



中国国际
中文教育基金会
Chinese International
Education Foundation



UNIVERSITÄT **BONN**

Agreement

between

the University of Bonn

Address: Regina-Pacis-Weg 3, 53113 Bonn, Germany

represented by Rector Prof. Dr. Dr. h. c. Michael Hoch

-hereinafter “UB”-

and

the Chinese International Education Foundation

Address: No. 15 Xueyuan Road, Haidian District, Beijing, postal code: 100083

represented by Director Prof. Yang Wei

-hereinafter “CIEF”-

and

Beijing Language and Culture University

Address: 15 Xue Yuan street, Haidian, Beijing, China

represented by President Prof. Dr. Liu Li

-hereinafter “BLCU”-

and

Konfuzius-Institut Bonn e.V.—Confucius Institute Bonn

Address: Belderberg 24, 53113 Bonn, Germany

represented by Chairperson Prof. Dr. Ralph Kauz

-hereinafter “CIB”-

on restructuring of the partnership with the Confucius Institute Bonn.

Preamble

CIB is a registered non-profit organization formed in 2016 whose mission is to strengthen ties between China and Germany in the fields of education, culture, business and research, support and promote the learning of the Chinese language and fostering mutual understanding between the peoples of the two nations. A new partnership agreement needs to be negotiated because the partnership agreement with the former Confucius Institute Headquarters, which was the basis for formation of the non-profit organization, expires in October 2021, because the cooperation between the individual partners has hitherto been regulated under bilateral agreements, and particularly because on June 30, 2020, responsibility in China for matters relating to the Confucius Institutes and use of the “Confucius Institute” trademark was transferred from the former Confucius Institute Headquarters to CIEF.

The agreement set forth below replaces all previously concluded agreements between the partners relating to CIB.

Article 1 Agreement purpose

The purpose of this agreement is to regulate the rights and obligations of the contracting parties within the framework of the partnership with CIB.

Article 2 Legal organizational form of the Confucius Institute Bonn

CIB was formed in 2016 as a registered non-profit organization. UB will continue after signing of this agreement to recognize CIB as an affiliated institute per § 29 para. 5 of the Higher Education Act of North Rhine-Westphalia (HG NRW), under the terms outlined in this agreement. This has no effect regarding the independence of CIB as a legal entity. As a non-profit organization with legal capacity, CIB is solely responsible for management of its finances.

Article 3 Activities of the Confucius Institute Bonn

- (1) Under the charter of the non-profit organization, and in consultation with CIEF, BLCU and UB, the essential purpose of CIB as a registered non-profit organization and independent public-law entity is to engage in the activities outlined below.
 1. The non-profit organization’s activities are aimed at the promotion and cultivation of German-Chinese partnership in the areas of Chinese language and culture, education, science and research.
 2. These activities include principally:
 - a) uses the Confucius Institute trademark in accordance with laws and regulations
 - b) Conducting non-curricular Chinese language courses on various competency levels open to the general public and to UB staff and students as well as other

parties affiliated with the latter; also, the conducting of continuing education offerings for teachers of Chinese as a foreign language

- c) Conducting the standardized language exams “Chinese Proficiency Test (HSK – Hanyu Shuiping Kaoshi)” and “Business Chinese Proficiency Test (Shangwu HSK)” and issuing corresponding certificates
- d) Holding lecture events on Chinese history, culture and art, including traditional Chinese medicine (TCM) among other topics, in furtherance of academic dialogue on these
- e) Holding seminars, conducting conferences
- f) Promoting German-Chinese dialogue and exchanges of/among scholars, teachers and university and high school students
- g) Promoting German-Chinese interaction by providing support to Chinese visitors in Germany and providing services to prepare Germans for an upcoming visit to China
- h) Establishing and maintaining a Confucius Institute Resource Center and Confucius Institute Library to provide UB and its relevant societal groups a supplemental needs-based array of teaching materials and information on Chinese language and culture via a wide range of media. CIB shall involve UB in decision-making on media selection.

CIB as a non-profit organization works to ensure that people of all backgrounds, irrespective of political or religious orientation, geographic location or gender, have access to the language courses and events offered in fulfillment of CIB’s chartered mission.

(2) CIB will cooperate with CIEF, BLCU and UB in fulfilling its chartered mission.

1. CIEF authorizes the contracting parties to this partnership agreement to use the Confucius Institute trademark, including the name and the logo.

2. BLCU

- uses the Confucius Institute trademark in accordance with laws and regulations
- and supports the financing necessary to implement the development plan for CIB
- may propose candidates to the Board of Trustees of CIB for the positions of Managing Director and/or Vice Director when these are open. Proposes candidates for full-time teachers/volunteer teachers to CIB.
- be responsible for approved travel expenses and staff costs for Managing Director and/or Vice Director of CIB dispatching by BLCU.
- be responsible for travel expenses and salaries for the full-time and volunteer instructors chosen by CIB.
- provides the financial resources for CIB projects in the fiscal year concerned
- provides teaching materials and multimedia course content
- receives CIB delegates on visits to China
- supports CIB members with the scholarship application process.

