

**Statutes**

**of**

**Max Weber Stiftung – Deutsche Geisteswissenschaftliche Institute im Ausland**

[Max Weber Foundation - German Humanities Institutes Abroad]

(version valid as of 17 May 2019)

based on the *Gesetz zur Errichtung einer Stiftung Deutsche Geisteswissenschaftliche Institute im Ausland*, Bonn (DGIA Act) dated 20 June 2002 as amended by the law dated 31 July 2009, resolved by the Foundation Council on 24 April 2009, last revised on 17 May 2019.

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## Chapter 1: Basic Principles of the Foundation

### 1 Purpose of the foundation

- (1) The foundation's name is Max Weber Stiftung - Deutsche Geisteswissenschaftliche Institute im Ausland.
- (2) <sup>1</sup>The purpose of the foundation is to promote the following:
  1. research focusing on history, cultural studies, economics and the social sciences in selected countries and
  2. mutual understanding between Germany and such countries.<sup>2</sup>In each of the host countries the foundation maintains German research institutes (institutes) with this orientation and promotes preparatory and background activities.
- (3) <sup>1</sup>Under these statutes, the institutes are self-contained establishments which are independent in their scientific work. <sup>2</sup>They conduct their own research work, promoting collaboration between German humanities and humanities in the host country. <sup>3</sup>The institutes accomplish these tasks mainly through
  1. publications,
  2. academic events such as exhibitions, colloquia and meetings,
  3. scientific information and advice, and the establishment of academic contacts,
  4. promotion of junior scientists, in particular through scholarships,
  5. establishment and management of libraries and archives.
- (4) The foundation exclusively and directly pursues non-profit purposes within the meaning of the paragraph on tax-privileged purposes in the German Fiscal Code.

### 2 Endowment fund

- (1) The endowment of the foundation consists of the property and the rights assumed by the creation of the foundation by taking over further institutions, or otherwise transferred to, or acquired by, the foundation.
- (2) <sup>1</sup>The foundation may build its own endowment capital. <sup>2</sup>Within its purpose, the foundation may also manage dependent foundations created by itself, by third parties or jointly by the foundation and third parties, and use the earnings of such foundations.
- (3) <sup>1</sup>The foundation may accept funds from third parties. <sup>2</sup>Such funds may only be accepted if they are offered without any provisions detrimental to the fulfilment of the purpose of the foundation.
- (4) To perform its duties, the foundation uses
  1. annual grants from the Federal Government,
  2. grants from third parties (including additional endowments or special funds, as well as third party grants to individual institutes),
  3. income from the endowment fund,
  4. other income.

### 3 Appropriation of grants and income from the endowment fund

- (1) All income, grants and inflows may only be used in keeping with the purpose of the foundation.

- (2) They shall be allocated in the foundation's annual economic plan, which consists of the sectional economic plans of the institutes and that of the central office.
- (3) The foundation may not benefit any persons through expenditure not in line with the purpose of the foundation or through disproportionately high remuneration.

## Chapter 2: Board of Trustees

### 4 Organs of the foundation

The foundation has the following organs:

1. the Board of Trustees,
2. the Chair of the Board of Trustees (President),
3. the Assembly of Directors,
4. the directors of the institutes,
5. the Executive Director.

### 5 Duties of the Board of Trustees

- (1) <sup>1</sup>The Board of Trustees is the highest organ of the foundation. <sup>2</sup>It represents the common interests of the institutes in the German academic system, decides all matters of fundamental significance for the foundation and its development and supervises the activities of the foundation's institutions with regard to legality, expediency and economic efficiency. <sup>3</sup>Its tasks include, without limitation
  - 1. resolutions regarding the statutes and any modifications thereof,
  - 2. adoption of the economic plan,
  - 3. appointment of a statutory auditor
  - 4. acceptance of the auditor's report on the annual audit, of external valuation reports, of forecasts made by the Academic Advisory Councils and of the annual reports given by the Chair of the Board of Trustees, the institute directors and the Executive Director,
  - 5. discharge of the President, the institute directors and the Executive Director for the preceding fiscal year,
  - 6. appointment or dismissal of the institute directors and of the Executive Director,
  - 7. decision-making on purchase or sale of real property or creation of real or personal servitudes,
  - 8. resolutions on concepts regarding the foundation's further development,
  - 9. in cases of doubt, decision-making on the allocation of tasks to organs or institutions of the foundation.
- (2) <sup>1</sup>The Board of Trustees specifies in sectional economic plans which positions from pay group 13 of TVöD [collective agreement for the public sector] onwards may be filled on a permanent basis. <sup>2</sup>For that purpose, each institute submits a structural plan to the Board of Trustees after consultation with the relevant Academic Advisory Council. <sup>3</sup>Each structural plan specifies if a vacated unlimited position may again be filled on a permanent basis. <sup>4</sup>The structural plans shall be prepared at regular intervals, at least every five years.

