophical creed.
(translation provided by the Federal Office of Justice)

Law Regulating the Status of Civil Servants in the States (Civil Servant Status Act—BeamtStG)

§ 9 Criteria for Appointment

Appointments shall be made on the basis of suitability, qualifications, and professional performance, without regard to gender, ancestry, race, or ethnic origin, disability, religion or worldview, political views, background, connections, or sexual identity.

General Equal Treatment Act (AGG)

§ 1

The purpose of this Act is to prevent or eliminate discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age, or sexual identity.

§ 2, sec. 1, item 1

Such discrimination is therefore specifically impermissible “with respect to: 1. the conditions, including selection criteria and hiring conditions, for access to [...] gainful employment [...].”

§ 5

Notwithstanding the grounds specified in §§ 8 through 10 and in § 20, differential treatment is also permissible if suitable and appropriate measures are intended to prevent or compensate for existing disadvantages based on a ground specified in § 1.

Baden-Württemberg State Higher Education Act (LHG)

§2 (4)

Higher education institutions promote equal opportunities for women and men and take into account the diversity of their members and affiliates in the fulfillment of their duties..

The law governing **persons with severe disabilities** is regulated in Part 3 of SGB IX.⁴

⁴ See also: <https://uni-tuebingen.de/en/facilities/central-contacts-and-counseling-services/representative-council-for-disabled-employees-disability-office/>