

11.1.2025

**Author**

PERNICE-WARNKE, Silvia

**Title**

Die innere Organisation der Hochschulmedizin / Silvia Pernice-Warnke

**Publication year**

2016

**Source/Footnote**

In: Wissenschaftsrecht. - 49 (2016) 4, S. 373 - 396

**Inventory number**

46293

**Keywords**

Wissenschaft : Medizin ; Hochschulen : Hannover MedH : allgemein

**Abstract**

The article addresses legal questions concerning the internal organizational structure of university medicine. In a first step, it analyses the Federal Constitutional Court's decision regarding Hannover Medical School (Medizinische Hochschule Hannover, MHH), in which the relationship between the competences of its managing bodies on the one hand and, on the other hand, those of its collegiate bodies, consisting of several members representing the various member groups in university, was found incompatible with Article 5 para. 3 Grundgesetz. Notwithstanding the fact that, overall, the court's ruling strengthens the freedom of science, its finding that insufficient rights of the collegiate bodies to participate in substantive decisions can be compensated by assigning them the right to elect and deselect members of the managing bodies, has to be questioned. While the decision (only) concerns the organizational structure of Hannover Medical School and thus a special form of the so called "integration model", the court's findings can be transferred to other forms of organization regarding university medicine. Thus, in a final step, the article examines and denies the constitutionality of the organizational structure of university medicine in Northrhine-Westphalia as an

**11.1.2025**

example for the so called "cooperation model". (HRK / Abstract übernommen)