

Act for the establishment of a Foundation German Humanities Institutes Abroad, Bonn (DGIAG)

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§ 1

Name, Legal Form and Registered Office of the Foundation

Under the name "Stiftung Deutsche Geisteswissenschaftliche Institute im Ausland" (Foundation German Humanities Institutes Abroad) a foundation in public law with legal capacity and directly under federal government control is established. Its registered office is in Bonn. The statutes allow the foundation to give a name extension.

§ 2

Purpose of the Foundation

(1) The purpose of the foundation is to promote the following:

- 1. research, with special emphasis on history, cultural studies, economics and social sciences in selected countries and
- 2. mutual understanding between Germany and these countries.

In line with this aim the foundation maintains German research institutes (Institutes) in the respective host countries and promotes preparatory and accompanying activities, in particular projects.

(2) Within the framework of the statutes the institutes are autonomous and pursue their academic work independently. They are to conduct their own research and thereby promote cooperation between German humanities academics and humanities academics of the host country, in particular by

- 1. publications,
- 2. academic events such as exhibitions, colloquia and conferences,
- 3. providing academic information and advice, and facilitating contacts between scholars,
- 4. promoting the next generation of scholars, in particular by granting scholarships.

(3) The foundation exclusively and directly pursues non-profit making activities under the terms of the section of the Tax Code entitled "activities attracting tax concessions".

§ 3

Assets of the Foundation

(1) To meet the purpose of the foundation, the foundation receives an annual grant of funds from the Federal Government in line with the respective Federal Budget Act.

(2) The foundation is entitled to accept funds from third parties. They may only be accepted if they are not associated with any conditions which compromise the purpose of the foundation.

(3) Proceeds of the assets of the foundation and other income may only be used in line with the purpose of the foundation. The foundation may not favour any individuals by making outlays that are alien to the foundation's purpose, or by paying disproportionately high remuneration.

§ 4

Statutes

The foundation gives itself statutes which are passed by the Board of Trustees with a majority of two thirds of its members and which require the approval of the Federal Ministry of Education and Research. The same applies to amendments to the statutes.

§ 5

Organs of the Foundation

The organs of the foundation are

- 1. the Board of Trustees,

2. the Chairman of the Board of Trustees,
3. the Council of Directors,
4. the Directors of the Institutes,
5. the Managing Director.

§ 6 Board of Trustees

The Board of Trustees consists of eleven members appointed by the Federal Ministry of Education and Research for a term of four years. The following are appointed:

1. two members who are appointed by the Federal Government,
2. one member as the Chairman of the Board of Trustees appointed by the Board of Trustees,
3. seven members who are appointed by the offices specified in the statutes, in particular by academic organisations, and
4. one member who is appointed by the economic organisation specified in the statutes.

Only academics can be appointed as members according to clause 3 numbers 2 and 3. The members should according to clause 2 numbers 2 to 4 represent the whole academic range of the foundation. The members can only be appointed one more time. The Board of Trustees appoints a person in accordance with clause 2 number 2 on the basis of proposals made by one of its members or by the Council of Directors. If this person is already a member of the Board of Trustees at the time of the appointment in accordance with clause 2 number 3 or 4, a new member is appointed for the place which is vacated.

(2) The person entrusted to be the Chairman of the Board of Trustees leads the meetings of the Board of Trustees and has the right to participate in the meetings of all of the other organs and committees. He/she holds with the participation of the Managing Director and the Council of Directors the budget negotiations with the Federal Ministry of Education and Research. He/she is in charge of the Directors and the Managing Director and can represent the foundation in this respect.

(3) The Board of Trustees is the highest organ of the foundation. It decides on all matters which are of fundamental importance to the foundation. This includes in particular amendments to the statutes, decisions on the allocation of tasks to organs and institutions of the foundation in cases of doubt, the preparation of the budget plan, important staff appointments and the establishing or closing of institutions of the foundation. With the management of the institutions it appoints directors. The Board of Trustees monitors the activities of the institutions and other organs of the foundations and arranges the evaluation of the institutes. It can receive reports on the activities of the institutions.

- (4) The statutes regulate the details.

§ 7 Procedures of the Board of Trustees

(1) As a rule the Board of Trustees makes decisions in meetings which the Chairman calls as and when required, at least though once a year. At the request of at least half of the members the Chairman has to call a meeting.

