

## UNIVERSITY AUTONOMY IN GERMANY

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**Third SMOOTH Workshop, Tambov, 17–20/10/2006**

### Summary

- Distribution of powers
- University law
- Internal organisation
- University autonomy

### **The Federal Republic of Germany**

is composed of 16 federal states (*Bundesländer*, comparable to the states of the US or the cantons of Switzerland, with far reaching competences of their own).

Three of these federal states (Berlin, Bremen and Hamburg) are city states; the others cover larger areas and are composed of a big number of municipalities (some 14,000 of very different size).

On all three levels (national, state, municipal) parliaments are elected every four or five years which in turn elect the federal chancellor and the state prime ministers, respectively.

Legislation is on all three levels: autonomy = the right of self-government

On the municipal level, mayors and district magistrates are elected by the people (at least in some of the federal states).

The most important competence of the federal states is education. Only the federal states have legislation over schools and universities.

In the case of universities, the national parliament legislates only the general framework of university education (and was recently restricted to a very general framework by the Constitutional Court).

### **University self-government, organisation and administration**

German universities are both part of the state administration and corporations under Public Law. So in some (minor!) respects they have to perform tasks of the state administration, and in some (much more important!) respects they have to perform their own autonomous tasks.

### **Presidency, Senate, Council**

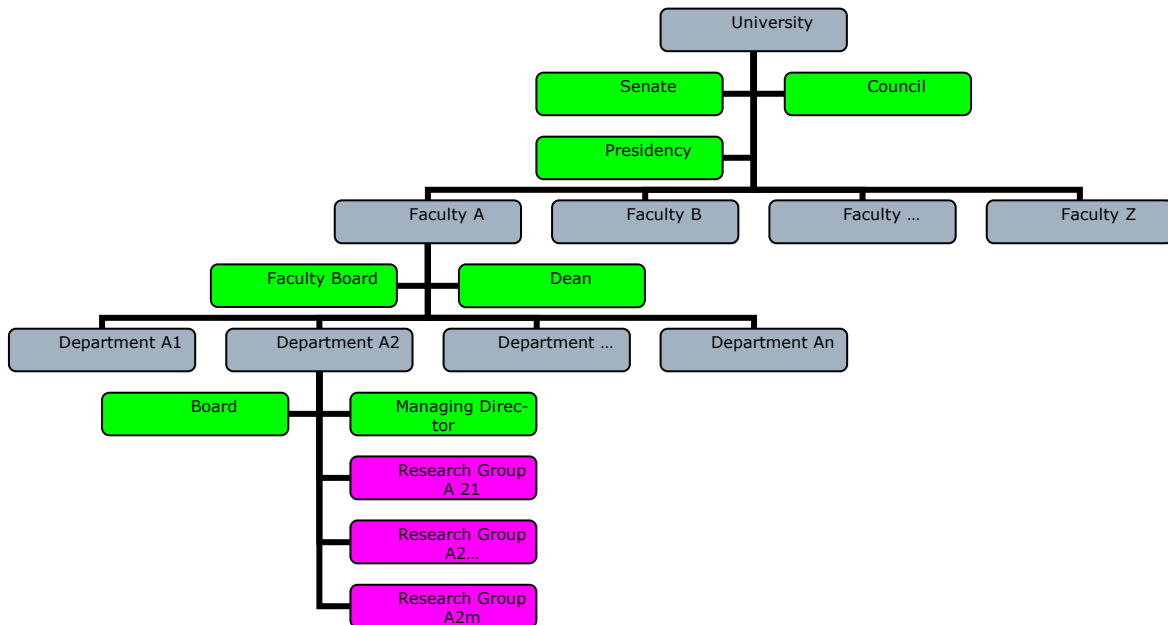
Beside the Presidency, a German university usually has two central organs called the Senate and the Council.

The President (Rector, or a board consisting of a president, one or more vice-presidents and the provost: the presidency) has to make everyday decisions on behalf of the university, while the Senate makes more basic decisions of long-term importance.

Both Presidency and Senate are executive (administrative) bodies although the negotiations within the Senate resemble parliamentary negotiations.

