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**Abstract**

From a legal point of view, legislators are obliged to find a reasonable balance between the academic freedom of research and teaching on the one hand and the governance of higher education institutions on the other. Nevertheless, legislators enjoy a broad range of discretion when formulating legal frameworks for governance and participation. These legislative powers do, in principle, not exclude strengthening the competences of executive bodies. However, analysis shows that academic staff of a higher education institution must be given the opportunity to participate sufficiently in decisions related to issues of research and teaching in order to ensure activities of high academic standards, which is the paramount criterion for adequacy of organizational structures of higher education institutions. (HRK / Abstract übernommen)