The following regulation was examined and adopted in the 376th session of the Senate on February 21, 2018.

ONLY THE GERMAN VERSION OF THIS OFFICIAL FORM IS LEGALLY BINDING.

THE ENGLISH VERSION IS SOLELY PROVIDED FOR INFORMATION PURPOSES

Prof. Ulrich Brecht
Prroctor for Study and Teaching
Regulation on Exemption from Fees for International Students as of
February 13, 2018

Pursuant to Article 6, Para. 4, Sentence 1 of the State Law on Higher Education Fees (LH GebG) in the edition of January 1, 2005 (Law Gazette, p. 1 ff., hereafter: LH GebG), changed through Article 1 of the law amending the State Law on Higher Education Fees and other laws of May 9, 2017 (Law Gazette, p. 245 ff.) in connection with Article 19, Para 1, Sentence 2, no. 10 of the State Law on Higher Education in the edition of April 1, 2014 (Law Gazette, p. 99, hereafter: LHG), changed through Article 3 of the law amending the State Law on Higher Education Fees (LH GebB) and other laws of May 9, 2017 (Law Gazette, p. 245 ff.), on 2/21/2018 the Senate of Heilbronn University passed the following regulation:

**Article 1 Object of the regulation**

In compliance with Article 6, Para. 4 and 5 of the State Law on Higher Education Fees (LH GebG), the university exempts a limited number of international students within the meaning of Article 3 of the State Law on Higher Education Fees (LH GebG) from the obligation to pay the tuition fee for international students, entirely or partially, provided that these students are considered particularly gifted. This regulation stipulates the procedure for determining particularly gifted students and the consideration of further criteria, the procedure for the selection of students, as well as the extent of exemption from payment.

Students within the meaning of this regulation are students in undergraduate and Master's degree programs. Students in postgraduate training and part-time study programs, as well as temporarily admitted students, are not eligible to apply for exemption from the tuition fee.

**Article 2 Tender; selection committee; responsibilities**

(1) At the beginning of the summer semester the number of exemptions to be tendered ("tender") for an academic year are made public, based on the numbers ("number of students") determined by the Ministry of Science. Further exemptions beyond this figure may be issued with the approval of the Rectorate. This tender is then valid for the corresponding academic year that begins with the following winter semester. There are different time limits for the academic year 2017/18.
(2) A decreeing selection committee is appointed to assess exemption matters relating to the regulation, as well as for the selection of students who will receive an exemption. The selection committee consists of the following members: Prorector for Study and Teaching, Prorector for International Affairs and Diversity, Head of the Academic Department, Head of the International Office, Head of the Course Guidance Center, Advisor on Equality and Diversity, the University's Scholarship Coordinator. The Prorector for Study and Teaching shall chair the committee. The selection committee may also consult further assessors.

**Article 3 Eligibility and determining particularly gifted students and social circumstances**

(1) Students are eligible to apply if they are enrolled with or admitted to study programs at Heilbronn University according to Article 1, are or will be matriculated at Heilbronn University at the beginning of the approval period, and are subject to fees according to Article 3 of the State Law on Higher Education Fees (LHGeB).

(2) Particularly gifted students are determined by the selection committee upon application according to Article 2. Particularly gifted students are verified by exam results in the study program in which the student is enrolled. A particularly gifted student is one who can prove academic progress, measured in ECTS credit points in the designated period of time, and who in the view of the selection committee can demonstrate strong accomplishments.

(3) Special social circumstances may also substantiate an exemption from fees. Social circumstances which may constitute a need include in particular the following:

- Financial need
- Certain personal or family circumstances (e.g. victims of violence, migrant background, care for children or relatives, families with many children and a non-academic background, socially vulnerable family background)
- Disadvantage owing to ethnic affiliation

(4) Application is students' responsibility. The University shall provide general information on its website - and at the point of admission to study – additional information regarding the possibility of application and the application criteria.

**Article 4 Selection from the sphere of particularly gifted students**

Students are considered a priority for selection if they are citizens of a signatory state of the European Union Partnership Agreement 2000/483/EG of June 23, 2000,
or are citizens of a state that is considered among the least developed countries by the United Nations. If there are insufficient applications from such students and further exemptions are possible, further exemptible persons shall be selected as a lower priority from applications by students of other nationalities.

**Article 5 Form and deadline for applications**

(1) The application for exemption for the coming academic year must be received by the Rectorate (for reasons of competence by the Prorector for Study and Teaching) by August 15 (limitation period). For the academic year 2017/18, applications may be sent up to March 30, 2018.

(2) The student is to submit the application to the university in writing before the deadline established in the announcement, using the application form prescribed by the university.

(3) Necessary documentation and evidence are to be enclosed with the application.

