

(English translation for informative purposes only)

Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V.



Max Planck Institute for Social Anthropology

Halle/Saale

Institute By-Laws

dated 17 March 2023

Contents

Preamble	3
Section 1 Purpose and Name	3
Section 2 Seat, Legal Form, and Financial Year	3
Section 3 Structure of the Institute	3
Section 4 Scientific and Administrative Management	4
Section 5 Board of Directors	5
Section 6 Ongoing Operational Matters, Administration	5
Section 7 Participation of Employees at the Institute.....	6
Section 8 Career Support for Employees	7
Section 9 Safeguarding Good Scientific Practice	7
Section 10 Mediation	8
Section 11 Scientific Advisory Board	8
Section 12 Board of Trustees	8
Section 13 Entry into Force, Miscellaneous	8

Annexes

- (1) Statutes of the Max-Planck-Gesellschaft zur Förderung der Wissenschaften e. V. (Max Planck Society)
- (2) Rules for Max Planck Research Groups
Rules for Max Planck Research Group Leaders with Tenure Track at W2 level
Guidelines for the Appointment of Scientists to W2 Positions
- (3) Appointment Procedure Regulations
- (4) Procedure for the Election of Scientific Employees to the Sections of the Scientific Council
- (5) Responsible Conduct in Science – Rules of Conduct for Good Scientific Practice – How to Handle Scientific Misconduct
- (6) Guidelines and Rules of the Max Planck Society on a Responsible Approach to Freedom of Research and Research Risks
- (7) Guidelines of the Scientific Council for Electing Ombudspersons to Max Planck Institutes and the Sections of the Max Planck Society
- (8) Mediation Guidelines
- (9) Rules for Scientific Advisory Boards
- (10) Rules for Boards of Trustees in the Max Planck Society
Recommendations for the Organization of Boards of Trustees in the Max Planck Society

Preamble

The Statutes of the Max Planck Society (cf. Annex 1; MPG Statutes), which include directly applicable regulations for the Institute, provide the framework for these Institute By-Laws.

According to Article 28, para. 2 of the MPG Statutes, the Institute By-Laws govern the constitution of an Institute and regulate the key mechanisms for the functioning of an Institute.

The Rules of Procedure of the Institute supplement and concretize the regulations stated in the Institute By-Laws.

Subject-specific Institute Rules (e.g. Signature Rules, Procurement Handbook) as well as the Organisation Handbook (OHB) of the Max Planck Society contain more detailed provisions and binding regulations.

Section 1 Purpose and Name

- (1) The Institute's research is dedicated to understanding how people apprehend and respond to social challenges, especially those of global scale, and how they initiate social changes. Researchers engage in long-term, in-depth field research with people in diverse contexts across the world, working in three intersecting and complementary thematic fields: politics, economy, and law.
- (2) It was established by resolution of the Senate of the Max Planck Society on 25 June 1998 and bears the name "Max-Planck-Institut für ethnologische Forschung".
- (3) The English translation of the Institute's name is "Max Planck Institute for Social Anthropology".

Section 2 Seat, Legal Form, and Financial Year

- (1) The Institute has its seat in Halle (Saale).
- (2) It does not have legal personality of its own but is an institution of the Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. (Max Planck Society)
- (3) The financial year is the calendar year.

Section 3 Structure of the Institute

- (1) The Institute is divided into
 - a) Departments, to which Research Groups may belong (Research Groups bound to a Department), under the management of Scientific Members of the Institute with directorship (Directors at the Institute) or, if necessary,

under the management of Acting Directors appointed by one of the organs of the MPG, as well as

- b) Shared facilities, i.e.
 - i) scientific and/or scientific-technical service units and
 - ii) the Administration, which provides administrative services, under the leadership of a Head of Administration.
- (2) In the event that "Max Planck Research Groups" are established at the Institute, these are governed by the regulations passed by the Senate of the Max Planck Society (cf. Annex 2) as well as by the rights and obligations laid out in the Institute's Rules of Procedure.

Additional Research Groups which are not bound to a Department may also be established at the Institute under the leadership of a designated Head of Research Group or Emeritus Scientific Members of the Institute or Max Planck Fellows.

