

# EUROPEAN EDUCATIONAL RESEARCH

## ASSOCIATION (EERA) e.V.

Constitution from 19.06.2010,  
In the amended version from 25.06.2011

### **§ 1 Name and seat**

(1) The association has the name “European Educational Research Association (EERA)”. It shall be entered in the Register of Associations; after such entry its name shall be “European Educational Research Association (EERA) e.V.”.

(2) The association’s seat is in Berlin.

(3) The business year shall be the calendar year.

### **§ 2 Purpose and non-profit character of the association**

(1) The association’s purpose is to promote science and research, education and training in the academic field of educational research for the benefit of the education and training of the European people.

(2) The association exclusively and immediately pursues tax-privileged purposes as defined in tax code section “Tax-Privileged Purposes”.

(3) The purpose of the association is achieved in particular by

- organising conventions, symposiums, seminars and lectures,
- promoting interdisciplinary communication within the whole sphere of educational research,
- publishing and promoting academic publications, specialist publications and information,

- commenting on public recommendations and academic comments concerning issues of educational policies, pedagogical practice and educational research funding and policy,
- informing the public about current developments in educational research,
- clarifying training and examination issues relevant to the education professions,
- promoting young academics, especially by granting specialist awards.

Moreover, the association may perform any and all other tax-privileged activities which serve the achievement of its purpose.

### **§ 3 Charitable Organisation and Rules Regarding Remuneration**

(1) The association is a charitable organisation; it does not primarily pursue its own financial purposes. The association's funds may only be used for purposes defined in the statutes. No person shall benefit from expenditure unconnected with the purposes of the association or shall receive disproportionately high remuneration."

(2) The members do not receive any allowances out of association funds.

### **§ 4 Membership**

(1) Every national, regional or supra-regional corporation engaged in general educational research, if domiciled in Europe, may become a member. Individuals may not become members.

Legal entities with reference to general educational research (e.g. university with a pedagogical department) may become candidate members, if no national, regional or supra-regional corporation for general educational research exists in their country of domicile as yet. As soon as a national, regional or supra-regional corporation for general educational research of such country has joined the association, the membership of the candidate member from the country concerned shall end.

(2) Upon receipt of a written application the Council shall decide on the applicant's admission at its sole discretion. In the event that the application is rejected, the Council will be under no obligation to inform the applicant about the reasons for such rejection.

(3) Membership shall end upon resignation or expulsion from the association. Resignation may only be effected as per the end of a calendar year by written notice to a member of the Executive Board, given three months before the end of the year. Any member may be expelled by resolution of the Council, if such member is at fault by having grossly violated the interests of the association.

(4) Membership fees may be imposed. The due date and amount of such fees shall be fixed by the Council. Candidate members shall be exempted from the obligation to pay fees for a period of up to 4 years; relevant details shall be decided upon by the Council.

As long as a candidate member is exempted from the obligation to pay membership fees its voting right shall be suspended.

### **§ 5 General Assembly („Council“)**

(1) The Council meeting, also referred to only as “Council”, shall be held up to three times a year. Additional meetings of the Council may be held if this is required in the association’s interest or requested by at least one fourth of the members.

(2) Council meetings shall have a quorum if they were duly convened in advance. Meetings of the Council shall be jointly convened by the Executive Board by an ordinary letter, by fax or by e-mail. The agenda, jointly determined by the President, the General Secretary and the Treasurer, shall be communicated together with the invitation, which must be sent two weeks in advance. This deadline shall be deemed to be observed if the letter of invitation is posted to the address last made known by the member to the association or is faxed or e-mailed to the number or e-mail address last made known to the association in a timely manner.

(3) The Council meeting shall be chaired by the President, if the latter is prevented, by the General Secretary or, if the General Secretary is prevented, by the Treasurer. If all of them are prevented from attending the meeting, the Council shall elect a chairman of the meeting. The chairman of the meeting shall appoint a minute-taker to record, in particular, the resolutions adopted by the Council. The minutes shall be jointly signed by the minute-taker and the chairman of the meeting.

(4) Each member and each candidate member may submit to the Executive Board applications for resolutions or discussion items. The Executive will invite members and candidates no later than 6 weeks prior to the date of the meeting to submit their applications.

The applications must be received no later than four weeks prior to the date of the meeting. The Council shall decide on the acceptance of applications of urgency.

The Council shall decide by a majority of the valid votes cast; abstentions shall be deemed to be invalid votes.

Abstentions shall be deemed to be invalid votes. Resolutions concerning the expulsion of members and changes of the statutes shall require a majority of two thirds, concerning changes of the purpose of the association and the dissolution of the association a majority of nine tenth of the valid votes cost. Generally, votes shall be conducted by a show of hands; votes must be cast in writing if one third of the members present request this.

(5) The Council's tasks shall include but not be limited to

- election and dismissal of and grant of discharge to the whole Executive Board
- acceptance of the annual report by the Executive Board and votes concerning the association's budget
- changes of the statutes, changes of the purpose of the association and the dissolution of the association
- appointment of the association's auditor

The Council shall adopt all resolutions required for the achievement of the association's purpose.

(6) At Council meetings the members and candidate members shall be represented by individuals whose names must be made known to the Executive Board by them. If any such individual is prevented from attending the meeting, a substitute individual shall be nominated. Each member and each candidate member shall have one vote.