### 6 Members and guests of the Board of Trustees

- (1) <sup>1</sup>The Board of Trustees consists of the eleven members appointed for a four-year term by the Federal Ministry of Education and Research pursuant to section 6 sub-section 1 of the DGIA Act. <sup>2</sup>Previous periods of ordinary membership shall not be counted towards the President's term in office.

- (2) The right to nominate the seven scientists provided for by section 6 sub-section 1 par. 2 no. 3 of the DGIA Act is vested with
  - 1. Deutsche Forschungsgemeinschaft e.V.  
for four positions and with
  - 2. Alexander-von-Humboldt-Stiftung
  - 3. Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. and
  - 4. Wissenschaftsgemeinschaft Gottfried Wilhelm Leibniz e.V. for one position each.
- (3) The nomination right under section 6 sub-section 1 par. 1 no. 4 of the DGIA Act is vested with Stifterverband für die Deutsche Wissenschaft e.V.; this founders' association is to nominate a person closely associated with the humanities.
- (4) Any member appointed to the Board of Trustees as holder of a public office pursuant to section 6 sub-section 1 no. 1 of the DGIA Act shall leave the Board of Trustees upon the termination of his/her term in such office.
- (5) <sup>1</sup>The meetings of the Board of Trustees are attended by two members of the Assembly of Directors, two members of the Committee of Advisory Council Chairs, the Executive Director, the staff representative according to section 18 sub-section 1, the academic employees' representative according to section 19 sub-section 2 and the equal opportunity officer as permanent guests having the right to speak and table motions. <sup>2</sup>The President may invite further guests.

## 7 The President

- (1) <sup>1</sup>The President is nominated by the members of the Board of Trustees with due consideration for the suggestions made by the Assembly of Directors, and appointed for a four-year term by the Federal Ministry of Education and Research.
- (2) <sup>1</sup>The President is the foundation's external representative. <sup>2</sup>His/her tasks include, without limitation
  - 1. serving the institutes' common interests towards grant-givers,
  - 2. serving the institutes' common interests towards other academic organizations and the public,
  - 3. contributing to national and international academic policy bodies and organizations.
- (3) The President convenes the Board of Trustees, presides over the meetings and carries out the resolutions unless the institute directors or the Executive Director are responsible.
- (4) Under employment law, the President is senior to the institute directors and the Executive Director; this does not affect the order of competencies as set forth in the DGIA Act and in these statutes.
- (5) <sup>1</sup>The President has a right to obtain information from the organs, bodies and institutions of the Foundation. <sup>2</sup>He/she has the right to attend the meetings of all organs and bodies.
- (6) Supported by the Executive Director and a representative of the Assembly of Directors, the President conducts the budget negotiations with the Federal Ministry of Education and Research.
- (7) Where the term "highest administrative authority" is used in applicable regulations, the President shall assume this function.
- (8) <sup>1</sup>The Board of Trustees shall elect from among its members a deputy chair. <sup>2</sup>The procedure is set forth in the budgetary and procedural regulations.
- (9) <sup>1</sup>The President may delegate the affairs mentioned in sub-sections 2 to 7 above to his/her deputy, <sup>2</sup>In respect of the management affairs mentioned in sub-sections 2 and 7, he/she may be represented by the Executive Director.

## 8 Resolutions passed by the Board of Trustees

- (1) <sup>1</sup>The Board of Trustees shall pass its resolutions at meetings or, in cases of urgency, by written procedure or through the President. <sup>2</sup>Details are subject to the budgetary and procedural regulations.

- (2) The Board of Trustees is competent to pass a resolution if at least half of its members are present or represented.
- (3) <sup>1</sup>The existence of a quorum shall be established at the beginning of the meeting. <sup>2</sup>It shall be considered as prevailing in the course of the meeting unless, upon motion, the lack of a quorum has been established.
- (4) The Board of Trustees shall pass its resolutions by a simple majority of votes cast unless there are provisions stating otherwise in the DGIA Act or the statutes.
- (5) If the vote is tied the President shall have the casting vote.
- (6) <sup>1</sup>Prior to decisions of major strategic or budgetary significance the Board of Trustees, through the offices of the President, obtains an opinion from the Assembly of Directors. <sup>2</sup>This opinion must be submitted within four weeks. <sup>3</sup>Should the Assembly of Directors fail to present its opinion within the set period, the Board of Directors shall decide without such opinion. <sup>4</sup>If the Board of Trustees decides against such opinion, the reasons shall be recorded.
- (7) Affairs of major strategic or budgetary significance include:
  - 1. budget-relevant changes to the statutes
  - 2. concepts for the further development of the foundation
  - 3. establishment or closure of institutions
  - 4. all other projects which increase or reduce costs by more than 10 % of the current economic plan.

