

# The Internal Role of the Dean of the Law Faculty at Freie Universität Berlin

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## 1. The administrative framework

To provide you with a better understanding of my explanations regarding the role of the Dean of the law faculty at Freie Universität Berlin, let me first briefly give you some general information on the administration of our university. Since Freie Universität Berlin is a public body, the legal framework for the workings of the university is defined by a state law, the *Berliner Hochschulgesetz (Berlin University Act)*. This act also spells out the duties and responsibilities of the Deans of the various university departments. Underlying the *Berlin University Act* is the principle of autonomy of the sciences and, therefore, the concept of self-government of the university and its departments. What does that mean in practice? Due to the principle of scientific autonomy, the President of the university and its four Vice Presidents are elected by the Academic Senate, which in turn is elected by the members of the various status groups of the university (professors, academic staff, non-academic staff and students alike). The university's chancellor is appointed by the Berlin government on the basis of a proposal issued by the university's President.

The notion of self-government is also present at the faculty level and is reflected by the two managing institutions of the law department: the Dean and the faculty council. The authority to reach the fundamental decisions regarding the law department lies with the faculty council. The faculty council is for instance empowered to decree ordinances, distribute the funds allocated to the faculty and to issue proposals to the Berlin minister of education for the appointment of new professors. The faculty council is entitled to assign the handling of issues of minor importance to the Dean. The council is composed of seven professors, two members of the academic staff, two members of the non-academic staff and two students, all of whom are elected by the respective status groups.

The faculty council is furthermore empowered to elect the Dean of the law department. There is a standing agreement amongst the professorial members of our faculty – which hold the absolute majority in the faculty council – to elect the Dean rotationally on the basis of the length of service at the faculty. The position of Dean is therefore not a professional one; rather, the Dean is *primus inter pares*, i.e. the first among equals. The Dean's term of office is four semesters (or two years, if you will) and the Dean may theoretically seek re-election, which does not happen in practice.

There are some minor incentives to serve as a Dean: Whilst in office, the Dean is exempted from roughly half of the teaching load. This means that the teaching obligations are reduced from nine hours per semester to five hours per semester. The function is also rewarded with a minimal pay raise.

## 2. The Dean's Responsibilities

I turn now to the Dean's responsibilities and will first address the official functions of the office as stipulated by the *Berlin University Act* and the *Basic Ordinance* of Freie Universität Berlin, followed by some remarks on the Dean's unofficial functions.

### a) Official Functions of the Office of the Dean

The primary function of the Dean is to lead and represent the faculty and manage its operations. The Dean chairs the meetings of the faculty council as well as the so-called 'Professorium', i.e. regular meetings by all the professors of the faculty. The Dean also communicates and protects the faculty's cause in dealings with the head of the university.

Regarding the Dean's responsibility to manage the operations of the faculty, our university is currently in the midst of a testing phase. During this testing phase, most of the Dean's responsibilities are shouldered by the Office of the Dean. The Office of the Dean at the law faculty is composed of four members: the Dean, the Vice Dean, the Dean for Student Affairs and the administration manager. Their co-operation is subject to what is called 'Kollegialprinzip' in German: The members of the Office of the Dean are on an equal footing, they reach their decisions by a simple majority and they are held to represent the majority decision with one voice to the 'outside world'.

The Office of the Dean is responsible for the strategic alignment of the faculty. Some strategic parameters may be set by the Office of the Dean out of its own competence, such as the advancement of international scientific co-operation and student exchange with law departments of other universities. Whilst many other decisions fall within the formal competence of the faculty council, the Office of the Dean possesses a strong influence upon the strategy chosen, since any proposition of major importance is usually prepared by the Office of the Dean. This includes the draft of the yearly budget as well as drafts for study and examination regulations and so forth.

Another significant power lies in the authority to conduct negotiations with new professors and to conclude target agreements with the existing professors of the law department. In this context, it is important to note that each professor conducts negotiations both with the Office of the Dean and with the First Vice President of the university. The Office of the Dean is entitled to assign financial resources for material purchases and human resources (in full-time equivalents) to the various chairs. The income of the professors of the department, in contrast, is determined in individual negotiations with the head of the university, i.e. with the First Vice President (who is responsible for human resource issues). The First Vice President may also grant additional human and financial resources to individual chairs. The Office of the Dean has no say whatsoever on how the financial and human resources assigned to the various chairs are disposed of, it may only attempt to influence decisions by way of the said target agreements. The academic freedom of professors further prevents any interference by the Dean on the scientific courses taken by the professors of the faculty.

The Office of the Dean is furthermore responsible for the ongoing administrative and human resource issues at the faculty. This includes anything from the assignment and refurbishment of rooms to graduation ceremonies and the assignment of temporary lectureships. Principally, the Dean's Office is also entitled to issue instructions to the law department

staff. However, this authority is limited to personnel which is not directly assigned to specific professors and is consequently quite limited. It solely extends to specific non-academic staff such as the administrative staff, the maintenance staff and the library personnel, but does not relate to academic staff or secretaries.

Finally, the Office of the Dean is entitled to act in matters of urgency: If a decision cannot be postponed until the next meeting of the faculty council, the Dean's Office may take the indispensable remedial action, notwithstanding the power of the faculty council to adopt their own measures.

#### b) The Dean's unofficial functions

I shall finish my explanations with a small remark on the unofficial functions that are fulfilled by a Dean:

The law does not spell out the Dean's obligation to act as a mediator. Nonetheless, that might be one of his or her most important tasks within the faculty. In a department which brings together many intelligent, diverse, eloquent and self-assured individuals, conflicts are inevitably brought to the attention of the person who is the first amongst his or her peers. The Dean is held to pour oil on troubled water and provide solutions acceptable to the stakeholders involved when feelings run high either amongst the staff or between students and the staff. In the same vein, the Dean is a messenger and interpreter in the communication tension field between the head of the university and the members of the faculty.

I am sure that all of you can relate or have experienced this last, unofficial challenge of the role as a Dean, and I am very interested to hear how the official functions of the Dean in your universities differs from the position at Freie Universität Berlin.