

This is the English translation of an original German legal text. In the event of a discrepancy, the German text shall prevail.

Statutes of the Leibniz Institute for Educational Trajectories (LIfBi)

Approved as of May 29, 2013

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§ 1 Name and seat

The association carries the German title “Leibniz-Institut für Bildungsverläufe e. V.” (LfBi) or “Leibniz Institute for Educational Trajectories” in English. It is seated in Bamberg, which is also its place of entry in the competent local register of associations.

§ 2 Duties and responsibilities

(1) It is the aim of the association to promote longitudinal studies in educational research in Germany. The association provides fundamental, transregional, and internationally significant scientific, research-based infrastructure for educational research—especially by overseeing and implementing the National Educational Panel Study (Nationales Bildungspanel, NEPS). It is the association’s responsibility to develop and improve research-based analytical approaches and scientific instruments in educational research and to make available high-quality data on education processes and competence development from early childhood to late adulthood to the scientific community. To achieve this aim, the association, which is scientifically independent, closely cooperates with a research network consisting of universities, research institutes, and other partners, and it is open to further collaborations.

(2) The aim agreed in these statutes is fulfilled, in particular, by overseeing and implementing the NEPS. This encompasses the development of instruments and the collection of longitudinal data on competence development, educational processes and decisions, and returns from education in formal, nonformal, and informal contexts across the entire life span, as well as editing, documentation, and long-term archiving of those collected data.

(3) The association exclusively and directly pursues public-benefit purposes, in particular, scientific purposes as defined in the section “Tax-privileged purposes” by the Fiscal Code of Germany. The association is dedicated to altruistic activity; it shall not primarily pursue its own economic interests.

(4) The association's funds shall only be used for the purposes laid down in its statutes. The members of the association shall not receive any benefits from the association's funds, in particular, no share in profits, and, in their capacity as members, they shall not receive any other funds from the association. In the event of their resignation from the association, they have no entitlement to a share in the assets of the association.

(5) No person shall benefit from expenditures which are alien to the purpose of the association or from unreasonably high remuneration.

(6) The association promotes the equality of men and women.

(7) The association is bound by the standards of good scientific practice.

§ 3 Membership

(1) All universities or research institutes, as well as any institutions actively dealing with questions of education, are eligible for membership. Membership applications must be submitted in writing.

(2) The Board of Trustees shall decide on the admission of new members.

(3) To resign from the association, a three-months' notice addressed to the Director must be given in writing prior to the end of the calendar year.

§ 4 Financial year

The financial year is the calendar year.

§ 5 Bodies

Bodies of the association are

- a) the General Meeting of Members,
- b) the Board of Trustees,
- c) the Board of Directors, and
- d) the Scientific Advisory Board.

§ 6 General Meeting of Members

(1) Members are represented by agents¹ of their organization or by authorized agents acting on their behalf.

(2) The General Meeting of Members decides upon

- a) changes to the statutes and
- b) the dissolution of the association.

(3) The Director shall summon the General Meeting of Members at least every 2 years, or if at least one third of the members request this in writing for one of the purposes laid down in subsection (2), or if the Board of Trustees initiates a change in the statutes in accordance with § 7 subsection 1 m). He shall chair the meetings without holding voting rights. The Chairperson of the Board of Trustees and the Vice Chairperson as well as the Executive Directors shall attend the General Meeting of Members as guests without voting rights.

(4) Invitations to the General Meeting of Members giving details of the agenda shall be issued at least one month in advance. Meeting documents, including resolution proposals, shall be enclosed in the written invitation. Resolutions can only be passed in relation to items explicitly listed on the agenda. The Director may invite additional guests and a minute taker to the General Meeting of Members.

¹ All terms for official titles and roles shall refer to both male and female gender.

(5) Decisions require the consent of a three-quarters majority of votes cast and the consent of the Board of Trustees. Abstentions from voting are not counted.

(6) The General Meeting of Members has a quorum when the majority of members with voting rights are present or represented by agents according to subsection (7).

(7) Another member can be authorized in writing to exercise an absent member's vote; one member can exercise only one transferred vote. Delegation of voting rights shall be considered during roll call and the confirmation of voting rights.

(8) In accordance with subsection (2) no. a) resolutions may be passed by circulation as long as no member opposes the circulation procedure. Resolutions passed outside of members' meetings are to be recorded in writing and shall immediately be distributed to members for their documentation.

(9) The minutes of resolutions along with a summary of basic proceedings of the General Meeting of Members shall be recorded and signed by the Director and the minute taker.

