

## Constitution

Constitution of Deutsche Gesellschaft für Erziehungswissenschaft e.V. of 14-04-1970 with the amendments made on 11-04-1972, 09-04-1974, 28-03-1984, 12-03-1996, 19-03-1998, 18-03-2008, 16-03-2010, 13-03-2012, 15-03-2016, 24-10-2020 and 15-03-2022, in the language-amended version of 22-10-1990 and 12-06-1996.

### **Article 1 Name and registered office**

- (1) "Deutsche Gesellschaft für Erziehungswissenschaft e.V." (German Educational Research Association (GERA), hereinafter referred to as "DGfE") is an association of education researchers working in the fields of research and teaching.
- (2) The association has its registered office in Berlin and is entered into the register of associations of the district court of Berlin.
- (3) The financial year is the calendar year.

### **Article 2 Purpose of the association, common public interest and altruism**

- (1) The purpose of DGfE is to promote study, research and education in the field of educational theory and science.
- (2) The association exclusively and directly pursues charitable objectives within the meaning of section "Steuerbegünstigte Zwecke" (tax-privileged purposes) of the German Fiscal Code (*Abgabenordnung*).
- (3) The association is altruistic and does not primarily intend to make a profit.
- (4) The association's property and any profit made must only be used for the purposes defined in the Constitution. In their function as members, members must not receive any benefits from funds of the association.
- (5) The purpose of the association as defined in its Constitution is achieved in particular by means of the following:
  - Organisation of a professional congress held every two years
  - Organisation of meetings, seminars and lectures
  - Promotion of interdisciplinary communication within the overall field of educational sciences
  - Publication and promotion of professional publications
  - Proposal of research projects
  - Stating its position on public recommendations and giving scientific opinions on questions of educational policy and pedagogic practice
  - Information of the general public about the status and development of the educational sciences
  - Clarification of questions regarding vocational training and examinations for the education profession
  - Promotion of young academics, in particular by awarding professional awards
  - Awarding awards for special achievements in educational science on the basis of regulated procedures

- Support of women in the educational sciences
- Promotion of international understanding through cooperation with other national institutions
- Collaboration in international institutions

### **Article 3          Membership**

- (1) A person may become a regular member of DGfE if his or her academic research demonstrates that the association would benefit academically and professionally from a cooperation. Proof of this has to be furnished by means of a doctorate or a number of scientific publications in the field of educational sciences or, in isolated cases, extensive academic commitment in the field of educational research.
- (2) A person pursuing an academic occupation in the context of educational science and intending to do a doctorate in the field of educational sciences is eligible for associated membership. An associated member may become a regular member upon application when she or he proves the criteria according to Article 3 (1) of this Constitution. Associated membership will expire if such proof is not furnished within a period of six years. After a period of six years, associated membership can be extended upon request for up to two years if the doctorate has not yet been attained but is still being actively pursued.
- (3) Juristic persons, societies, associations and similar institutions may become sponsoring members of DGfE if they promote research and/or teaching in the field of educational science or special innovations in pedagogic practice.
- (4) By a unanimous resolution of the Council, a person may be awarded honorary membership in recognition of outstanding contributions to educational science or the educational system, or if she or he has supported the association in an extraordinary manner. Honorary members do not have to pay membership fees.
- (5) The membership fee defined by the General Assembly is due and payable at the beginning of each financial year. The Council may decide that individual members may pay a reduced or no membership fee.

### **Article 4          Admission to the association**

- (1) A member within the meaning of Article 3 may be admitted to the association, on the one hand, by two regular members of the association proposing him or her. If the proposal is accepted by a minimum of five Council members, an invitation is sent to the new member. He or she is then regarded as having been admitted.
- (2) On the other hand, a person providing scientific proof may be admitted by applying for membership. The provisions of sentence 2 of paragraph (1) above apply to admission.
- (3) The same procedure applies to applications from abroad. In that case, references issued by internationally renowned scientists who are not DGfE members may replace the proposal by two regular members.

### **Article 5          Termination of membership**

- (1) Members may at any time declare in writing their retirement from the association. In that case, the obligation to pay membership fees ends at the end of the current calendar year.
- (2) Membership of associated members expires if no application for regular membership or for the extension of associated membership is filed and accepted by the Council within six years of admission as an associated member. Termination of associated membership requires no special resolution.