(2) The following participate In the meetings of the Board of Trustees: two members of the Council of Directors, two members of the Council of Advisory Board Chairmen, the Managing Director and one representative each for the staff and the academic employees as permanent guests with the right to make proposals and the right to speak. The statutes allow persons to participate.

(3) At least half of the Board of Trustees must be present or represented to constitute a quorum. Decisions of the Board of Trustees are made by a simple majority of those members present, or of those taking part in a written or electronic ballot, unless this law or the statutes stipulate otherwise. In the event of a tied vote, the Chairman shall have the casting vote. Matters relating to the budget plan, the appointment of Directors of the Institutes and changes to the statutes may not be decided against the vote of the representatives of the Federal authority. Before decisions of strategic importance and of central relevance to the budget are made, the Board of Trustees obtains the view of the Council of Directors. The statutes regulate the details.

§ 8 Council of Directors

(1) The Council of Directors is made up of the directors of the institutes.

(2) The Council of Directors elects from one of its members a Spokesperson and a Deputy Spokesperson and appoints its permanent guests on the Board of Trustees.

(3) The Council of Directors participates with the permanent guests it has nominated on the Board of Trustees in the decision-making of the foundation.

(4) As a rule the Council of Directors makes decisions in meetings which are called by the Spokesperson as and when required, at least though once a year. At the request of at least half of the members a meeting has to be called. Decisions of the Council of Directors are made by a majority of those members present.

- (5) The statutes regulate the details.

§ 9 Institute Directors

(1) The Board of Trustees appoints for each institute upon the proposal of the Academic Advisory Board (§ 10) a person as Director who manages the institute. He/she can represent the foundation in matters concerning the

respective institute and is in charge of the members of the institute. He/she can implement the institute's budget from the budget plan of the foundation. The institutes should obtain the funds which they require to perform their academic and administrative tasks.

(2) The director of an institute is appointed for at the most five years. The director is allowed to be reappointed for at the most seven years.

(3) The statutes regulate the details.

§ 10

Academic Advisory Boards of the Institutes

(1) For each Institute an Academic Advisory Board is appointed. It has up to nine members. Employees of the institute may not belong to it. The members of an Academic Advisory Board should also include foreign academics.

(2) The Board of Trustees appoints the members of the Academic Advisory Boards for a term of four years. They may be recalled once for a further period of consecutive service. Before the appointment the respective Academic Advisory Board is to be heard.

(3) Each Academic Advisory Board advises on academic matters of the institute for which it has been appointed; it also advises the Board of Trustees on matters of this institute. It makes proposals to the Board of Trustees concerning the appointment of the respective Director.

(4) The Chairmen of the Academic Advisory Boards form a Council of Advisory Board Chairmen.

(5) The statutes regulate the details.

§ 11

Honorary Capacity

The members of the Board of Trustees and the Academic Advisory Boards of the institutes perform their activities without remuneration. The Chairman of the Board of Trustees may receive remuneration for his/her activity.

§ 12

Managing Director

(1) The Managing Director manages the business of the foundation, unless this is according to the law or the constitution to be attended to by another organ. This person decides in particular on non-academic matters which are beyond the realm of cooperation of the institutes with persons and authorities of the respective host country or which affect more than one institute. He/she represents the foundation in and out of court.

(2) The statutes regulate the process for appointing the Managing Director and other details.

§ 13

Central Office

The Central Office supports the work of the organs of the foundation, the employees of the institutes and the Academic Advisory Boards. It is managed by the Managing Director.

§ 14

Supervision and Auditing of Accounts

(1) The foundation is under the legal supervision of the Federal Ministry of Education and Research.

(2) For the budgeting, cash management and accounting of the foundation the regulations directly applicable to federal administrative organisations apply. The budget and management of the foundation are subject to audit by the Bundesrechnungshof (Federal Court of Auditors).

§ 15

Employees

(1) The collective agreements and other terms that apply to employees and apprentices of the federal government apply to the employment and apprenticeship contracts of the employees and apprentices of the foundation.

(2) The statutes can with the approval of the Federal Ministry of Education and Research and the consent of the staff representative adopt rules that are adapted for the structural characteristics of the foundation and are in deviation to § 91 paragraph 1 number 2 of the Bundespersonalvertretungsgesetz (Federal Law on Staff Representation) for the election of the main staff council. The local law of the respective host country applies to the local employees of the institutes.

§ 16

Accountability

The foundation files publicly accessible reports about its activities and future plans every two years at the latest.