



**Criminological Research Institute
Lower Saxony e.V.**

- Statute -

as amended on 13.10.2020

§ 1

Name, purpose of the association, seat, and financial year

- (1) The name of the association is the ‘Kriminologisches Forschungsinstitut Niedersachsen e.V. (KFN)’ It will hereinafter be referred to as the ‘Association’.
- (2) The Association has its seat in Hanover. The association is registered in the register of associations.
- (3) The activities of the Association are non-profitmaking; it does not pursue any economic purposes of its own, but exclusively and directly pursues non-profitmaking and scientific purposes as set down in § 52 para. 2 no. 1 of the German Fiscal Code.
- (4) The purpose of the Association is to act as the supporting body of the Criminological Research Institute of Lower Saxony, hereinafter referred to as the ‘Institute’. In doing so, it pursues the tasks set out in § 2.
- (5) The financial year is the calendar year.

§ 2

Task of the Institute

- (1) The task of the Institute is to conduct and promote basic and practice-oriented criminological research. The Institute fulfils these tasks as an independent and autonomous research institution. The staff of the Institute conduct this research in an interdisciplinary manner so that methods, experience, and knowledge from all disciplines can contribute to each problem solution. Staff members are allowed and encouraged to complete their doctorate or post-doctoral habilitation. Third parties may be called in to fulfil individual tasks. Research autonomy is guaranteed within the framework of the Institute's mission.
- (2) Research topics cover all areas of criminology (including crime policy)—that is, the description, explanation, prosecution, and prevention of crime along with its preconditions and consequences with regard to offenders, victims, and institutions including criminal justice, penal and forensic psychiatric systems, and social services.
- (3) To fulfil its tasks, the Institute cooperates with domestic and foreign research institutions.
- (4) The Institute participates in the communication of criminological findings in academic education and professional training. All research findings are published.
- (5) The funds of the Association may be used only for purposes outlined in the Statute; these are, in particular, the promotion of the Institute. Members receive no payments from the funds of the Association. Holders of a position on a governing body of the Association or members who resign or are expelled will have no claim to the Institute's assets.
- (6) No person may be a beneficiary of expenses that are alien to the purpose of the Association or Institute or be favoured by disproportionately high remunerations.

§ 3
Membership in the association

- (1) Natural persons and legal entities may become members of the Association. The prerequisite for this is an academic qualification, an alignment with the field of criminological research, or practical experience in criminal justice. The General Assembly will decide on a written application for membership at its next regular meeting.
- (2) Membership expires by resignation, exclusion, or death. Resignation can take place only at the end of a business year. It must be declared in writing to the Directorate by 30 September.
- (3) Anyone who harms the interests or reputation of the Association may be expelled. The exclusion will be decided by the General Assembly on the recommendation of the Directorate.
- (4) Membership fees will not be charged.

§ 4
Governing bodies of the association

The governing bodies of the association are:

- a) The General Assembly
- b) The Directorate of the Institute
- c) The Board of Trustees
- d) The Scientific Advisory Board

§ 5
General Assembly

- (1) The General Assembly passes resolutions on:
 - a) Admission and exclusion of members
 - b) Amendments to the Statute
 - c) Dissolution of the Association and the Institute
 - d) Recommendations to the Directorate on appointing members pursuant to § 8 para. 1 d and § 11 para. 1
 - e) Election of a member of the Board of Trustees pursuant to § 8 para. 3 c
- (2) The General Assembly may submit proposals for research planning and research projects to the Institute's Directorate.
- (3) The General Assembly will be convened by the Institute's Directorate at least once a year. It is also to be convened if one third of the members of the Association so request. The Director of the Institute chairs the meetings of the General Assembly. The Director is not entitled to vote.