Section 4 Scientific and Administrative Management

- (1) Board of Directors: The Institute is managed by the Board of Directors of the Institute in accordance with Art. 29, para. 2 in conjunction with Art. 28, para. 3 of the MPG Statutes. The Board of Directors consists of the Scientific Members of the Institute with directorship appointed by the Senate of the Max Planck Society (the Directors at the Institute) or, if necessary, Acting Directors appointed by one of the organs of the MPG, who bear shared responsibility for both the scientific and administrative management of the Institute. Pursuant to Article 28, para. 4 of the MPG Statutes, as a general rule directorship is conferred upon a Scientific Member for a limited period; renewal is decided upon by the Executive Committee (Verwaltungsrat).
- (2) Managing Director (MD): The Members of the Board of Directors elect one of their number as their Chairperson and one as Vice Chairperson for a period of two years as a general rule. Election to a consecutive term is permitted once as an exception. The elected Chairperson is appointed by the President of the Max Planck Society as MD of the Institute. The President may reject or revoke the appointment provided that
 - a) the other Members of the Board of Directors which consists of at least three Members unanimously ask for it; or
 - b) there is good cause (in particular a serious breach of duty and inability to properly carry out management responsibilities).

Pursuant to Section 6, the MD is responsible for the ongoing operational matters of the Institute; to this extent, the Board of Directors is disburdened from management duties. The Board Member who is Vice Chairperson of the Board of Directors is known as the Deputy MD.

- (3) Directors: Regarding all matters where decision-making powers rest neither with the Board of Directors nor with the MD, the general rights and obligations of a Director according to Article 28 of the MPG Statutes remain with the Members of the Board of Directors; within this scope, they are personally responsible for making decisions as special representatives in accordance with § 30 of the German Civil Code (Bürgerliches Gesetzbuch – BGB).

Section 5 Board of Directors

- (1) The Board of Directors (Kollegium) discusses all matters concerning the Institute as a whole and ensures that the rules adopted by the organs of the Max Planck Society are implemented. The Board of Directors submits suggestions to the Senate of the Max Planck Society for the appointment of a Scientific Member pursuant to the rules passed by the Senate (cf. Annex 3) and decides unanimously on permanent employment contracts for scientific employees.¹
- (2) A particular concern of the Board of Directors is supporting the advancement of junior scientists and compliance with the Principles of Gender Equality at the Institute (i.a. by supporting the local Gender Equality Officer in carrying out her duties).
- (3) The Board of Directors adopts a Rules of Procedure for the Institute, which supplement and concretize the regulations stated in these Institute By-Laws and which must be submitted to the Executive Committee of the Max Planck Society for its approving acknowledgement.

Section 6 Ongoing Operational Matters, Administration

- (1) The MD manages the ongoing operational matters of the Institute and therefore contributes to disburdening the Board of Directors especially as regards the administrative management of the Institute. The MD ensures the election of a scientific employee to the relevant Section of the Scientific Council (cf. Annex 4).
- (2) The Head of Administration provides support in carrying out administrative tasks. It is the Head of Administration's duty to advise the MD and the Board of Directors regarding the applicable laws and other regulations that are binding for the Institute and to work to ensure compliance therewith. To this end, the necessary rights of involvement must be granted to the Head of Administration in the Rules of Procedure of the Institute; in particular, the Head of Administration takes part in the meetings of the Board of Directors in an advisory capacity pursuant to the Rules of Procedure.

¹ Cf. e.g. the Senate resolution of 25 June 1998

Section 7 Participation of the Employees at the Institute

- (1) Scientific and scientific-technical employees are called upon to duly contribute to the self-management of the Institute and in the organs and committees of the Max Planck Society. In accordance with § 28, para. 7 of the MPG Statutes, Institute General Meetings (cf. Subsections 2–5) and Departmental Meetings (cf. Subsections 6–8) take place at suitable intervals in order to ensure proper participation of these employees in decisions at the Institute, timely and sufficient provision of information to all parties concerned, and regular joint deliberations on general goals, methods, and the implementation of research projects.
- (2) The Institute General Meetings are convened by the MD at suitable intervals, at least once per year, with an agenda announced sufficiently in advance. General Meetings must also be convened if so requested by at least one-third of those entitled to attend.
- (3) The Institute General Meetings are chaired by the MD; the following persons are to be invited:
 - a) the Scientific Members of the Institute,
 - b) the Leaders of Max Planck Research Groups and, as per decision by the MD, the Leaders of other Research Groups,
 - c) the academic employees elected to represent the Section,
 - d) all employees who work in a scientific or scientific-technical capacity,
 - e) the Head of Administration, and
 - f) the local Gender Equality Officer.In addition, the Board of Directors may also invite other individuals as guests.
- (4) The topics of the Institute General Meetings cover in particular the scientific planning and the development of the Institute, including its technical, financial, and organizational requirements; the decision-making competence of the Board of Directors remains unaffected.
- (5) Efforts should be made at the Institute General Meetings to achieve unanimous agreement on the topics under consideration; the results must be recorded in minutes. In the case of topics on which unanimity was not achieved, deviating opinions must be recorded in the minutes. Apart from that, Article 28, para. 7, sentences 2 and 3 of the MPG Statutes apply.
- (6) Departmental Meetings are convened by the Directors at appropriate intervals, at least every three months, with an agenda announced sufficiently in advance. Departmental Meetings must also be convened if so requested by at least one-third of those entitled to attend.

