

16.1.2025

Author

SIEWEKE, Simon

Title

Das Erfordernis der empirischen Bestimmung der Gefährlichkeit von Hochschulstrukturen : u.a. Anmerkungen zum Beitrag von Ralf Müller-Terpitz, Neue Leitungsstrukturen als Gefährdungen der Wissenschaftsfreiheit?, WissR 2011, 236 ff.

Publication year

2012

Source/Footnote

In: Wissenschaftsrecht. - 45 (2012) 2, S. 149 - 158

Inventory number

33239

Keywords

Hochschule und Staat : allgemein ; Hochschule : Verwaltung allgemein ; Hochschule : Verfassung und Selbstverwaltung

Abstract

The academic freedom, which is guaranteed by article 5 paragraph 3 of the German basic law, protects the freedom of choice in research and teaching with regard to issue, methodology and publication of results. Not protected are university structures such as the powers of the academic senate. The lawmaker is largely free, as he constitutes the university structures. He has only to assure, that the university structures do not structurally compromise the protected freedom of choice. The constitutionality of changed university structures therefore depends on the result of a risk assessment, which has to be accurate. An accurate risk assessment can only be made on the basis of the actual effects of the structural changes. The lawmaker has to determine these effects. If he does not, the existence of a structurally compromise will be feigned, if the court's risk assessment does not provide significant results. (HRK / Abstract übernommen)