(7) The Executive Board, the editor of the European Educational Research Journal (EERJ), or his spokesman, the representative of the network convenors and the representative of the Emerging Researchers' Group shall participate in Council meetings. They shall have the right to submit applications and to speak. The Council may decide to admit additional experts having the aforementioned rights or parts thereof. The association's Office Manager shall participate in the meeting without any right to submit applications. The individuals referred to in sentences 1 to 4 shall have no voting right.

(8) The Council shall adopt its own rules of procedure.

## **§ 6 Executive Board**

(1) The Executive Board shall consist of

- the President
- the General Secretary and
- the Treasurer.

(2) The association shall be represented in and out of court by the President, the General Secretary and the Treasurer, by each of them individually; they form the board within the meaning of section 26 BGB [German Civil Code]. The liability of the Executive Board, as defined in section 26 BGB, vis-à-vis the association and its members shall be limited to wilful intent and gross negligence.

(3) The Executive Board is responsible for all affairs of the association, unless they are assigned to another body of the association by the statutes. The Executive Board shall implement the Council resolutions and submit to the Council proposals concerning the achievement of the association's purpose. The members of the executive committee are entitled to the reimbursement of costs incurred unavoidably as part of their work in office, within reasonable limits.

(4) Executive Board meetings may be held at any time, provided that they are convened in advance jointly by the President, the General Secretary and the Treasurer. The Executive Board shall adopt its resolutions by a simple majority of the members present. The Executive Board may pass resolutions by a written procedure, if all of its members agree to this. The Executive Board shall adopt its own rules of procedure, which shall require the Council's approval.

(5) The representative of the network convenors and the Office Manager of the association shall participate in Executive Board meetings without any voting right.

(6) The Executive Board members shall be elected by the Council by separate ballots for the duration of four years. An Executive Board member shall remain in office until a successor assumes such office. A one-time re-election shall be permissible, but only for the offices of the General Secretary and the Treasurer.

(7) The election of an Executive Board member shall be conducted, at the latest, at the end of June of a year. The term of office of the elected Executive Board member shall begin on 15 September in the year following the election year. In the period between his election and the assumption of his office the elected Executive Board member shall participate in Executive Board meetings without a voting right. Sentence 3 does not apply in cases where an Executive Board member is re-elected.

(8) The terms of office for the Executive Board members to be elected for the first time according to paragraph 7 shall begin for

- the General Secretary on 15.09.2012
- the Treasurer on 15.09.2013
- the President on 15.09.2014.

Until then the transitional arrangements described in § 10 shall apply.

(9) Each member shall have the right to propose a person to be elected as the respective Executive Board member. The person proposed must belong to a member organisation. The elected person shall not be entitled to represent the member organisation to which such person belongs after being elected and during the term of office. More detailed provisions shall be fixed by the Council in its rules of procedure.

(10) If an Executive Board member resigns earlier during the term of his office, the Executive Board shall consist of the remaining Executive Board members until a successor is elected. A successor may only be elected for the duration of the residual term of office of the resigned Executive Board member.

(11) An Executive Board member may only be voted out of office during the term of office by the election of a new Executive Board member for the duration of the residual term of office of the Executive Board member voted out. Sentence 1 shall analogously apply to elected Executive Board members in the period between the election and the assumption of office.

In the event that the General Secretary or the Treasurer are accused of offences so grave that the association can no longer be reasonably expected to keep the accused in office, the President may provisionally prohibit the accused from further discharging of his office. A resolution to vote the Executive Board member concerned out of office may only be passed by the Council.

(12) If an elected Executive Board member waives assuming his office in advance or if an elected Executive Board member fails to assume his office, a successor for the duration of the future or residual term of office shall be elected at the next Council meeting.

### **§ 7 Ad hoc Committees and Working Groups**

The Council may set up ad hoc committees and working groups for the fulfilment of certain specific tasks. The Council may adopt rules of procedure for such ad hoc committees and working groups.

### **§ 8 Auditor**

The Council shall appoint an external auditor qualified for this profession. The auditor's tasks shall be to examine accounting records and check them for compliance with the requirements defined in the statutes and in the association's resolutions. The auditor shall present to the Treasurer at least once a year an audit report to be introduced by the Treasurer to the Council thereafter. The auditor must neither be a member of the Executive Board nor a member's legal representative; the auditor ought to be a publicly appointed person authorised to perform and confirm business audits, especially audits of the annual accounts of businesses, and to advise and represent the auditor's clients on and in tax matters.

### **§ 9 Dissolution / Loss of Tax Privilege**

In the event that the association is dissolved or that its tax-privileged purpose does no longer exist, the association's assets shall accrue to a legal entity under public law or another tax-privileged corporation for the purpose of being used for the promotion of education.

### **§ Transitional Provisions**

(1) The terms of office of the Executive Board members holding such office when the Council adopts the amended statutes on 19 June 2010 are extended as follows:

- for the President until  
14.09.2014,
- for the Treasurer until  
14.09.2013,

- for the General Secretary until 14.09.2012.

(2) The first election of successors according to § 6, paragraphs 6 and 7, shall be held

- for the President no later than end of June 2013,
- for the Treasurer no later than end of June 2012,
- for the General Secretary no later than end of June 2011.

(3) The terms of office of any remaining Executive Board members who do not fall within the category of executives defined by sec. 26 BGB and hold such office on the date when the Council adopts the amended statutes on 19 June 2010 shall expire as soon as the amended statutes have become effective.