

Instructions and explanations – for submission with the University of Siegen

To facilitate the hiring process for international staff, we provide the following documents in English and recommend that you use them as fill-in help for the German forms. However, you must fill in and sign the German forms

If you do not understand the questions and explanations in either the German or the English forms, feel free to ask your recruiter in the HR department. Further information in English on the German social insurance system can be found on the websites of Euraxess (http://www.euraxess.de/portal/Incoming_en.html) or Make it in Germany (<http://www.make-it-in-germany.com/en/living/guide-to-living-in-germany/>).

1. I instruct you as follows on your obligation to loyalty to the constitution:

According to Section 55, para 2 of the *Bundesdatenschutzgesetz* [LBG; Law on Public Servants of the Federal State] (Section 4, para 1 sentence of the Law on Federal State Judges - *Landesrichtergesetz*, LRiG), the civil servant (judge) is obliged to recognize the democratic basic order in terms of the constitution by means of his/her overall conduct and to advocate the preservation thereof. Thus, according to Section 6, para 1, no. 2 LBG (Section) no. 2 DRiG [*Deutsches Richtergesetz* = German Law on Judges] only those who guarantee that they will at all times advocate the free democratic basic order in terms of the constitution can be appointed as civil servants (judges). The obligation to recognise the free democratic basic order of employees subject to collective agreements can be derived from Section 3, para 1 of the collective agreement for civil service employees (TV-L).

According to case law of the German Federal Constitutional Court (cf. decision of 23.10.1952 – 1 BvB 1/51 – BverfGE 2,1; of 17.08.1956 – 1 BvB 2/51 – BverfGE 5,85) a free democratic basic order in terms of the constitution is an order which is, under rule of law, based on self-determination of the people according to the will of the relevant majority and on freedom and equality excluding any type of violence and arbitrary rule. The free democratic basic order is the opposite of the total state which, as exclusive ruling power, rejects human dignity, freedom and equality. The basic principles of this order include in particular:

- The compliance with the human rights put in concrete terms in the constitution, especially the right to life and free development of the personality, the people's sovereignty,
- the separation of powers,
- the government's responsibility towards the representation of the people,
- the principle of legality of administration,
- the independence of the courts
- the multi-party principle,
- equal opportunities for all political parties,
- the right to constitutional formation and exercise of an opposition.

The participation in efforts against these principles is not compatible with the obligations of a member of the public service.

A disciplinary proceeding with the objective of removal from office will be opened against civil servants for life or on a temporary basis, and a dismissal procedure against probationary civil servants or civil servant candidates, who are found guilty of such a breach of duty.

In these cases, employees subject to collective agreements must expect an extraordinary termination.

2. I make the following declaration concerning my loyalty to the constitution:

"I have been instructed in my obligation to loyalty to the constitution and that the participation in efforts against the free democratic basic order or against its fundamental principles are not in compliance with the obligations of a member of the public service. Due to the instruction given to me, I hereby declare that I will always comply with my obligation to loyalty to the constitution, that I affirm the principles of the free and democratic fundamental order in the meaning of the constitution and that I am willing to recognize the democratic basic order in the meaning of the constitution by means of my overall conduct and to advocate the preservation thereof.

I assure expressly that I do not support in any way any efforts against the free democratic basic order or against one of its fundamental principles.

I am aware that the appointment/conclusion of the employment relationship is deemed caused by means of wilful deception if I keep such a support a secret. Wilful deception will lead to the withdrawal of the appointment/contesting of the employment agreement.

- 2.1 I assure that

- I have no criminal record
- I have a criminal record (details see Annex)
- no penal law proceeding and no investigation proceeding of the public prosecutor for any crime or offence is pending or was pending against me within the last three years
- a penal law proceeding or investigation proceeding for any crime or offence is pending against me (explanation see Annex).

I have been instructed that - according to Section 51 of the Federal Central Criminal Register Act

1. I may state to be without criminal record and do not have to disclose the facts underlying a conviction if the conviction is not recorded in a certificate of good conduct or only in a certificate of good conduct for authorities or is to be cancelled in the central register and I am obliged to provide information which is not recorded in a certificate of good conduct or only in a certificate of good conduct for authorities towards a supreme federal state authority.

- 2.2 I have requested the issuance of a police certificate of good conduct and its forwarding to the University of Siegen according to Section 28 of the Federal Central Criminal Register Act of the registration office on _____ competent for my place of residence in _____
*(document category O)

- 2.3 I declare that I live in orderly financial conditions.

- 2.4 I assure that

- I am a German citizen in terms of Article 116 of the constitution. Applicants who were born abroad or have acquired the German nationality subsequently have to submit the major certificate of nationality. The same applies to those who were born before 1945 outside the former Reich frontier of 1939.
- Major certificate of nationality is enclosed.

I assure that

- I am a foreigner and have the following nationality

- 2.5 Addresses of the last 5 years:

3. The appointment as civil servant is to be rejected if it was caused by means of wilful deception if incorrect statements were made in the above declarations. In case of employees subject to collective agreements, wilful deception by making incorrect statements in the above declarations is a ground for contesting with the result that the employment relationship will be dissolved.

Place, date

(signature)

*) Please tick or fill in as applicable.