### **9 Representation and voting rights in the Board of Trustees**

- (1) Members appointed to the Board of Trustees by the Federal Government may appoint federal employees as their representatives.
- (2) <sup>1</sup>The remaining members may transfer their voting rights to other members of the Board of Trustees. <sup>2</sup>No member may carry more than two votes.
- (3) Aspects of economic planning, the appointment of institute directors and amendments to the statutes may not be resolved in a manner which contradicts the votes of the members appointed by the Federal Government.
- (4) <sup>1</sup>In respect of the appointment of institute directors the members appointed by the Federal Government shall exercise their veto rights only in special exceptional cases, which require supporting arguments. Such arguments can relate both to the procedure and to the person nominated with the exception of his/her academic and technical qualification.

### **Chapter 3: Assembly of Directors**

#### **10 Assembly of Directors**

- (1) <sup>1</sup>The Assembly of Directors provides advice and assistance to the Board of Trustees. <sup>2</sup>It may develop concepts of its own regarding strategic issues of the foundation as input into the foundation's decision-making process. <sup>3</sup>The Assembly may enlist the assistance of the central office for that purpose.
- (2) <sup>1</sup>The members of the Assembly of Directors inform each other on research planning at the individual institutes and on overarching co-operation in fields of interest shared by several institutes. <sup>2</sup>The co-operation in the Assembly of Directors is intended to strengthen the foundation's prospects beyond the bilateral aims of the institutes between Germany and the host country in question.
- (3) The Assembly of Directors elects from its ranks the two members provided in section 6 subsection 5 and their deputies.
- (4) Details are set forth in the budgetary and procedural regulations.

## Chapter 4: Institutes

### 11 Institutes

(1) The foundation is the responsible authority for:

1. the German Forum for Art History Paris, whose specific tasks are to conduct research into French art and the German-French art relationship and to further co-operation in the field of German and French art history, including international partners working in that field.
2. the German Historical Institutes in London, Moscow, Paris, Rome, Warsaw and Washington, D.C., whose specific task is to conduct research into the art history – and in Rome the music history – of the host countries and their relations with Germany in an international context and with regard to political, economic and cultural aspects, and to make German historical science known in the host country and that of the host country in Germany,
3. the German Historical Institute for Japanese Studies Tokyo, whose specific task is to conduct research into modern Japan and into the German-Japanese relationship, using methods from the humanities and from the social and economic sciences,
4. the Orient Institute Beirut with the specific task of conducting research into the fields of Arabic studies, Islamic studies, Semitic studies, Science of the Christian Orient, Ottoman studies, Iranian studies and other regionally focused research activities in the humanities and social sciences, related both to the past and the present,
5. the Orient Institute Istanbul with the specific task to conduct research into the fields of Turkish studies, Ottoman studies, Central Asian studies, Islamic studies, Iranian studies and other research activities with regional focus in the humanities and social sciences, related both to history and to the present.

(2) <sup>1</sup>It is possible for the foundation to take over other institutions and to found more institutes and to launch projects which serve the establishment of new institutes and support background projects as long as they are covered by the purpose of the foundation and reliably financed. <sup>2</sup>The decision requires the approval of two thirds of the members of the Board of Trustees, including the representatives of the Federal Government.

(3) The institutes employ academic and non-academic staff.

(4) Upon the Executive Director's approval each institute adopts its own rules of procedure within the framework of the resolutions passed by the Board of Trustees.

### 12 Institute directors

(1) <sup>1</sup>The Board of Trustees appoints an institute director for each institute as its head. <sup>2</sup>He/she is authorized to represent the foundation in his/her institute's affairs; authority may be delegated. <sup>3</sup>He/she is senior to all other staff employed by the foundation at the institute in question. <sup>4</sup>He/she is responsible for the preparation and fulfilment of, and final accounting for, the institute's sectional economic plan.