§ 7 Duties and responsibilities of the Board of Trustees

(1) The Board of Trustees advises and monitors the Board of Directors. It is also responsible for fulfilling its duties as agreed in these statutes, especially the following:

- a) Approving the proposed budget plan for the program (program budget),
- b) Seconding the Director's long-term program plan (5-year planning horizon),
- c) Appointing and dismissing the Director and, if necessary, other scientists engaged by way of appointment procedure in consultation with the University of Bamberg,
- d) Appointing and revoking the appointment of the Executive Director of Administration and of the Executive Director of Research upon proposal by the Director,

- e) Seconding the conclusion, changes in, and termination of the Director's terms of employment and, if necessary, of other scientists engaged by way of appointment procedure in consultation with the University of Bamberg,
- f) Exonerating the Board of Directors,
- g) Assessing the annual statement of accounts,
- h) Accepting of and consulting on reports issued by the Board of Directors and by the Scientific Advisory Board,
- i) Appointing the financial auditor or auditing company,
- j) Appointing and dismissing members of the Scientific Advisory Board,
- k) Accepting new members of the association,
- l) Excluding members of the association,
- m) Holding the right to initiate changes to the statutes,
- n) Establishing and closing of departments upon proposal by the Director.

(2) The Board of Trustees may set up committees among members of its own body and may assign them their duties and competences. The Chairperson of the committee shall regularly inform the Board of Trustees on the work of the committee.

§ 8 Members of the Board of Trustees

- (1) The following are members with voting rights on the Board of Trustees:
- a) A member sent by the competent Federal Ministry of Education and Research,
 - b) A member sent by the competent Bavarian State Ministry of Sciences, Research, and the Arts,
 - c) A representative of the University of Bamberg,
 - d) Four personalities who, due to their own experiences in science and research, are able to support the purpose of the association. They shall represent the intended purpose of the association as defined in § 2 of these statutes. Among them shall be two scientists who are full-time employees of an institution situated outside of Germany. Following the proposal by the Director, they will be appointed by the other members of the Consortium by mutual consent for a period of 3 years in general.

Direct reappointment is admissible once. It is intended to replace members on a rolling basis. Their term begins in the first meeting of the Board of Trustees after their appointment.

The members of the Board of Trustees with voting rights sent by the Federal Ministry of Education and Research and by the Bavarian State Ministry of Sciences, Research, and the Arts may be represented by a member of their administration.

(2) Concurrent membership with voting rights on the Board of Trustees and on the Scientific Advisory Board is not permitted.

(3) The following are members of the Board of Trustees with advisory status:

- a) The members of the Board of Directors,
- b) The Chairperson of the Scientific Advisory Board,
- c) Two representatives of the German Federal States appointed by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany,
- d) One member of the network elected by the annual meeting of the National Educational Panel Study,
- e) One elected staff representative.

By request of a member of the Board of Trustees, the members with advisory status can be excluded from consultations about subjects that concern them directly.

(4) The Board of Trustees shall elect a Chairperson from among its members for a period of 3 years according to subsection (1) no. d). Direct reelection is admissible once for a period of up to 3 years.

(5) The Board of Trustees shall elect a Vice Chairperson among its members for a period of 3 years according to subsection (1) nos. a) and b).

(6) The Chair of the Board of Trustees shall represent the association in concluding, changing, or terminating the terms of contract with the Director and in the event of asserting claims against the incumbent or former Director. In this sense, he is a special representative as defined by § 30 of the German Civil Code (BGB).

§ 9 Meetings of the Board of Trustees

(1) The Chair summons the Board of Trustees at least once a year and presides over the meetings. An extraordinary meeting shall be called when at least one third of the members of the Board of Trustees request this in writing stating their purpose and reason.

(2) Invitations to the meetings of the Board of Trustees giving details of the agenda shall be issued at least one month in advance. Meeting documents, including resolution proposals, shall be enclosed in the written invitation. Resolutions can only be passed in relation to items explicitly listed on the agenda.

(3) The Board of Trustees shall pass resolutions with a majority of votes cast. Abstentions are not counted.

(4) The Board of Trustees has a quorum when all members have been properly invited, when the majority of members are present or represented as in subsection (7); among them must be the Chairperson or his representative.

(5) Resolutions by the Board of Trustees that are of research-political significance and entail considerable financial ramifications, especially in the event of § 7 subsection (1) nos. a) through to g), cannot be passed against the votes of the Board of Trustees' members according to § 8 subsection (1) nos. a) and b).

(6) In the event of the absence of a quorum, another meeting of the Board of Trustees with the same agenda has to be convened within 4 weeks. In this meeting, the Board shall

have a quorum regardless of the number of members present; this must be referred to in the notice convening the meeting.

(7) Another member can be authorized in writing to exercise an absent member's vote; one member can exercise only one transferred vote. Delegation of voting rights shall be considered during roll call and the confirmation of voting rights.

(8) The minutes of resolutions along with a summary of basic proceedings of the meeting of the Board of Trustees shall be recorded and signed by the Director and the minute taker appointed by him.

