

# UniReport



Goethe University | Frankfurt am Main

Guidelines and Policies

## Code of conduct of Johann Wolfgang Goethe University for accepting private third party donations

Pursuant to the resolution of the Executive Board dated 28 October 2008 and Senate approval dated 22 October 2008.

### Preamble

As a “Stiftungsuniversität”, a public law foundation, Johann Wolfgang Goethe University welcomes public engagement. One target of the conversion to a “Stiftungsuniversität” is an enhancement of the quality of research and teaching. The Higher Education Act of the State of Hesse stipulates in Article 100 b clause 2 no.1, that the solicitation of private and public funding is permissible to achieve this target. Therefore public engagement that aids the raising of standards at Goethe University and support from citizens in the form of funding is therefore welcomed and is to be encouraged in an appropriate manner.

The “Guidelines for the acceptance and solicitation of private third party funding” (hereinafter called “donations”) below is intended to create a reliable action framework for Goethe University and potential third party donors/sponsors.

### Article 1 Definitions

(1) Donations are monies, goods or other benefits granted to the university without counterperformance being requested or expected. This particularly concerns patronage, funding and the establishment of endowed chairs:

- Patronage represents the support of a patron without any form of counterperformance. The patron acts purely upon altruistic motives and as a rule generally wishes no publicity.
- A key feature of donations is the non-corporate, selfless and donation of monies or goods that are not connected to any expected counterperformance or publicity effect. The donor is less concerned with putting him/herself in a good light than with the promotion of specific or general measures.
- The founder of an endowed chair is, depending on the circumstances involved, comparable with a donor or a patron. Through the establishment of an endowed chair he/she supports a mid or long term structural measure decreed by the university and generally expects that the established chair shall carry his/her name.

(2) Sponsorship is also considered a donation under the terms of this directive. The feature of sponsoring is that there is a contractually stipulated target and project-related cooperation between the sponsor and Goethe University with the aim of receiving a counterperformance to promote the donor’s own marketing aims (improvement of company image, brand naming, logo placement etc.)

### Article 2 Requirements

Donations to Goethe University must serve non-profit purposes, pursuant to the German Tax Code (Sec. 51 et seq.). In accordance with the University Charter they may only be accepted under the following circumstances:

- The freedom of research and teaching as well as the independency of Goethe University from economic and other individual interests must be ensured.
- The reputation of the Goethe University is to be upheld.
- Grants must be independent of commercial transactions with Goethe University and may not be made as a precondition for commercial transactions with Goethe University.

· Grants must benefit Goethe University as an institution – direct donations to members of Goethe University as individuals are not permitted. A donation to specific faculties of the University remains unaffected.

· Transparency is to be assured.

### **Article 3 Transparency**

(1) All forms of donations must be recognisable and traceable for the academic public. For this purpose the Executive Board shall report all donations of amounts totalling more than 50,000 Euros p.a. to the Senate at least once annually.

(2) The Executive Board and the Senate shall establish an Independent Commission that can be convened in justified cases of doubt by any member of the University and which can be called in by the Executive Board to advise. The Commission shall consist of one representative each from the Departments of Law and Economics, Humanities and Social Studies, Natural Sciences and Medicine. Commission members shall be appointed for a term of three years: re-appointment for a second term of office is possible. The Commission shall co-opt a member from the faculty about to receive a donation. The Commission can issue recommendations to the Executive Board and directly contact the Senate. In the event of donations totalling 500,000 Euros or more p.a., the Commission is to be contacted at an early stage.

### **Article 4 Procedure and Written Form**

(1) The cooperation with a donor shall proceed according to objective criteria. Members of the University

receiving the offer of a donation are to inform the Executive Board or the office specified by the Executive Board without delay.

(2) Prior to the decision being made as to whether a donation shall be accepted, it shall be ascertained whether a counterperformance on the part of the donor is expected. If counterperformance is expected. The harmlessness of the donation shall be investigated if counterperformance is to be expected. A donation should particularly be rejected if the donor wishes to influence specific issues, the subject matter of research or teaching, or demands decision making powers in conjunction with the filling of positions or the publishing of research findings.

(3) Sponsored projects may not provide or any inadmissible advantages for decision makers or employees of Goethe University. Any semblance of advantage is also to be avoided. Special payments for an additional and clearly defined task (e.g. project management) hereby remain unaffected. The provisions of German salary and secondary employment laws shall apply.

(4) The aim and purpose of the donation are to be submitted in detail in writing. Specific payments and the precise nature of the counterperformance are to be specified, insofar as counterperformance is expected under the terms of Article 1 (2).

(5) A resolution from the Executive Board is required for the conclusion of a funding contract or the acceptance of funding offers exceeding a total of more than 50,000 Euros p.a, otherwise the decision shall lie with the Vice-President of the faculty concerned.

(6) Funding contracts or the acceptance of funding offers are required to be documented in a written agreement. In so far as such written agreement is omitted, this must be recorded in writing with the provision of the circumstances.

(7) No advantages may be promised or implied and no additional agreements extending beyond those which have been recorded in writing, as far as the donations are concerned.

(8) Use of the Goethe University logo and Goethe University name on the part of a donor/sponsor may only occur with the express permission of the Presiding Committee.

### **Article 5 Legal Validity**

This Directive shall become effective upon the passing of a resolution by the Executive Board and approval of the Senate on the day following its publishing in the UniReport.

#### **Information**

UniReport policies and guidelines are published irregularly and as required as a special edition of UniReport. Circulation is specified separately for each edition.

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