- (4) The General Assembly is to be convened with at least four weeks' notice, stating the agenda, in writing or by e-mail.
- (5) Motions intended for the agenda of the General Assembly must be submitted to the Directorate at least two weeks before the meeting. The Directorate must communicate these motions immediately to the members. The General Assembly decides on the admission of urgent motions by a majority of two thirds of the members present.
- (6) Resolutions are to be passed by a simple majority of the members present, unless otherwise provided for in the statute. A two-thirds majority of the members present is required for resolutions to amend the statute and to decide on membership applications. The resolution to dissolve the Association will require a three-quarters majority of all members.
- (7) The General Assembly constitutes a quorum when it has been duly convened and at least one half of the members are present. Presence is also deemed to be given when a member joins in by telecommunication.
- (8) If the General Assembly is unable to constitute a quorum at a meeting, it will have a quorum at a new meeting irrespective of the number of members present; this will be pointed out expressly in the invitation to the new meeting.
- (9) Minutes are to be taken of the proceedings of the General Assembly and of the resolutions passed, and these are to be signed by the Director as chair of the meeting and by the keeper of the minutes.

§ 6 Directorate

- (1) The Directorate of the Institute consists of at least two and at most three persons. In exceptional cases, the Board of Trustees may also determine a different number. The Directorate should be as interdisciplinary as possible (especially psychology, law, sociology). The members of the Directorate are the Director and the Deputy Directors. They are the board of the Association in the sense of § 26 of the German Civil Code (BGB).
- (2) The Directorate represents the Association as its board both judicially and extrajudicially, unless the Statute assigns representation to another body. Each member of the Directorate may represent the Association alone externally.
- (3) The Director manages the Institute as a whole. She or he exercises scientific management and responsibility for the Institute's research projects. The Director also has authority over the other members of the Directorate. The Director concludes and terminates employment contracts with the Institute's staff.
- (4) The Director is appointed by the Board of Trustees for a period of five years on the basis of a joint appointment procedure with the University of Göttingen. Reappointments by the Board of Trustees are permissible without the need for a new appointment procedure. The opinion of the Scientific Advisory Board is to be observed.

- (5) The Director of the Institute may have up to two deputies. These are generally employees of the Institute. The deputy director, who is employed by the Institute, is to be appointed by the Board of Trustees on the recommendation of the director. The prerequisite for appointment is a doctorate. The employment relationship with the Institute will not be affected by the appointment as deputy director. A special monthly allowance will be granted for the duration of the appointment as deputy director, the amount of which will be determined by the Board of Trustees on the recommendation of the director.
- (6) The Directorate prepares the meetings of the General Assembly and implements its resolutions. It issues the rules of procedure for the management and the official regulations for the employees of the Institute.
- (7) Resolutions of the Directorate may be passed by meeting or written circulation through a majority of the votes cast. Resolutions concerning scientific matters may not be taken without the vote of the Director.
- (8) The Directorate will regularly inform the Board of Trustees, the Scientific Advisory Board, and the General Assembly about its activities.
The Directorate also presents the medium and long-term research planning to the Board of Trustees. The Directorate informs the Board of Trustees over the possible removal of time limits on the term of employment contracts in accordance with labour law. Furthermore, the Directorate prepares and implements the resolutions of the Board of Trustees. The Director will immediately inform the chair of the Board of Trustees of any special occurrences.
- (9) The term of office of the Director according to par. 4 is 5 years; that of the Deputy Directors according to par. 5, up to 5 years. Multiple reappointments are possible. This requires a resolution by the Board of Trustees that has to be passed at the latest one year before the expiry of the term of office.

§ 7

Administration

- (1) The Head Administrator and her or his deputy will be appointed by the Board of Trustees on the recommendation of the Director.
- (2) The Head Administrator manages the Institute's administration; conducts the day-to-day business in administrative, budgetary, and personnel areas; and supports the Directorate. The Head Administrator is responsible for budgeting within the framework of the budgetary regulations of the State of Lower Saxony.
- (3) The Head Administrator reports regularly to the Directorate on the Institute's administration. Furthermore, the Head Administrator is entitled to participate in the meetings of the Directorate in an advisory capacity.
- (4) The scope of duties of the Head Administrator is set out in detail in the Rules of Procedure.