(9) Resolutions can be passed by circulation as long as no member opposes the circulation procedure. Resolutions passed outside of members' meetings are to be recorded in writing and shall immediately be distributed to Board members for their documentation.

§ 10 Board of Directors

(1) The Director, the Executive Director of Research, and the Executive Director of Administration are members of the Board of Directors. They are the Board of the association as defined in § 26 of the German Civil Code (BGB) and shall receive adequate payment.

(2) The members of the Board of Directors are obliged to represent the association in court and out of court in compliance with the intended purpose as defined in § 2. With the exception of § 8 subsection (6), the extent of the power of agency against third parties is not restricted by these statutes. Each member of the Board alone is responsible for the outside representation of the association. Regarding internal relations, restrictions to the power of agency shall correspond to the following assignment of competences.

(3) The Director, who is responsible for the management of the institute as a whole, shall be appointed by the Board of Trustees—in general for a period of 5 years. The appointment is made in consideration of the statement by the Scientific Advisory Board after

a joint appointment procedure (W3 professorship) with the University of Bamberg. Reappointment is admissible. Each appointment requires a resolution by the Board of Trustees, which shall be passed no later than one year prior to the end of term. In compliance with § 7 subsection (1) no. e), the Board of Trustees, in particular, defines the terms of contract. The appointment is only revocable for a compelling reason.

(4) The Director is responsible for all duties as long as they have not been assigned to other bodies, especially the following:

- a) Developing the short-, mid-, and long-term research and service program (program planning),
- b) General responsibility for research and service performance as well as scientific orientation including quality assurance,
- c) Preparation and enforcement of resolutions made by the General Meeting of Members and the Board of Trustees.

(5) The Director proposes to the Board of Trustees the appointment of an Executive Director of Research and an Executive Director of Administration. The Executive Director of Administration is appointed for a period of 5 years in general. Each appointment may only be revoked for a compelling reason. The Executive Directors regularly report to the Director.

(6) The Executive Director of Research runs the daily business in the scientific field. He is particularly in charge of directing and controlling those work processes in the panel that immediately affect the development of the required instruments, the implementation of surveys, as well as the provision and usage of collected data.

(7) The Executive Director of Administration runs the daily business in the field of administration. He is in charge of the budget, including budget planning and personnel management.

(8) Resolutions by the Board of Directors, which can be made by convention or by written circulation, shall be passed by mutual consent if possible; the majority of votes cast decide.

Resolutions concerning scientific issues cannot be passed against the Director's vote; resolutions concerning administrative issues cannot be passed against the Executive Director of Administration's vote.

(9) The Board of Directors is obliged to regularly inform the Board of Trustees. It reports to the Board of Trustees, the Scientific Advisory Board, and the General Meeting of Members about its activities related to each field. It presents the long-term research and development plan as well as the program budget to the Board of Trustees. All relevant documents have to be distributed to members in a timely manner so that they are able to prepare the meetings appropriately.

(10) The Director is obliged to immediately inform the Chair of the Board of Trustees about any special occasions.

(11) The Executive Director of Research represents the Director, including his authorizations, when he is unable to carry out his duties or when his position has not been filled.

(12) Further rules, in particular, regarding invitations, quorum, etc., are detailed in the rules and regulations.

§ 11 Scientific Advisory Board

(1) The Scientific Advisory Board advises the Board of Trustees on the fulfillment of its duties and responsibilities as recommended by the Senate of the Leibniz Association. In particular, it carries out the following tasks:

- a) Statement on the long-term research and development plan,

- b) Statement on the draft program budget,
- c) Statement on the proposed appointments for the role of Director and in the event of further joint appointments of scientists with the University of Bamberg,
- d) Implementation of measures of quality assurance on currently running operations (auditing).

(2) Following the proposal by the Director, the Board of Trustees appoints members to the Scientific Advisory Board for a period of 4 years. Reappointment is admissible no more than twice. There are at least six and no more than 12 members on the Scientific Advisory Board who are, if possible, experts in the field of empirical educational research (or closely related topics) or data infrastructure. At least half of the scientists must be employed by institutions outside of Germany.

(3) The Scientific Advisory Board elects among its members a Chairperson and a Vice Chairperson for a period of 4 years. Reappointment and direct reappointment is admissible once.

(4) One representative each from the Federal Ministry of Education and Research and from the Bavarian State Ministry of Sciences, Research, and the Arts can participate in meetings in an advisory function.

(5) The Chairperson summons the Scientific Advisory Board at least once a year and presides over the meetings.

(6) Regarding the passing of resolutions, the regulations concerning the Board of Trustees apply correspondingly—with the exception of the rules on resolutions by circulation. The Scientific Advisory Board may define its own set of rules and regulations.