(2) <sup>1</sup>Prior to the appointment of any institute director, the Board of Trustees asks the relevant Academic Advisory Council to make a proposal, which will as a rule consist of three names for an initial appointment. <sup>2</sup>Appointments are made for maximum five years. <sup>3</sup>A director may be re-appointed once. As a rule, re-appointment is limited to five years, in exceptional cases to seven years.

(3) <sup>1</sup>The Chair of the Board of Trustees appoints one deputy for each institute director upon the director's proposal. <sup>2</sup>The deputy's duties, especially permanent representation or representation in absence of the director, are set forth in the institute's rules of procedure.

### 13 Academic Advisory Councils

(1) <sup>1</sup>An Academic Advisory Council is appointed to each institute for the purpose of advising the institute on academic issues, in particular in respect of the work programme and staffing plans, and counselling the Board of Trustees on the institute's affairs. <sup>2</sup>It makes proposals for the staffing

of the position of the institute director, to whom it regularly reports on the institute's academic prospects. <sup>3</sup>Details are set forth in the budgetary and procedural regulations.

- (2) <sup>1</sup>Each Academic Advisory Council has up to nine members. <sup>2</sup>It shall also include foreign scientists. <sup>3</sup>With their scientific competencies, the members are to represent the institute's full range of academic activities. <sup>4</sup>Members to be appointed or re-appointed may not have retired from their active career. <sup>5</sup>They may not work in more than one Academic Advisory Council of the foundation at a time.
- (3) <sup>1</sup>The Board of Trustees appoints the Academic Advisory Council members for a period of four years. <sup>2</sup>One subsequent re-appointment is permissible. <sup>3</sup>Re-appointments are performed by the President upon the proposal of the Advisory Council.
- (4) The President asks the relevant Academic Advisory Council through its Chair to name several candidates for the position to be staffed. <sup>2</sup>The Advisory Council shall involve the respective specialist associations. <sup>3</sup>It presents all proposals, along with a well-founded recommendation, to the Board of Trustees for decision. <sup>4</sup>The specialist associations are identified in the budgetary and procedural regulations.
- (5) <sup>1</sup>Each Academic Advisory Council elects from among its members a chair and a deputy chair for a four-year period. <sup>2</sup>Re-election is possible. <sup>3</sup>Details are set forth in the budgetary and procedural regulations.
- (6) <sup>1</sup>The chair of each Academic Advisory Council shall always invite the institute's director, its deputy, the chair of the local personnel committee and the speaker of the institute's academic employees to attend advisory council meetings as guests with the right to speak. <sup>2</sup>He/she may invite other guests.
- (7) Section 8 sub-sections 1 to 5 (passing of resolutions) and section 9 sub-section 2 (representation) apply accordingly.
- (8) <sup>1</sup>The chairs of the Academic Advisory Councils form an Assembly of Advisory Council Chairs. <sup>2</sup>The assembly enables an exchange of ideas between the Academic Advisory Councils and the counselling of the Board of Trustees. <sup>3</sup>It determines from among its members a chair and a deputy chair, as well as its two permanent guests to the Board of Trustees and their deputies. <sup>4</sup>Details are set forth in the budgetary and procedural regulations.

#### **14 Evaluations, target agreements**

- (1) The academic work of each institute is subjected to external evaluation at seven years' intervals.
- (2) <sup>1</sup>For each evaluation the Board of Trustees appoints an exclusively external evaluation commission and defines an evaluation procedure. <sup>2</sup>Simultaneously with the resolution, the chair and the deputy chair of the evaluation commission are elected upon the President's proposal. <sup>3</sup>The commission is to have up to nine members entitled to vote. <sup>4</sup>The members are to reflect the range of scientific work of the institute in question; however, at least one member is to represent another subject covered by the foundation.
- (3) <sup>1</sup>The evaluation reports are addressed to the Board of Trustees. <sup>2</sup>The Board of Trustees discusses the evaluation reports and gives a written statement of its conclusions.
- (4) Based on its conclusions, the Board of Trustees may enter into target agreements with institutes.
- (5) The practical performance and support of the evaluation is the responsibility of the central office.

#### **Chapter 5: Management, administration**

#### **15 Executive Director**

- (1) The Executive Director conducts the foundation's business assigned him/her by law or statutes, in particular
  1. representation of the foundation in and out of court,

2. preparation and fulfilment of, and final accounting for, the foundation's economic plan, giving due consideration to the sectional economic plans of the institutes; this also includes, in co-ordination with the chair of the Board of Trustees, the reconciliation of the different financial needs of the institutes,
3. organization and support of external evaluations according to procedures conceived by the Board of Trustees,
4. staff management pursuant to section 2 and supplementary provisions of the budgetary and procedural regulations,
5. administrative assistance in the setting up and liquidation of foundation institutions,
6. improvement of the supply of information to the institutes (information on possible assistance to scientists, library services etc.),
7. legal counselling,
8. PR work in Germany,
9. technical installation of, and provision of access to, a digital publication platform
10. management of the central office and the business assigned to it.