§ 8
Board of Trustees

- (1) The Board of Trustees consists of seven voting members, at least three of whom should be women.

Members are:

- a) One representative of the Ministry of Lower Saxony responsible for scientific research as chair; this representative has one vote.
 - b) a) One representative of the Ministry of Justice of the State of Lower Saxony as deputy chair; this representative has one vote.
 - c) One representative of the university administration of the University of Göttingen; this representative has one vote.
 - d) Four personages who represent and promote the purpose of the Association on the basis of experience gained through their own scientific and practical activities. They are elected by the other members of the Board of Trustees for a period of four years on the recommendation of the Directorate—in agreement with the Scientific Advisory Board and the General Assembly. Members are appointed by the Ministry of Science and Culture. Members may be reappointed directly for one further period. One personage has one vote. These personages may be members of the Association; during their membership of the Board of Trustees, membership of the Association is suspended.
- (2) A voting member of the Board of Trustees may not at the same time be a voting member of the Scientific Advisory Board.
- (3) The Board of Trustees also includes the following members in an advisory capacity:
- a) The members of the Directorate
 - b) The Chair of the Scientific Advisory Board
 - c) One representative elected from among the members
 - d) The Equal Opportunities Officer of the Institute

Advisory members may be excluded from a meeting of the Board of Trustees if the meeting or an item on the agenda of the meeting directly affects the advisory members individually.

The Head Administrator shall participate in the meeting of the Board of Trustees in an advisory capacity insofar as the tasks specified under § 9 Para. 2 f) to i) are concerned. Sentence 2 shall apply mutatis mutandis to the Head Administrator.

- (4) Members of the Board of Trustees serve in an honorary capacity. Unless otherwise reimbursed, they are entitled to reimbursement of their expenses in accordance with the regulations applicable to employees of the State of Lower Saxony.

- (5) The Chair of the Board of Trustees represents the Association in concluding, amending, or terminating contracts with the Director as well as in the case of asserting claims against the sitting Director. In this respect, she or he is a special representative as stipulated in § 30 BGB.

§ 9

Tasks of the Board of Trustees

- (1) The Board of Trustees decides on matters of fundamental importance and supervises the activities of the Directorate.
- (2) The Board of Trustees particularly has the following tasks:
- a) Appointment of members of the Directorate
 - b) Appointment of the Head Administrator
 - c) Election of members of the Scientific Advisory Board
 - d) Approval of medium and long-term research planning
 - e) Receipt of the reports and the annual report of the Directorate
 - f) Audit of the annual financial statements
 - g) Adoption of the annual financial statements
 - h) Approval of the budget
 - i) Appointment of an auditor or the appointment of an auditing company
 - j) Discharge of the Directorate
 - k) Right of initiative to amend the Statute
 - l) Approval of the conclusion of permanent staff contracts and of decisions in the event of possible tenure for reasons of labour law.

§ 10

Meetings of the Board of Trustees

- (1) The Board of Trustees is to be convened by the Chair at least once a year. An extraordinary meeting is convened if at least one third of the members of the Board of Trustees request this in writing from the Chair.
- (2) The meeting of the Board of Trustees is convened in writing or by e-mail with at least four weeks' notice, stating the agenda. The necessary documents are to be sent to the members at least two weeks before the meeting.

- (3) Resolutions of the Board of Trustees are adopted by a simple majority of the votes cast; in the event of a tie, the Chair has the casting vote.
- (4) The Board of Trustees constitutes a quorum when the meeting has been announced correctly and at least four of its members, including the Chair or her or his deputy, are present or represented in accordance with para. 6.
Presence is also deemed to be given when a member joins in by telecommunication.
- (5) Resolutions of the Board of Trustees on matters of major research and science policy, considerable financial importance, or relating to the Directorate may not be passed against the vote of the member of the Board of Trustees designated in § 8 para. 1 lit. a).
- (6) Members of the Board of Trustees may be represented by a written proxy or transfer their vote to another member of the Board of Trustees. More than one representation is inadmissible.
- (7) Resolutions may also be passed in writing or by circulated e-mail, provided no member objects to this procedure.
- (8) Minutes are to be taken of the meetings and resolutions of the Board of Trustees. They are to be signed by the keeper of the minutes and the Chair of the Board of Trustees and forwarded to all members of the Board of Trustees.