The role of the Council is different between different federal states. In Rhineland-Palatinate and most other federal states it is something like a board of trustees.

## Overall organisation



## University autonomy

Formally, German universities are autonomous in a way that they decide upon their charters and regulations.

But most of these have to be agreed by the ministry, which is often, but not always, just pro forma.

A university can sue the ministry at an administrative court when the ministry refuses consent to university regulations.

Within its budget, the university is free to allocate funds to faculties and institutes.

### Composition and duties of the Senate

As in all other boards of the university, professors have a majority in the Senate.

The minority consists of representatives of the students, the academic staff and the non-academic staff (the latter including the president, who also chairs the Senate).

In most important questions, a majority of the professors' group in the Senate is necessary to pass a motion (beside the majority of the Senate as a whole), so nothing can be decided against the majority of the professors' representatives in the Senate.

Each faculty sends a professor representative into the Senate (so in our university, there are 8 professors and 7 others in the Senate).

The main duty of the Senate is to pass the budget. The budget decision is usually prepared in a budget committee also chaired by the president.

Other duties are commenting on faculties' examination rules and on faculties' proposals to employ new professors.

### Composition and duties of the Council

The Council was introduced into the Rhineland-Palatinate Act on Universities in 2003. It consists of ten members, five of which are elected by the Senate (but must not be Senate members), while the other four are appointed by the Ministry of Science, Research, Continuing Education and Culture.

Currently in our university, four of the Senate elected members are professors (the fifth is a senior researcher), as are two of the ministry-appointed members (the other three are: a former vice-president of the state parliament of Rhineland-Palatinate, the president of a nationwide teachers' trade union, a former director and now chairman of the board of a large health insurance company).

"The Council advises and supports the university in all important affairs and furthers its profile, its professionalism and competitiveness".

It has to pass the Charter of the university, it has to decide on new faculties and departments, it has to discuss and pass general principles of budgeting, and it has to select among candidates for

president, vice-presidents and chancellor/provost (who are then elected by the senate and appointed by the ministry).

#### **Administration: the president's office**

The president's office has divisions on

- marketing, information, international relations
- staff
- study and teaching
- organisation, budget
- controlling, development, IT
- legal affairs, lawsuits

#### **Faculties and departments**

Scientific work in a German university is organised by faculties, which are responsible both for teaching and research (including proposing new professors and passing examination rules). A faculty is headed by a dean and steered by a faculty board or council.

Deans are elected by the board (every three years). The faculty board consists of a majority of professors' representatives and a minority of representatives of the students, the academic staff and the non-academic staff. As in the Senate, all important business can only be passed with the consent of a majority of the professors' group.

Scientific work is done in and by the departments (in Germany they are mostly called either Institute or Seminar). Several departments of neighbouring disciplines form a faculty.

Faculties have budgets of their own (which are passed to them by the Senate), and departments, too, have budgets of their own (passed to them by the faculty board, and administered autonomously), and research groups administer at least their project budgets autonomously.

#### **Elections and representation**

Faculty board and Senate are elected every three years. The different groups elect their respective representatives in a personalised proportional voting procedure (i.e. voters can choose among lists, and they may but need not vote for individual persons on the chosen list, or they can choose not to vote for a list but only for individual candidates from different lists).

Turnout is highest among professors, medium among other academic and non-academic staff (some 40 to 60 per cent) and low among students (most often under 20 per cent, sometimes less than 10 per cent).

#### **Students' corporations**

Beside the elected representatives of the students in the bodies of the university, there exists something like a student union, an autonomous corporation under Public Law, of which all students are (paying) members and which is steered by the General Students' Committee and a Students' Parliament.

And there is another autonomous corporation (also under public law, thus non-profit) which runs dormitories and restaurants and offers other services for students and for other members of a university.

#### **Conclusion**

Autonomy means

- electing officials
  - no president against the majority of the senate
- proposing professors
  - no new professor against the majority of the faculty board: the faculty selects its future colleagues
- passing rules and regulations
  - no examination rule against the majority of the faculty board: the faculty decides upon study programmes and examination rules
- decide upon the use of the budget
  - no budget appropriation against the majority of those who have to spend it

Поступила в редакцию 2 октября 2006 г.