(2) <sup>1</sup>The Executive Director represents the foundation towards authorities in Germany in respect of the institutes' administrative issues. <sup>2</sup>He/she decides in the case of administrative issues which go beyond co-operation between individual institutes' management boards and the authorities in the respective host country, or in the case of administrative issues pertaining to several institutes. <sup>3</sup>However, administrative tasks shall be delegated to the Executive Director only in cases where this relieves the institutes and where central processing actually reduces the administrative effort.

(3) <sup>1</sup>The Executive Director co-ordinates and supports commissions and work groups appointed by the Board of Trustees without affecting the institutes' academic independence. <sup>2</sup>Details are set forth in the budgetary and procedural regulations.

(4) <sup>1</sup>The Executive Director has a right to obtain information from the institutes and a duty to furnish information in respect of their affairs. <sup>2</sup>He/she has the right to attend the meetings of all organs and bodies.

(5) <sup>1</sup>The Executive Director reports about his/her work to the Board of Trustees and to the Assembly of Directors at regular intervals. <sup>2</sup>He/she is bound by guidelines and by case decisions made by the Board of Trustees.

(6) <sup>1</sup>The Executive Director is appointed by the Board of Trustees based upon a proposal by a nomination committee. <sup>2</sup>The nomination committee is appointed by the Board of Trustees. <sup>3</sup>Presided over by the President, it consists of two other members of the Board of Trustees and two members of the Assembly of Directors. <sup>4</sup>It passes resolutions with a majority of two thirds of its members.

(7) Section 12 sub-section 3 applies accordingly.

## 16 Central office

(1) To support the work of the organs, of the Academic Advisory Councils and of the employees at the institutes, there is a central office at the seat of the foundation.

(2) <sup>1</sup>The central office is managed by the Executive Director. <sup>2</sup>Section 11 sub-section 4 applies accordingly to the rules of procedure for the central office.

## 17 Finance, audits

(1) The foundation's budget, cash office and accounting are subject to the provisions applying to the immediate federal administration.

(2) <sup>1</sup>The annual accounts are audited by a qualified person who is appointed by the Board of Trustees and independent of the foundation. <sup>2</sup>The audit rights of the Federal Audit Office and any audit rights under grant-giving law shall not be affected.

(3) Details, including provisions on the preparation of the annual economic plan, are set forth in the budgetary and procedural regulations.

### **18 Staff representation**

(1) <sup>1</sup>Staff representation is governed by Federal Staff Representation law (BPersVG). <sup>2</sup>Deviating from such law, a staff representative elected for a four-year term by the chairs of the local staff councils from among their members shall perform the duties of the main staff council. <sup>3</sup>Section 91 subsection 1 no. 2 of BPersVG shall not apply. <sup>4</sup>Details of the election procedure are set forth in the budgetary and procedural regulations.

(2) <sup>1</sup>In cases where meetings of the Board of Trustees particularly focus on the interests of local staff at an institute, the shop steward in question is to be invited to attend the meeting. <sup>2</sup>The shop steward may appoint another employee as her/his representative.

### **19 Speakers of the academic employees**

(1) <sup>1</sup>The academic employees of each institute elect from among them a speaker who shall represent their interests during a two-year term. <sup>2</sup>Scientific librarians and scientific editors are academic employees within the meaning of this provision. <sup>3</sup>Deputy institute directors are neither eligible for election nor entitled to vote.

(2) The academic employees' speakers elect from among them a representative who serves the interests of the academic employees during a two-year term, especially in the Board of Trustees.

(3) Details of the election procedure are set forth in the budgetary and procedural regulations.

### **20 Equal opportunity officer**

(1) A female equal opportunity officer and a female deputy shall be appointed within the foundation.

(2) <sup>1</sup>Female shop stewards shall be appointed in the institutes and in the central office upon proposal of the equal opportunity officer. Where possible, the equal opportunity officers should make use of the possibility to delegate some of their duties to the shop stewards, who are to perform them independently.

### **21 Reporting**

<sup>1</sup>At least every other year the foundation presents to the public a report on its past activities and its projects. <sup>2</sup>Details are set forth in the budgetary and procedural regulations.