§ 11 Scientific Advisory Board

- (1) The Scientific Advisory Board consists of up to eight scientists, at least three of whom are to be women. As far as possible, all disciplines and subject areas relevant to criminological research are to be represented on the Scientific Advisory Board. Up to three scientists who are also members of the Association may belong to the Scientific Advisory Board. Only these are to be appointed by the General Assembly. The other members of the Scientific Advisory Board are appointed by the Board of Trustees for a period of four years on the recommendation of the Directorate. Members are appointed by the Ministry of Science and Culture. Members may be reappointed directly for one further period.
- (2) The Scientific Advisory Board advises the Directorate and the Board of Trustees on scientific and programmatic questions. On the basis of a report to be submitted annually by the Directorate on the work done and future work in planning and conducting research, the Scientific Advisory Board drafts expert opinions that are submitted to the General Assembly and the Board of Trustees.
- (3) The Chair of the Scientific Advisory Board and the Deputies are elected from among the members of the Scientific Advisory Board for a period of four years. They may be reappointed directly for one further period.
- (4) The Scientific Advisory Board is to be convened by the Chair at least once per financial year; otherwise at the request of the Directorate, the Board of Trustees, or the General Assembly.

- (5) Resolutions of the Scientific Advisory Board are to be adopted by a simple majority of votes. Transfer of votes is not permitted. Resolutions may be passed in writing.
- (6) The Scientific Advisory Board constitutes a quorum when at least half of its members are present.
- (7) If the Scientific Advisory Board is unable to form a quorum at a meeting, a decision may also be taken in writing or by circulated e-mail.
- (8) Minutes are to be taken of each meeting and signed by the Chair of the Scientific Advisory Board and the minute taker.
- (9) Members of the Scientific Advisory Board work in an honorary capacity. Insofar as they are not otherwise reimbursed, they are entitled to reimbursement of their expenses in accordance with the regulations applicable to employees of the State of Lower Saxony.

§ 12 Funding

The association is financed by funds allocated to it from the budget of the State of Lower Saxony; it also raises third-party funds for research.

§ 13 Annual accounts, audit

- (1) Immediately after the end of the financial year, the Directorate draws up the annual accounts, prepares the annual report, and submits both to the Board of Trustees.
- (2) Pursuant to § 104 para. 1 no. 4 LHO [State Budget Regulation], the State Audit Office of Lower Saxony has the right to audit the budgetary and economic management of the Institute.

§ 14 Legal position of staff

- (1) The collective bargaining law for the public service of the State of Lower Saxony and the other statutory regulations for universities and research institutions applies to all service and employment contracts. Deviations require the consent of the respective funding body.
- (2) The provisions and principles of public administration concerning fringe benefits and special allowances, travel expenses, daily and overnight allowances, subsidies, and advances as well as the use of motor vehicles will apply correspondingly to persons in the service and employment of the Institute unless the Board of Trustees, with the consent of the funding body, permits a different arrangement.

§ 15

Assets in the event of dissolution of the association

In the event of the dissolution or annulment of the Association or in the event of the discontinuation of its previous purpose, the Association's assets will pass to the State of Lower Saxony, which will use them exclusively and directly for non-profit purposes.

§ 16

Transitional arrangements

An amendment to the Statute will not affect the position of the sitting Director and the sitting Deputy Directors.

The Statute enters into force upon entry into the Register of Associations.

The Statute was established on 15 September 1979 and amended to its present form on 12 October 1984, 25 June 1994, 24 June 1995, 24 July 1999, 21 January 2011, 18 February 2012, 2 November 2013, 18 February 2020 and 13 October 2010.