§ 12 Internal organization of the association

The association is divided into three scientific departments and one administrative department.

§ 13 Funding

(1) Besides income as defined by subsection (2), the association is financed by funds provided by the German Federation and the Federal States in line with available budget funds and on the basis of agreements made between Federal Government and the Federal States according to Article 91b of the Basic Law for the Federal Republic of Germany (GG).

(2) Besides these grants, all further income, including donations and income from consulting activities, shall be employed to finance the statutory aims and purposes of the association. All expected income and foreseeable expenses are to be listed on the program budget.

(3) No fees shall be imposed.

§ 14 Annual statement of accounts, external audit, and statutory audit of public accounts

(1) After the end of the financial year, the Board of Directors shall immediately issue an annual statement of accounts as well as an activity report.

(2) The annual statement of accounts is issued according to the regulations of national budgetary and public funding law to which the association is held accountable, and it shall follow the systematic outline of the program budget. It is scrutinized by an external financial auditor or by an auditing company.

(3) Terms and conditions as defined by the fund provider apply to the use and billing of grants and of the association's further income. The courts of audit have the right to perform statutory audits. This also encompasses an audit of the annual statement of accounts.

§ 15 General agreements

(1) In the event of the dissolution of the association or its conversion to a different legal form, or in case of the discontinuation of tax-privileged purposes, the association's assets shall pass to a legal person according to public law or to another tax-privileged body in order to serve scientific purposes in compliance with § 2 subsection (3). Either shall previously be appointed by the Board of Trustees by way of resolution. Resolutions on the future use of assets may be carried into effect only after the approval of the competent revenue office.

(2) These statutes shall take effect upon entry in the register of associations.

§ 16 Interim agreements

(1) The registered association shall begin its work according to the present statutes when

- a) project funding for the NEPS situated at the University of Bamberg (grant recipient) by the Federal Ministry of Education and Research (BMBF) has ended and
- b) the registered association is financed by the joint funding of member institutes of the Leibniz Association (Wissenschaftsgemeinschaft Gottfried Wilhelm Leibniz e.V.; AV-WGL).

(2) Departing from the present regulations, during the period between the founding of the association and the taking effect of conditions as in subsection (1) the following rules apply:

- a) Purpose and responsibilities:

The purpose is restricted to the preparation of infrastructure within the association to ensure the conversion of the NEPS project and the continuation of current operations, including surveys, without interruption.

b) General Meeting of Members:

The General Meeting of Members shall initially consist of founding members only. Admission of new members according to § 7 subsection (1) no. k) as well as exclusion of members according to § 7 subsection (1) no. l) by the Board of Trustees shall be delayed.

c) Board of Trustees:

- i. The duties and responsibilities in compliance with § 7 subsection (1) are initially restricted to those according to nos. c) through to g), h) without the report by the Scientific Advisory Board, i) and m) as and when required.
- ii. The members of the Board of Trustees are those according to § 8 subsection (1) nos. a) to c).
- iii. Members with advisory status according to § 8 subsection (3) shall not be consulted, with the exception of members of the Board of Directors.
- iv. A Chairperson and Vice Chairperson shall not be elected.
- v. The members of the Board of Trustees according to § 8 subsection (1) nos. a) and b) jointly represent the association in compliance with § 8 subsection (6) in the setting of terms with the Director.
- vi. As and when necessary, the meetings of the Board of Trustees shall be called in consultation with the members by mutual consent according to § 8 subsection (1) nos. a) and b) without the formal and temporal stipulations as in § 9 subsections (1-2) and (4); § 9 subsections (3, 5-9) apply correspondingly.

d) Board of Directors:

- i. The Board of Trustees shall immediately appoint the Board of Directors according to § 16 subsection (2) no. c) ii. The members shall receive no remuneration until project funding by the Federal Ministry of Education and Research (BMBF) has ended.
- ii. Departing from § 10 subsection (3), the implementation of a joint appointment procedure for the role of Founding Director is expendable as long as he is already

a regular professor at the University of Bamberg. In this particular case, a statement by the Scientific Advisory Board shall not be required.

- iii. The development of the mid- and long-term program budget by the Director according to § 10 subsection (4) no. a) and the presentation of a research and development plan according to § 10 subsection (9) shall not be required.

e) Scientific Advisory Board:

- i. Appointments to the Scientific Advisory Board shall be delayed until regular appointments to the Board of Trustees have been made with members according to § 8 subsection (1) no. d).
- ii. Departing from § 11 subsection (2), members of the NEPS Scientific Board will initially be appointed to the Scientific Advisory Board of the institute; reappointment is admissible once; it is intended to replace members on a rolling basis.

(3) The members of the Board of Trustees and of the Board of Directors have no right to make the final decision or to intervene in favor of the institute in relation to the project by the Federal Ministry of Education and Research (BMBF).