

01.7.2024

Author

GÄRDITZ, Klaus Ferdinand

Title

Die grundrechtliche Stellung der Wissenschaftlerinnen und Wissenschaftler in der Hochschulorganisation / Klaus F. Gärditz

Publication year

2016

Source/Footnote

In: Wissenschaftsrecht. - 49 (2016) 4, S. 349 - 372

Inventory number

46291

Keywords

Wissenschaftlerin ; Wissenschaftler ; Freiheit von Forschung und Lehre

Abstract

Predominantly, the academic freedom, as guaranteed by Article 5 (3) of the German Constitution (Basic Law), is an individual right of those who are committed to scientific research or academic teaching. Albeit the detailed jurisprudence of the Federal Constitutional Court, for the most part, affects the abstract organization of academia within public universities, the Court has held firm to the individual right basis of the sophisticated conclusions drawn from the so-called objective organizational dimension of academic freedom. Organizational provisions derived from the Basic Law are instrumental safeguards to organize a decision-making process within public universities to prevent unreasonable interventions into individual rights and a distribution of scarce resources, which hampers free research unjustly. Besides organizational guarantees, the individual academic freedom right remains intact and can be evoked to avert unconstitutional measures of university organs, like an official complaint of a dean or a rector about scientific methods or results or the distribution of funding based on inadequate criteria. Additionally, the individual academic freedom can grant an

01.7.2024

entitlement to a minimum funding and a fair chance to participate in academic life. (HRK / Abstract
übernommen)