**Article 6 Decision on exemption; Extent and duration of exemption**

(1) Students who are exempted from the fee for international students shall receive notification in writing. The exemption stands under the condition that the legal basis for it does not change. There is no legal entitlement to the granting of an exemption.

(2) A student's exemption shall be made to the extent of the amount set out by the State Law on Higher Education Fees (LH GebG) or a fraction thereof. The exemption is valid for the study program applied for in the standard period of study.

(3) Tuition fees already paid shall be reimbursed by the university.

**Article 7 Entry into force**

This regulation enters into force on the day of the announcement.

Heilbronn, 21.02.2018

Prof. Dr.-Ing. Oliver Lenzen

Rector
The regulation is made available to the public according to the notification regulations of Heilbronn University dated June 28, 2017.

Heilbronn, February 26, 2018

For the Prorectorate of Study and Teaching

Prof. Ulrich Brecht
Statement for the information of university committees (not a part of the regulation):

The University may exempt a small number of international students from the obligation to pay tuition fees within the legal framework established by Article 6, Para 4 and 5 of the State Law on Higher Education Fees, subject to a regulation. Whether the University makes use of this possibility and, if so, how it formulates this instrument within the statutory framework, is at the University's own discretion. There is no obligation to introduce a possibility of exemption from tuition fees for particularly gifted students; universities merely receive permission from the legislature to do so, diverting from the general obligation to pay fees (cf. previous regulation in Article 6, Para 1 of the State Law on Higher Education Fees (LHGebG) in the version dated 12/19/2005 Mannheim Administrative Court, decision of 3/12/2009 - 2 S 1229/08; along the same lines also Freiburg Administrative Court, decision of 11/14/2007 - 1 K 1146/07, recital 41). The University may therefore on plausible grounds refrain from making use of the possibility, for instance based on the related administrative burden, to avoid reducing revenue from fees even further, and/or so as not to distribute charges even more “unevenly” through the obligation to pay fees (see Mannheim Administrative Court, decision of 3/12/2009 - S 1229/08, recital 34). Students cannot make a claim on the basis that the University enacts such a regulation for exemption.

The exemption from fees can be effected fully or partially. Partial exemption can refer to both the extent of the exemption and an exemption for a limited period of time, cf. LT-Drs. 16/1617, p. 28.

The possibility of exemption is a funding instrument for particularly gifted students that universities can use (cf. LT-Drs. 16/1617 p. 28). In other words, funded students must be particularly gifted. Nationality, equality and other social criteria are to be considered in the selection from the sphere of particularly gifted students. The number of exemptible students will be set annually by the Ministry of Science for a three-year period each time. Universities are, however, free to attract additional fee scholarships from third parties (LT-Drs. 16/1617, p. 28); they may also finance further exemptions from their share in fee income (Article 4, Para 3, Sentence 2, Clause 2 of the State Law on Higher Education Fees (LHGebG)).

In so far as the University opts for the possibility of exemption according to Article 6, Para. 4 and 5 of the State Law on Higher Education Fees (LHGebG), the way it formulates the process for determining particularly gifted students and its selection process within the legal framework is at the prudent discretion of the University.

In this sample regulation the following is proposed:
An exemption for already enrolled, particularly gifted students, as evidenced by outstanding achievement in their studies. Exam progress, measured in ECTS, is an important criterion, alongside (and above all) distinctly above-average, outstanding
exam results. Evidence of particularly gifted students can also be provided in the form of accomplishments in their studies, for instance commonly through talent grants (e.g. Friedrich Ebert Foundation, German Academic Scholarship Foundation). It is the responsibility of the student in question to investigate first whether these requirements are met. The University examines the details, a selection committee determines particularly gifted students, forms a ranking of these students according to social criteria, and develops a recommendation. The Rectorate makes its decision on the basis of the selection committee’s recommendation.

It is through this recommendation that inequalities stemming from different education systems around the world are avoided. A relatively uniform assessment standard is established, as the examining body (the University) was the same for all applicants. Particular suitability for a certain study path can also have an influence. Finally, the administrative burden is reduced in that only enrolled students are eligible to apply, and not university applicants.

The social criteria are partially predetermined by law. In addition, criteria that can be easily and transparently determined are recommended. It is at the prudent discretion of the University to regulate further or other social criteria in the regulation.

The recommendation is to budget exemption to EUR 1500.00 in order to simplify administration. On the other hand, the exemption is not made for the whole study program, but is always restricted to two semesters, and is therefore a partial exemption. The first application is possible in the second semester of a study program at the earliest. A further application in later semesters is possible.

In order to simplify administration, it is recommended to have only one process a year to determine the selection of particularly gifted students. The Rectorate decides annually on the date and number of tendered exemptions, and makes the tender public.