

# **Bylaws for the Cluster of Excellence “The Politics of Inequality: Perceptions, Participation and Policies” 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 “The Politics of Inequality: Perceptions, Participation and Policies” (referred to hereinafter as the Cluster) will be established in the framework of the Excellence Strategy of the German federal and state governments as an interdisciplinary research centre in accordance with § 40 para. 5 of the Landeshochschulgesetz LHG (state law on higher education).
- (2) The legal responsibilities remain unaffected by these bylaws.

## **§ 2 Objectives of the Cluster of Excellence**

The research and structural objectives of the Cluster are in particular:

1. to develop a comprehensive understanding of the conditions under which manifestations of inequality are politicised
2. to foster innovative approaches to the study of inequality by integrating linguistic and psychological perspectives with established traditions in political science, sociology and economics
3. to analyse the political dimension of inequality as a global phenomenon by linking research on Western countries and countries of the Global South
4. to develop an understanding of the role that new forms of digital communication, especially social media, play in framing discourses on inequality and in mobilising individual and collective actors
5. to become the hub of an international network of research institutions and individuals focusing on the political dimension of inequality
6. to enrich conventional research perspectives with new methodical approaches in the social sciences by, for example, integrating computational linguistic text analysis as well as field and laboratory experiments
7. to increase the level of information and generate new data sets on perceptions, preferences and policies in regard to inequality and make them available to the scientific community

### **§ 3 Structure of the Cluster of Excellence**

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

1. Research Area 1: Perceptions
2. Research Area 2: Participation
3. Research Area 3: Policies

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

(2) The Cluster has a Managing Office.

### **§ 4 Bodies of the Cluster of Excellence**

(1) The Cluster bodies are:

1. the Board
2. the three Speakers (Speaker and two Co-Speakers), who also form the Executive Board
3. the Plenum

(2) The Cluster's advisory bodies are:

1. the Assembly of Early Career Researchers
2. 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, has demonstrated the ability to carry out independent research in the Cluster's field of research, has independently secured project funding from the Cluster 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) Other persons can apply to become Cluster members, provided they fulfil the conditions laid out in paragraph 1. The 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 Speakers;
2. when a Cluster member ceases to be a member of the university;

3. when a member does not fulfil the members' obligations laid out in § 6.

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

- (5) Under these bylaws, Cluster affiliated members are the academic staff members financed through Cluster funds. 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 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 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 research carried out within the Cluster. They commit themselves. 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 § 15. Cluster members may submit proposals to the Plenum 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 a six-month time period.
- (7) Paragraphs 3 to 6 apply to affiliated members accordingly.
- (8) Associated researchers commit themselves to using allocated funding 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.

## **§ 7 The Plenum**

- (1) The members of Plenum are the persons identified in § 5 para. 2 and para. 3 of these bylaws. The Managing Director, the spokesperson for the early career researchers and an Equal Opportunity and Diversity Representative participate in Plenum meetings in an advisory capacity. The heads of the participating departments from which at least two persons are members of the Cluster also attend these meetings in an advisory capacity. A member of the Dean's Office of the faculties participating in the Cluster as well as a member of the Rectorate may also attend the Plenum's meetings to serve in an advisory capacity.
- (2) The Plenum elects the three Speakers (Executive Board) who must be full-time lecturers at the university and eligible for election to the Senate, and the Board members with the exception of the spokesperson for the early career researchers. The Plenum defines the strategy for the Cluster's further development, e.g. by setting the topics for targeted calls for tender. It is responsible in particular 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. developing the research programme together with the Board;
  - e. working together with the Board to pass resolutions regarding the Cluster's overall funding proposal submitted to the German Research Foundation;
  - f. making proposals regarding the termination of the Cluster;
  - g. advising on policy matters regarding the internal allocation of funds.
- (3) The Plenum normally convenes twice a year.
- (4) In elections, the candidate who receives the absolute majority of votes 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. The Plenum 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 Board**

- (1) The Board comprises the Speakers (the Speaker and two Co-Speakers), two further representatives from each of the three research areas, the Equal Opportunity and Diversity Representative and the spokesperson for the early career researchers at the Cluster. A member of the Rectorate and the Managing Director attend the Board's meetings to serve in an advisory capacity.
- (2) The Board is responsible for all the Cluster's tasks, unless these bylaws specify otherwise. It is responsible for the following tasks in particular:
  - a. developing the research programme together with the Plenum;
  - b. preparing, in cooperation with the Plenum, the overall funding proposal submitted to the German Research Foundation;
  - c. advising the Executive Board on budgetary matters;
  - d. implementing procedures for the internal allocation of funding and the quality assurance thereof (§ 15);
  - e. planning and ensuring the quality of the support structures.
- (3) The Board supports the Executive Board in representing the Cluster to internal and external university audiences as well as with management, reporting and quality assurance.
- (4) The Board organises the calls for tender for Cluster funded research and activities as well as evaluation procedures in accordance with § 15. It decides on the allocation of funding up to a limit of EUR 125,000 following internal evaluation and in the case of higher sums following external evaluation. Decisions on the allocation of funding in excess of EUR 125,000 require the Rectorate's approval.
- (5) The term of office for the representatives of the research areas as well as the Equal Opportunity and Diversity Representative is two years. Candidates may be re-elected twice. A rotation of Board members is sought so that the Board represents the composition of the Cluster members.
- (6) The Board may nominate persons from among its ranks to carry out the above-mentioned tasks. The Board normally convenes on a monthly basis.