- (7) Departmental Meetings are chaired by the respective Director; the following participants are to be invited:
- a) All employees of the Department, including doctoral candidates and
 - b) the local Gender Equality Officer.
- In addition, the respective Director may also invite other individuals as guests.
- (8) Departmental Meetings are held in order to discuss the status and progress of research projects undertaken by the respective Department. The main resolutions of these meetings must be recorded in minutes.
- (9) As regards Max Planck Research Groups, subsections 6-8 apply accordingly.

Section 8 Career Support for Employees

- (1) All employees of the Institute have the right to support for career advancement, whereby supporting junior scientists is of particular concern to the Institute. The scientific and career development of every employee must be supported through work that allows them to take on responsibility within the framework of the research goals of the Institute.
- (2) Disciplinary supervisors conduct personal interviews with temporarily employed scientific employees on an annual basis in order to discuss their opportunities for development at the Institute and their career prospects (status interviews).² Employees may be joined by a designated trusted Institute member. Minutes of these status interviews must be taken and added to the employee's personnel file.
- Irrespective of the above, in exercise of their duty of care for their employees, disciplinary supervisors conduct personal interviews with all of their employees as regards each person's professional situation at appropriate intervals or at the employee's request.

Section 9 Safeguarding Good Scientific Practice

- (1) The Max Planck Society is deeply committed to safeguarding good scientific practice. Therefore, the Directors ensure that in particular the rules adopted by the Senate of the Max Planck Society on "Responsible Acting in Science – Rules of Conduct for Good Scientific Practice – How to Handle Scientific Misconduct" (cf. Annex 5) and the "Guidelines and Rules of the Max Planck Society on a Responsible Approach to Freedom of Research and Research Risks" (cf. Annex 6) are promulgated and implemented at the Institute.
- (2) To provide advising in cases of conflict, an ombudsperson will be elected at the Institute in accordance with the "Guidelines of the Scientific Council for Electing

² Resolution of the Senate dated 24 March 2006; "Guidelines on the Employment of Academic Staff in the MPG"

Ombudspersons to Max Planck Institutes and the Sections of the Max Planck Society" (cf. Annex 7).

Section 10 Mediation

The mediation procedure for the settlement of complaints and disputes at the Institute follows Article 30 of the MPG Statutes and the "Mediation Guidelines" (cf. Annex 8) adopted by the Senate. Before initiating a mediation procedure, efforts should be made to achieve a solution within the Institute for the problems.

Section 11 Scientific Advisory Board

- (1) The President of the Max Planck Society establishes a Scientific Advisory Board for the Institute, which is tasked with regularly evaluating the Institute's scientific work as well as advising the Institute and the President on matters pertaining to the scientific development of the Institute and the effective use of resources. The Scientific Advisory Board is composed of internationally recognized scientists who are as a rule not Scientific Members of the Max Planck Society. The Scientific Advisory Board records the results of its evaluation in a written report that is submitted to the President.
- (2) Further details are laid out in the the "Rules for Scientific Advisory Boards" (cf. Annex 9) adopted by the Senate of the Max Planck Society.

Section 12 Board of Trustees

- (1) The Institute has a Board of Trustees that has the purpose of fostering closer links between the Institute and the local community as well as the general public. The Board of Trustees is composed of representatives from politics, business, science, the media, and other spheres who have a particular connection with the concerns of the Institute or who are in a position to provide meaningful support in this respect. Members are nominated by the President of the Max Planck Society.
- (2) Further details are determined by the "Rules for Boards of Trustees in the Max Planck Society" and by the "Recommendations for the Organization of Boards of Trustees in the Max Planck Society" (cf. Annex 10) adopted by the Senate of the Max Planck Society.

Section 13 Entry into Force, Miscellaneous

- (1) These Institute By-Laws come into force on 18 March 2023, approved by resolution of the Senate of the Max Planck Society dated 17 March 2023.
- (2) All annexes shall apply in their respective current version.