

Bylaws for the Cluster of Excellence “Centre for the Advanced Study of Collective Behaviour” of the University of Konstanz

4 March 2019

The German version of this document is the only *legally binding version*.
This English translation is for your convenience only.

§ 1 Position within the university

- (1) Within the University of Konstanz, the Cluster of Excellence “Centre for the Advanced Study of Collective Behaviour” (referred to hereinafter as the Cluster) will be established in the framework of the Excellence Strategy of the German federal and state governments as a centre in accordance with § 40 para. 5 of the Landeshochschulgesetz LHG (state law on higher education). Researchers from the University of Konstanz and the Max Planck Institute for Ornithology in Radolfzell work in this centre in accordance with a cooperation agreement between these institutions and these bylaws.
- (2) The University of Konstanz is the institution responsible for managing funding.
- (3) The legal responsibilities remain unaffected by these bylaws.

§ 2 Objectives of the Cluster of Excellence

The objectives of the Cluster are:

- funding research projects for the study of collective behaviour;
- advancing the interaction and active exchange between the interested researchers from the participating institution and with the international community in the field of collective behaviour;
- developing a technical and administrative infrastructure for carrying out empirical studies on the collective behaviour of humans and animals in both the lab and field;
- distributing tools and disseminating knowledge to the relevant communities and within the general public.

§ 3 Structure of the Cluster of Excellence

- (1) Research at the Cluster is divided into the following Research Areas:

1. Social Influence and Transmission
2. Collective Intelligence and Decision-Making
3. Computational Methods for Measuring and Analysing Behaviour

as well as the Collective Computation Unit to provide computational and technical support to researchers.

The Research Areas can be modified or supplemented by way of resolutions adopted by the General Assembly; the Rectorate must be informed accordingly.

(2) The Cluster has a Cluster Office.

§ 4 Bodies of the Cluster of Excellence

The Cluster bodies are:

1. the General Assembly
2. the Executive Board comprised of the three Spokespersons
3. the Board
4. the Scientific Advisory Board

§ 5 Members, affiliated members and associated researchers

(1) Any person may become a member of the Cluster as long as this person is a member of the University of Konstanz or the Max Planck Institute for Ornithology in Radolfzell, has demonstrated the ability to carry out independent research in the Cluster's field of research, and is committed to focusing a substantial part of their personal research work to the objectives of the Cluster.

(2) Under these bylaws, Cluster members are:

1. the founding members, who are identified in the application dated 21 February 2018;
2. holders of professorships financed through Cluster funding
3. leaders of junior research groups financed through Cluster funding
4. academic staff members with doctoral degrees who are financed through Cluster project funding

(3) Other persons can apply to become Cluster members, provided they fulfil the conditions laid out in paragraph 1. The Executive Board decides on the admission of new members.

(4) Membership of the Cluster ends:

1. after a written notice of resignation is submitted to the Spokespersons;
2. when a Cluster member ceases to be a member of the university or a staff member of the Max Planck Institute for Ornithology in Radolfzell;
3. when a member does not fulfil the members' obligations laid out in § 6.

The Executive Board determines the end of the membership in the case of 1 or 2, and decides on the revocation of Cluster membership in the case of 3.

- (5) Under these bylaws, affiliated members of the Cluster are:
1. doctoral researchers who are financed through Cluster funding;
 2. academic staff members who have yet to complete their doctoral studies and are financed through Cluster project funding.

Paragraph 4 applies accordingly.

- (6) Researchers working at institutions not involved with the Cluster may apply to become Cluster associates for a limited time period. This association is conditional on their participation in a research project funded by the Cluster. The duration of this association is determined by the project period specified by the Cluster in its approval notification. The Executive Board decides on such associations. Paragraph 4 applies accordingly.

§ 6 Rights and obligations of members, affiliated members and associated researchers

- (1) All members assume a special responsibility for the scientific work carried out within the Cluster. They commit themselves to focusing a substantial part of their personal research work to the objectives of the Cluster and in return receive special Cluster funding upon application and within the range of possibility.
- (2) All members have voting rights and can stand as a candidate in accordance with these bylaws.
- (3) All members are entitled to use the infrastructure and resources within the range of possibility at the Cluster. They can receive and utilize funds available to the Cluster in accordance with the procedures specified in § 14. Cluster members may submit proposals to the Board that present ideas for new activities that should be implemented within the Cluster or be supported by it.
- (4) Members are obliged to cooperate in the pursuit of the Cluster's objectives in accordance with § 2 and to assist in the administration of the Cluster in accordance with these bylaws.
- (5) Members are obliged to respect the DFG funding guidelines for institutions and projects receiving Excellence funding, in particular the rules governing publications, commercial application, reporting obligations and good scientific practice. Furthermore, members commit themselves to actively participate in a research project within the Cluster and in the Cluster's collaborative academic activities.
- (6) Members are obliged to report regularly to the Cluster's Board and to the University of Konstanz. When withdrawing or resigning from the Cluster, members must present a final report on their work carried out in and funded by the Cluster within six months.
- (7) Paragraphs 3 to 6 apply to affiliated members accordingly. In accordance with § 5, affiliated members will vote to select one of their colleagues to represent them in the Board (representative of the doctoral researchers).