## **§ 9 The Speakers and the Executive Board**

- (1) The Speaker heads the Cluster and represents it within and outside the university. The two Co-Speakers support the Speaker. The Speaker is the chairperson of the Board, of the Plenum and of the General Assembly. The Speaker and the two Co-Speakers together form the Executive Board.
- (2) The term of office for the Speakers is four years.
- (3) The Executive Board is responsible for convening and chairing meetings of the bodies specified in paragraph 1, representing the Cluster in dealings with the German Research Foundation and to fulfil reporting duties towards the Rectorate.

- (4) The Executive Board is responsible for conducting the Cluster's business affairs. The tasks of the Executive Board include in particular:
  - a. supervising the appropriate allocation of funding and managing the overall budget;
  - b. reporting decisions to the Board;
  - c. providing information to members and affiliated members;
  - d. supervising the activities of the Managing Office and – in consultation with the Board – filling posts in the Managing Office;
  - e. addressing personnel matters related to staff members financed through the Cluster's funds;
- (5) If one of the Speakers resigns prematurely or can no longer perform the duties of the office, the remaining Speakers convene the Plenum in order to elect a new Speaker. In principle, the office is to be continued provisionally until the election. If this is not possible, another member of the Executive Board assumes the position on a temporary basis.
- (6) The Plenum may vote out one, several or all Speakers by electing a successor or successors with a two-thirds majority.

## **§ 10 The Managing Office**

- (1) The Managing Office is headed by a Managing Director. The Managing Director is appointed by the Executive Board on recommendation by the Board.
- (2) The Managing Office staff carry out the administrative and organisational responsibilities for the Cluster as well as research management and science communication. The Managing Office supports the Speakers, the Executive Board and the Board, the Plenum and the Scientific Advisory Board. It is responsible for managing personnel and finances as well as for preparing meetings, general assemblies, conventions and conferences. It forms the interface to the German Research Foundation and the university administration.

## **§ 11 The Assembly of Early Career Researchers**

- (1) The Assembly of Early Career Researchers comprises the staff members in accordance with § 5 para. 5.
- (2) The Assembly of Early Career Researchers elects a spokesperson for a two-year term of office. The spokesperson attends the meetings of both the Board and the Plenum.
- (3) The Assembly of Early Career Researchers advises the Cluster's bodies with regard to strategies and standards for the supervision of doctoral researchers and for the independent research of postdoctoral researchers. For this purpose, it works in close cooperation with the Vice Rector for Research and Academic Staff

Development as well as the Academic Staff Development and Quality Management units at the university.

## **§ 12 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, experienced researchers from the University of Konstanz not directly involved in the Cluster, and the university's Vice Rector for Research and Academic Staff Development.
- (2) The task of the Scientific Advisory Board include in particular: participating in the Cluster's quality assurance procedures; advising the Cluster with regard to its strategic and organisational development, the recruitment of cluster members, ethical research questions, support of early career researchers, equal opportunities, internationalisation, and public relations.
- (3) The Scientific Advisory Board elects a chairperson from among its ranks.
- (4) The members of the Scientific Advisory Board are appointed for a period of 3.5 years. Reappointed to this board is possible. Members can resign their membership for a good reason by submitting a written explanation to the Rectorate.
- (5) The Scientific Advisory Board normally convenes once a year.

## **§ 13 Resolutions, elections, minutes**

- (1) The Cluster's bodies are quorate if 25 % 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 numbers 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 members of the Executive Board, the Board and the Plenum may agree in the Cluster's rules of procedure that resolutions can be reached by means of a silence procedure.
- (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.

## **§ 14 Appointments**

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 Executive Board is 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 Executive Board. The appointments committee includes either one of the three Speakers of the Cluster or a member of the Cluster's Board as well as two further Cluster members or affiliated members as members with voting rights.

## **§ 15 Internal allocation of funding**

- (1) All members and affiliated members of the University of Konstanz who have completed their doctoral studies are in principle eligible to apply for Cluster funding. Specifically, this eligibility to apply for funding depends on 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 funding applications are approved.
- (3) The Cluster accepts applications for project funding, independent doctoral and postdoctoral fellowships, workshops, travel costs, guest lectures and other funding formats. The Board determines the funding formats on a yearly basis and issues the respective calls for tender.
- (4) Upon application, the Executive Board may allocate funding of up to EUR 10,000 on an ongoing basis.
- (5) Higher sums are approved by the Board upon application, and if necessary, with the help of reviewers. Projects with a budget of up to EUR 125,000 EUR will be evaluated internally by the Board. Applications requesting a budget of more than EUR 125,000 are evaluated by at least two external reviewers before the Executive Board reaches a decision. The approval of a funding amount greater than EUR 125,000 also requires the prior consent of the Rectorate.
- (6) The criteria for funding decisions in accordance with paragraph 5 are research 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 reviewers have evaluated the applications, a ranking list is drawn up on the basis of which the Board awards funding.



## **§ 16 Inventions and rights of use**

The handling of Cluster generated protectable and 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 in cases where the aforementioned provisions conflict with one another.

## **§ 17 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 an on-lending agreement (Weiterleitungsvertrag) 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 on-lending agreements with third parties.

## **§ 18 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 research project finding that may be eligible to receive intellectual property protection). 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, contractual agreements or any university guidelines are not compromised.
- (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-2035/1 – 390681379".

- (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.

## **§ 19 Periodic evaluation of the Cluster**

After 3.5 years, an evaluation of the Cluster will be carried out in cooperation with the university's Quality Management unit and supported by an international panel of experts. The panel reports on the achievement of the Cluster's objectives and its scientific excellence to the Rectorate. The panel is appointed by the Rectorate at the recommendation of the Scientific Advisory Board. Members of the Scientific Advisory Board may be a part of the panel.

## **§ 20 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.
- (2) The Cluster and its bodies may regulate their course of business in rules of procedure.
- (3) Should no provisions have been stipulated 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. 11/2019 of 4 March 2019.