

**Kassel University**

### **Instruction on fidelity to the constitution for public service**

Applicants for the civil service must guarantee that they will support the free democratic basic order at all times. They affirm this duty of loyalty to the constitution (Section 38 of the Civil Servant Status Act - BeamStG in conjunction with Section 47 of the Hessian Civil Servant Act - HBG) with their oath (vow) that they will uphold the Basic Law of the Federal Republic of Germany and the constitution of the State of Hesse, as well as all laws applicable in Hesse (Section II of the Principles and Rules of Procedure).

Pursuant to Section 33 (1) of the Civil Service Act (BeamStG), civil servants are obliged to support the free democratic basic order within the meaning of the Basic Law and the Constitution of the State of Hesse in their entire conduct and to stand up for its preservation. Accordingly, under Section 7(1)(2) BeamStG in conjunction with Section 8(1) HBG, a civil servant may only be appointed to the civil service if he or she can guarantee that he or she will at all times support the free democratic basic order as defined in the Basic Law and the constitution of the State of Hesse. For employees, the obligation to support the free democratic basic order arises from Section 3 (1) of the Collective Agreement for the Public Service of the State of Hesse (TV-H).

According to the case law of the Federal Constitutional Court (judgment of October 23, 1952 - BVerfGE 2, p. 1 (12f) and of the 17 August 1956 - BVerfGE 5, p. 85) an order which, to the exclusion of any rule by force or arbitrariness, constitutes a rule of law based on the self-determination of the people according to the will of the respective majority and on freedom and equality. The fundamental principles of this order include in particular:

- Respect for the human rights concretized in the Basic Law, especially the right of the personality to life and free development,
- popular sovereignty,
- the separation of powers,
- the government's responsibility to the people's representation,
- the legality of management,
- the independence of the courts,
- the multiparty principle,
- equal opportunities for all political parties,
- the right to constitutionally form and exercise an opposition.

Participation in endeavors contrary to these principles is incompatible with the duties of a public servant. If an applicant conceals participation in such endeavors, the appointment or the conclusion of the employment contract shall be deemed to have been brought about by fraudulent misrepresentation. Malicious deception leads to the withdrawal of the appointment or the contestation of the employment contract!

In such cases, employees must expect extraordinary termination in accordance with Section 626 of the German Civil Code.

**Explanation:**

I am aware of the special significance of the pledge. I have received a copy of this instruction signed by my own hand.

(This instruction will become part of your personnel file if you are hired by the University of Kassel; one copy is for your records).

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