- (8) Associated researchers commit themselves to using allocated funds for research that aligns with the Cluster's thematic and conceptual orientation and to share their research results within the Cluster. They participate in the Cluster's collaborative academic activities.
- (9) Members pursuant to § 5 para. 2 nos. 3 and 4 will vote to select one of their colleagues to represent them in the Board (representative of the junior research group leaders and postdoctoral researchers).

§ 7 The General Assembly

- (1) The General Assembly is comprised of all Cluster members.
- (2) Every four years, the Cluster members elect three spokespersons (Executive Board) who must belong to the group of full-time university teachers. Every two years, the Cluster members elect the Board members with the exception of the Executive Board and the representative of the junior research group leaders and postdoctoral researchers as well as the representative of the doctoral researchers. Candidates may be re-elected.
- (3) The General Assembly convenes at least once per year. It is convened after the Spokespersons send a written invitation to all Cluster members with a notice period of at least 14 days; the agenda for the meeting is sent to all members at least seven days before the meeting.
- (4) The General Assembly must be convened within four weeks at the request of at least 25% of the Cluster members. The request must include a proposal for the agenda.
- (5) The Spokespersons preside over and chair the meetings.
- (6) The General Assembly is responsible for:
 - a. passing resolutions regarding recommendations for and amendments to the bylaws;
 - b. the election and dismissal of members in accordance with these bylaws;
 - c. accepting the Executive Board's report;
 - d. passing resolutions regarding the Cluster's overall funding proposal submitted to the German Research Foundation;
 - e. making proposals regarding the termination of the Cluster;
 - f. advising on policy matters regarding the internal allocation of funds.
- (7) In elections, the candidate who receives the absolute majority of votes from the members of the General Assembly is elected. If this majority is not achieved in the first ballot, present members will carry out a second ballot to elect the candidate with an absolute majority of votes. In the third ballot, a relative majority of votes from the present members will suffice. In the case of a tie, lots are drawn. The General Assembly decides on (the amendments to) the bylaws as well as proposals to terminate the Cluster with a quorum of 60 % of all members.

§ 8 The Spokespersons and the Executive Board

- (1) The Executive Board is comprised of the three Spokespersons. The Spokespersons lead the Cluster together and represent it within and outside the university. They are the chairs of the Cluster's Board.
- (2) The Executive Board is responsible for conducting the Cluster's business affairs. It is responsible for all the Cluster's tasks, unless these bylaws specify otherwise. Without prejudice to the legal responsibilities, it shall in particular be responsible for the following tasks:
 - a. developing the research programme together with the Board;
 - b. preparing the overall funding proposal submitted to the German Research Foundation together with the Board;
 - c. deciding on the admission and exclusion of members and staff;
 - d. implementing procedures for the internal allocation of funding and the quality assurance thereof in accordance with § 14 together with the Board; the Executive Board can decide on proposals requesting up to EUR 10,000 in funding;
 - e. addressing personnel matters related to staff members financed through the Cluster funding;
 - f. planning the supporting structures and the quality assurance thereof.
- (3) The Spokespersons are responsible in particular for the following:
 - a. supervising the appropriate allocation of funds and managing the overall budget;
 - b. convening and chairing the meetings of the Executive Board, Board and General Assembly;
 - c. reporting decisions to the Board;
 - d. providing information to members and affiliated members;
 - e. fulfilling reporting duties towards the Rectorate;
 - f. representing the Cluster in dealings with the German Research Foundation.
- (4) If one of the Spokespersons resigns prematurely or can no longer perform the duties of the office, the remaining Spokespersons convene the General Assembly in order to elect a new Spokesperson. In principle, the office is to be continued provisionally until the election. If this is not possible, another member of the Board assumes the position on a temporary basis.
- (5) The General Assembly may vote out one, several or all Spokespersons by electing a successor with at least 51% of the vote from all members.
- (6) The Executive Board may nominate persons from among its ranks or the Board to carry out the above-mentioned tasks. It convenes at least four times a year.