- (3) If a member is in arrears of paying an annual fee and has twice been reminded without effect, she or he will be removed from the list of members. An application for readmission may be filed.
- (4) A member may be excluded from the association following a hearing before the Council. Exclusion is admissible only if an important reason exists. Reasons for exclusion include the following in particular: failure to fulfil an obligation under the Constitution, nonobservance of an instruction issued by one of the association's bodies, severe action against the interests of the association, a dishonourable action. The reason for and the legal remedies against the exclusion have to be stated. From that point in time on, all functions and rights of the member within the association are suspended. A complaint against the exclusion may be lodged to the General Assembly. Complaints have to be lodged in writing to the President within two weeks of receipt of the Council's resolution. The General Assembly takes a final decision about the complaint with a two-thirds majority.

#### **Article 6      Bodies**

- (1) The bodies of the association are the General Assembly, the Council, the Board of the Division Chairpersons and the scientific divisions, subdivisions, study groups and council subdivisions in accordance with Article 11 of the Constitution.
- (2) The Board of the Division Chairpersons is composed of the division chairpersons elected by the division members.
- (3) The bodies and their members and anybody who is authorised to act for the association are not liable for damage caused negligently to the association.

#### **Article 7      The General Assembly**

- (1) The General Assembly is composed of regular, associated and honorary members each of whom has one vote. An institution which is a sponsoring member of DGfE may be represented at the General Assembly with a maximum of three persons each of whom has one vote.
- (2) The Ordinary General Assembly usually meets every two years. Upon decision of the Council, it shall be held as a presence meeting or - under consideration of special circumstances - as a virtual or hybrid meeting. Electronic voting during the meeting is permitted at virtual and hybrid events. The Ordinary General Assembly is convened by the President in writing by e-mail or letter post no later than one month before the meeting stating the agenda. If thought necessary by five members of the Council or if requested by one tenth of the members, an Extraordinary General Assembly has to be held within three months for which invitations have to be sent four weeks in advance.
- (3) The General Assembly receives the Council's statement of accounts, makes proposals as to the association's further activities, passes resolutions about any amendments to the Constitution and about the dissolution of the association. It defines the membership fee, hears the cash report and approves of the actions of the Council.
- (4) Any Ordinary General Assembly has a quorum. Any Extraordinary General Assembly has a quorum if a minimum of one third of the regular and/or associated members of the association are present. Resolutions are passed with the simple majority of the votes of those present (except for the cases specified in Articles 5, 8, 12, 13).
- (5) The resolutions of the General Assembly are recorded in writing. The minutes have to be signed by the members of the Council presiding and taking the minutes.

## **Article 8        The Council**

- (1) The Council has seven regular members, four of which hold the following offices: President, Vice President, General Secretary and Treasurer. Vice President, General Secretary and Treasurer are appointed by the Council following its election.
- (2) The President and Vice President are executive directors within the meaning of Section 26 BGB (German Civil Code). They represent the association in and out of court. The President and Vice President are authorised to solely represent the association. However, in his or her internal relationship to the association, the Vice President acts only if the President is prevented.
- (3) The Council instructs a member of the association which is not a member of the Council to audit the cash every two years.
- (4) If a Council member retires from office during his or her term of office, the Council may co-opt a member until the next election who, however, may not become President. If the President retires, new elections for the Council have to be held.

## **Article 9        Elections**

- (1) The President and the Council are elected separately by the members in written form outside of a General Assembly. All regular and associated DGfE members who are registered 60 days before the election takes place are eligible to vote. Associated members cannot stand for election.
- (2) The President is elected for a period of two years. The President can be re-elected for a second successive term once only. Should anyone not accept his or her election, the candidate who has acquired the next highest number of votes shall move up. If there is just one candidate, it is elected if the number of votes in his or her favour is higher than the number of negative votes.
- (3) The other members of the Council are elected for terms of four years in such a way that as a general rule half of the members are elected newly every two years. Every voter has as many votes as new Council members are to be elected. The candidates that acquire the most votes are regarded as having been elected to the respective vacant posts on the Council. Lots shall be drawn in the event of a tied vote. If there is just one candidate, he/she is elected if the number of votes in his or her favour is higher than the number of negative votes. Votes not cast are not counted to determine the number of votes cast. Should anyone not accept his or her election, the candidate who has acquired the next highest number of votes shall move up.
- (4) The elections are prepared and held by an electoral committee appointed by the Council. The Council uses suitable means to publicly present and discuss the candidates at the General Assembly. The electoral committee is responsible for organising and holding the elections. Deadlines, type and procedure of the elections are regulated by an election procedure which is decided on jointly by the Council and the electoral committee of DGfE and is an integral part of the Constitution. As regards the preparation and holding of the elections, the electoral committee is not bound to the resolutions of the Council and accountable only to the General Assembly. The electoral committee's work is supported by the Council and the DGfE Office.
- (5) The electoral committee is composed of three DGfE members. They must not be members of the Council and must not stand for any of the offices to be elected. One member should be a former President of DGfE. The members of the electoral committee elect one of their members to chair the committee and act as an election supervisor.
- (6) The electoral committee is appointed by the Council in due time to guarantee holding of the election in accordance with the Constitution. The members of the electoral committee

remain in office until the end of the respective elections. If a member retires early, the DGfE Council by mutual agreement with the remaining members of the electoral committee appoints a new member. If mutual agreement cannot be reached, the Council decides.

