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Abstract

The Lower Saxony Higher Education Act (NHG) Amendment raises questions about the boundaries of interpretation in conformity with the constitution. Even if one may resort to using this tool nevertheless and, moreover, consider the overall structure leniently, at best one can clear up doubts about the constitutionality of the rules governing the appointment and dismissal of board members by the relevant ministry (§ 48 para. 1 NHG). However, it remains unconstitutional in any way that the Senate does not have a say in resource assessment or the conclusion of target agreements.

Furthermore, the obligation to have regular external evaluations is unconstitutional as long as Parliament has not specified these evaluations' criteria. (HRK / Abstract übernommen)