§ 9 The Board

- (1) The Board is the most important decision-making body of the Cluster. It is comprised of the Executive Board by virtue of office, four further Cluster members pursuant to § 5 paras. 2 and 3 and the representative of the junior research group leaders and postdoctoral researchers. A member of the Rectorate, the representative of the doctoral researchers, and an Equal Opportunity and Diversity Representative participate in Board meetings in an advisory capacity. The Rectorate will name a representative from each faculty involved in the Cluster to participate in all meetings in an advisory capacity.
- (2) The Board defines the Cluster's strategy, especially in regard to the further development of its research programme and the preparation of the overall funding proposal submitted to the German Research Foundation. It supports the Executive Board in addressing budget matters, in managing the Cluster, and in representing the Cluster within and outside the university as well as reporting and quality assurance.
- (3) The Board decides on the allocation of funding up to EUR 125,000 in accordance with § 14. In the case of higher sums, decisions will follow an external peer-review; these decisions require the Rectorate's approval.

§ 10 General Cluster Management

- (1) The Cluster Office is headed by a General Manager. The Executive Board appoints the General Manager.
- (2) The Cluster Office is responsible for managing personnel and finances as well as for preparing meetings, conventions and conferences. The Cluster Office and the General Manager support the Executive Board, the Board and the Spokespersons.

§ 11 The Scientific Advisory Board

- (1) The Rectorate of the University of Konstanz determines the composition of the Scientific Advisory Board for the Cluster by appointing its members on the basis of recommendations made by the Board. The Scientific Advisory Board is comprised of distinguished international researchers and academics as well as one member of the Rectorate.
- (2) The tasks of the Scientific Advisory Board include in particular: advising the Cluster with regard to its strategic and organisational development as well as participating in the internal evaluation of the Cluster.
- (3) The Scientific Advisory Board elects a chairperson from among its ranks.
- (4) The members of the Scientific Advisory Board are appointed for a 3-year term of office. Reappointment to this board is possible. Members can resign their membership by submitting a written explanation to the Rectorate.
- (5) The Scientific Advisory Board normally convenes at least once a year.

§ 12 Resolutions, elections, minutes

- (1) The General Assembly is quorate if 25 % of all members are present after having been formally invited to attend the relevant meeting; other bodies are quorate if 50 % of all members are present after having been formally invited to attend the relevant meeting. Voting rights may not be transferred. If a quorum cannot be reached, the next meeting to be convened is quorate regardless of the number of attendees present, provided that this is explicitly indicated in the invitation to the meeting.
- (2) Unless otherwise specified in these bylaws, resolutions by the Cluster's bodies are adopted if the number of "Yes" votes exceeds the number of "No" votes. Abstentions do not count as votes cast. A vote must be carried out via secret ballot if so requested by three members.
- (3) The Executive Board and the Board can adopt resolutions by means of a circulation procedure if no member objects to this type of decision-making procedure and if at least 70 percent of the bodies' members participate in the adoption of the resolution.
- (4) Minutes must be kept of the meetings of Cluster bodies and made available to all members of the respective body when the invitation to the next meeting is issued at the latest. This also applies to resolutions adopted through a circulation procedure.

§ 13 Appointing professors and the leaders of Cluster-financed junior research groups

- (1) Appointments to professorships and junior professorships with or without tenure track that are financed through Cluster funds are made in line with the provisions of the Landeshochschulgesetz LHG (state law on higher education), the university's Grundordnung (university constitution), and other legal provisions of the university. The description of the respective post will be specified in accordance with § 46 para. 3 of the LHG prior to the appointment procedure. The assignment to a specific department is also determined at this time after the Cluster's Spokespersons have been provided the opportunity to weigh in on this decision. To prepare proposals for such appointments, the Rectorate forms an appointments committee in line with the provisions of the LHG and in consultation with the respective faculty and the Cluster's Spokespersons. The appointments committee includes either one of the three Cluster Spokespersons or a member of the Cluster's Board as well as two further Cluster members or affiliated members as members with voting rights.
- (2) The appointment of the leaders of junior research groups, which are financed through Cluster funding, is carried out by the Cluster within the framework of the legal provisions.