- (7) The electoral committee makes sure that the results are properly determined. Procedure and result of the election are recorded by the election supervisor. The members of the electoral committee confirm the election results with their signatures on the minutes. The result of an election is published immediately upon completion of the counting.

#### **Article 10 Tasks of the Council**

- (1) The Council manages the association and strives to accomplish its goals.
- (2) The Council decides on the admission of new members, the appointment of honorary members and the exclusion of members in accordance with Article 5 as well as the Ernst-Christian-Trapp-award. The Council prepares and presides at General Assemblies and scientific meetings of the association. The Council takes its decisions with a simple majority (except in the cases specified in Articles 3, 4, 5 and 7) and has a quorum if five or more members are present. The vote of the Council member chairing the Council is decisive in the event of a tie.
- (3) The resolutions of the Council are recorded in writing. The minutes have to be signed by the members of the Council presiding and taking the minutes.

#### **Article 11 Divisions, subdivisions, study groups, council subdivisions**

- (1) The Council can install and dissolve scientific divisions, subdivisions, study groups and council subdivisions. The Board of the Division Chairpersons and the regular and associated members of the division, subdivision or study group affected have to be heard prior to the dissolution of a scientific division, subdivision or study group.
- (2) Scientific divisions represent consolidated focus areas of educational science at universities and further scientific work and the development of educational science. Scientific divisions may subdivide into subdivisions in consultation with the Council.
- (3) The Board of the Division Chairpersons convenes not less than once a year at the Council's invitation. It receives the work and financial report of the Council and advises the Council in its endeavours to achieve the goals of the association in accordance with Article 2 of this Constitution.
- (4) Study groups can be set up by the Council or by the divisions in consultation with the Council to deal with sub-discipline and specialist issues. They are set up for a limited time until the task is completed or until they are transformed into a subdivision or division in accordance with Article 11 (1).
- (5) To implement special tasks, DGfE members may propose the installation of council subdivisions. Their purpose is to clarify cross-divisional, in particular departmental-political, questions of educational science. The Council may also appoint qualified non-members to the council subdivisions installed by it.

#### **Article 12 Honorary office and executive board**

- (1) The Council members work in an honorary capacity.
- (2) The Council is authorised to use an executive board or a special representation within the meaning of Section 30 BGB (German Civil Code) to carry out its tasks and to reasonably remunerate the executive board.
- (3) The association must not favour any person through administration expenses alien to the purpose of the association or by means of disproportionately high remunerations.

### **Article 13 Amendments to the Constitution**

- (1) Amendments to the Constitution may be suggested to the General Assembly by the Council or a minimum of ten members. Requests for amendment have to be submitted to the Council eight weeks prior to the General Assembly and the Council must inform all members of the request in its invitation or no later than two weeks prior to the meeting. A two-thirds majority is necessary to adopt an amendment.
- (2) The Council may provisionally adopt amendments to the Constitution which are necessary for formal legal reasons. These amendments to the Constitution must be communicated to all members of the Association as soon as possible and must be confirmed or modified by the next General Assembly.

### **Article 14 Change of the purpose of the association and dissolution of the association**

- (1) A resolution to change the purpose of the association or to dissolve the association can only be passed by an Extraordinary General Assembly convened for that purpose with a majority of three quarters of the valid votes cast.
- (2) Upon their retirement or if the association is dissolved or cancelled, the members are not entitled to claim the property of the association.
- (3) If the association is dissolved or if tax-privileged purposes cease to apply, the property existing at that time shall, after payment of all liabilities of DGfE, accrue to Deutsche Forschungsgemeinschaft which shall use it directly and exclusively for the promotion of research and teaching in the field of educational science.

### **Article 15 Liability**

- (1) The association is not liable to its members for any damage or loss caused by slight or ordinary negligence in the context of the operations of the association or at events organised by the association, unless where these risks are covered by the insurance contracts.
- (2) The association is not liable to its members for any damage caused by an action of the association's representatives where they are due to slight or ordinary negligence.

### **Article 16 Coming into the effect of the Constitution**

- (1) This Constitution shall come into effect after adoption of the resolution by the General Assembly upon the day of entry into the register of associations. Upon the coming into effect of this Constitution, all earlier Constitutions are cancelled, if any.
- (2) The bodies of the association can pass resolutions already on the basis of the adopted Constitution which shall become effective upon entry into the register of associations.