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Title

Erweiterte Mitwirkungsrechte der "sonstigen Mitarbeiter" als Konsequenz der erweiterten Hochschulautonomie / Martin Burgi und Ilse-Dore Gräf

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Abstract

The goal of this paper is to show that the participation rights of non-scientific staff at German universities should be adjusted to the profound changes that came along with the implementation of new university management structures. The increase of university autonomy led to more tasks and to more direct responsibilities for university bodies and even for single chairs, especially concerning management skills in human and financial resources. To our minds, non-scientific staff could contribute their knowledge and experience to these last two topics for instance in an academic appeal proceeding in University Councils and therefore increase its efficacy - but only if the non- scientific staff had proper participation rights. Corresponding participation rights of the non-scientific staff members would be consistent with the constitutional law (as long as they leave the essential majority of professors' decision-making rights untouched). As we see it, this was indirectly acknowledged by the Federal Constitutional Court in the so-called Hamburg-decisive in 2010. Concrete reform options:

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We propose that the number of non-scientific staff should be at least adjusted to the number of students in the Senate and the Faculty Council. Furthermore, a participation right of the non-scientific staff in appealing proceedings of the faculties should be established, allowing non-scientific staff to evaluate the management skills of candidates in academic appeal proceedings. In summary, the current legal situation reflects a negligent attitude towards the relevance of administrative and technical activities and nonscientific staff in general that is no longer adequate with respect to the implementation of new university management structures. (HRK / Abstract übernommen)