§ 14 Internal allocation of funding

- (1) All members and staff of the University of Konstanz and the Max Planck Institute for Ornithology in Radolfzell who have completed their doctoral studies are in principle eligible to apply for Cluster funding. Specifically, both the eligibility to apply for funding and the relevant procedure are based on the following provisions and depend on both the funding format advertised in the call for tender and the funding conditions, which the University must at least announce in its “Amtliche Bekanntmachungen” (Official Announcements).
- (2) In the case of applications submitted by individuals who are not members of the Cluster, applications for membership are normally submitted on behalf of those whose applications are approved.
- (3) The Executive Board may allocate funding of up to EUR 10,000 on an ongoing basis. This funding can be used, for example, to finance temporary positions, equipment, costs for experiments, travel costs, workshops, visits by guest researchers and high-risk research projects (Innovation Fund). Higher sums are approved by the Board upon application in accordance to the following provisions.
- (4) In addition to project funding pursuant to paragraph 5, the Cluster also offers smaller funding formats with a budget of up to EUR 80,000 in accordance with a call for proposals. The Board decides on applications for this type of funding.
- (5) All cluster members, university professors and junior research group leaders of the university and the Max Planck Institute for Ornithology in Radolfzell can apply for up to three years of project funding not exceeding EUR 600,000. The Board decides on applications in this category together with reviewers appointed by the Executive Board; amounts up to EUR 125,000 require expert evaluation from at least two reviewers; higher amounts require at least three reviewers, with at least one of them being an external reviewer. Decisions on the allocation of funds in excess of EUR 125,000 require the Rectorate’s approval.
- (6) The criteria for funding decisions are scientific excellence, research aims that correspond to or advance the Cluster’s objectives, cost efficiency and compliance with the general principles of the University of Konstanz, e.g. regarding equal opportunities and support of early career researchers. After the Board and the reviewers have evaluated the applications, a ranking list is drawn up, on the basis of which a funding decision is made by the Board.

§ 15 Inventions and rights of use

The handling of inventions and other Cluster-generated protectable or non-protectable work results or output is governed by legal provisions, the guidelines for managing intellectual property (IP) at the University of Konstanz, and other relevant university guidelines as last amended as well as the German Research Foundation’s funding guidelines for Clusters of Excellence and other relevant funding regulations of the German Research Foundation. The German Research Foundation’s funding guidelines for Clusters of Excellence always take precedence over the university’s provisions in

cases of conflict.

§ 16 Collaboration projects

Collaboration projects involving third parties (e.g. cooperation partners, research partners, application partners) and utilizing third-party funding or expecting protectable research findings are regulated by a cooperation agreement or a **contract on the transfer of a grant** in accordance with the administrative regulation VV no. 12 to § 44 of the Landeshaushaltsordnung LHO (state budget regulations), which includes regulations on managing intellectual property, information sharing and publications, among others. The German Research Foundation's funding guidelines for Clusters of Excellence must be incorporated as an essential component of any agreement into such cooperation agreements and **contracts on the transfer of a grant** with third parties.

§ 17 Publications

- (1) The research findings resulting from the research carried out by members of the Cluster and funded by the Cluster are to be published in a suitable form in accordance with the German Research Foundation's funding guidelines for Clusters of Excellence. If possible, digital and/or open access publication is to be given preference.
- (2) Joint research findings are only published with the mutual consent of all contributors. Consent to the publication of research findings may only be refused on important grounds (e.g. existence of an unregistered finding that may be protectable). The project participants will do everything within their power to facilitate the publication of research findings and minimise any waiting time. Should a project participant not object to a submitted publication within four weeks following the receipt of the documents, the participant's consent is considered given.
- (3) Care must be taken with all publications to ensure that the registration of intellectual property rights by other members of the Cluster is not inhibited, and that contractual agreements as well as the IP guidelines of the participating organizations are adhered to.
- (4) The Cluster must be mentioned at a suitable location in publications presenting research findings that were achieved through the support of the Cluster. On posters and in presentations featuring research findings that were achieved through the Cluster's support, the Cluster's logo must be used. Additionally, the following text must be included in the Cluster's publications: "Funded by the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) under Germany's Excellence Strategy – EXC 2117 – 422037984".
- (5) Contracts with publishing houses must include non-exclusive, free and perpetual rights to use and exploit the research findings from cluster projects in form of electronic publications. Discipline-specific embargo periods of six to twelve months, during which the publication of already published research findings in discipline-specific or institutional archives is not permitted, can be agreed.

§ 18 Periodic evaluation of the Cluster

An internal evaluation of the Cluster will be carried out in its fifth year by the university's Quality Management unit supported by a panel of experts. They will prepare a report for the Rectorate on the achievement of the Cluster's objectives. The panel is appointed by the Rectorate at the recommendation of the Scientific Advisory Board.

§ 19 Final provisions and entry into force

- (1) Additions or amendments to these bylaws must be agreed with the German Research Foundation and are conditional on a resolution passed by the Senate of the University of Konstanz. The leadership of the participating institutions must be informed of these additions or amendments.
- (2) The Cluster and its bodies may regulate their course of business in rules of procedure.
- (3) Insofar as no provisions have been made above, the provisions of the University's Code of Procedure shall apply accordingly.
- (4) In cases of conflict, responsibility lies with the contact persons, bodies and institutions at the University of Konstanz.
- (5) These bylaws enter into force on the day after their publication in the "Amtliche Bekanntmachungen" (Official Announcements) of the University of Konstanz.

Note:

These bylaws were published in the "Amtliche Bekanntmachungen" (Official announcements) of the University of Konstanz No. 10/2019 of 4 March 2019.