3. UB

- is authorized to use the trademark of Confucius Institute in accordance with laws and regulations within the framework of the partnership

- authorizes CIB to utilize the tag “an der Rheinischen Friedrich-Wilhelms-Universität Bonn” (that means: “at the University of Bonn” appended to its name)
 - will support CIB when cooperating with the various organizational units of UB
 - jointly supports the development of CIB with BLCU
 - proposes seminars and conference topics and speakers
 - will provide the CIB suitable facilities and workplace for lease at regular market rent
 - may propose candidates to the Board of Trustees of CIB for the positions of Managing Director and/or Vice Director when these are open
 - provides Chinese colleagues support with visa and residency formalities and suggests housing options.
- (3) CIB is autonomously responsible for the fulfillment of its mission per its charter as a non-profit organization, and is not subject to external direction. CIB designs its course offering and utilizes teaching materials at its own discretion, ensuring that the language courses offered are suitable to enable course participants to successfully pass the standardized language exams. CIB is responsible for the selection of language course instructors. CIB may ask BLCU or UB to propose candidates to fill open instructor positions. CIB conducts the interviews with candidates. BLCU provides the budget funding for Chinese instructor personnel. Any intended expansion of the scope of CIB’s activities requires prior written approval from BLCU and UB. CIB, as an affiliated institute of UB, upholds academic, ethical and legal standards in fulfilling its chartered mission and agrees to act in accordance with the Regulations for Safeguarding Good Research Practice at UB, attached as Appendix 1 to this agreement. CIB, in consultation with its Academic Advisory Board, shall implement a quality management system that meets internationally recognized standards, requiring regular evaluation of CIB offerings to ensure that they are of high quality.

Article 4 Administration of the Confucius Institute Bonn

- (1) The Board of Trustees of CIB functions as its top-level decision-making body, having comprehensive administrative responsibility with regard to all operations of CIB. The Board of Trustees is composed of at least six members. The composition of the Board of Trustees is intended to be a parity representation of the cultural diversity of Germany and China respectively. The members of the Board of Trustees are elected by the general assembly from the membership body of the non-profit organization. Concretely, the Board’s activities include among other things the preparation of development plans, the specification of activities in connection with funds appropriation, the reviewing and implementation of work plans, budget planning and final accounting, auditing of the administration system, selection and appointment of the Managing Director and Vice Director, evaluation of the concluded agreement and of specific circumstances in connection therewith and developing proposals for CIB for supplemental agreement clauses on the basis of the evaluations conducted.
- (2) The Executive Committee convenes a Board meeting at least once annually, to be held as face-to-face meeting, via teleconferencing or by other means of

communication (videoconferencing, etc.). The minutes of this meeting are to be recorded in text form and distributed to all members of the Board of Trustees of CIB upon conclusion of the meeting. The Executive Committee shall submit an annual report to CIEF, BLCU and UB at least once annually which outlines the activities of CIB, comprehensively addressing the implementation of adopted planning.

- (3) In consultation with the Academic Advisory Board of CIB, the Executive Committee shall set up a Feedback Desk for offering users and participants of courses/events of CIB to provide both positive and negative anonymous feedback on their experience with CIB operations and offerings. Such feedback submitted by users and event participants is to be forwarded to CIEF, BLCU and UB with a response attached from the Executive Committee and taken into account for the ongoing improvement of CIB.

Article 5

Organizational structures and operational processes of the Confucius Institute Bonn

- (1) The Directors of CIB are responsible for its organizational structures and operational processes. The Directors report to the Board of Trustees, and are charged with implementing Board resolutions. The Directors are responsible for determining work plans, student admission planning and organizational matters. The Directors are responsible for organization around the course and examination offering, administration and other organizational structures and processes of CIB. The Directors are responsible for public relations, cultivating and maintaining contacts, organizing cultural events of CIB of all kinds and for day-to-day administration around course instruction, human resources matters (including the hiring of temporary personnel and CIB instructors), finance and other administrative matters.
- (2) The duties of the Managing Director are as follows:
 1. Overall responsibility for administration and conducting the day-to-day business of CIB. The Managing Director coordinates the work activities of CIB pertinent to the above in consultation with the relevant local education authorities, on all levels
 2. Responsibility for marketing and public relations of CIB
 3. Responsibility for student recruiting plus related administration,
 4. Administrative responsibility for CIB instructor personnel
 5. Responsibility for coordinating academic events of CIB.

The Managing Director is to have defined weekly in-office work hours.

- (3) The duties of the Vice Director are:
 1. Detail-level organizational responsibility regarding instruction, i.e. planning of the courses and examinations offered, selection of textbooks, instructor and intern training
 2. Responsibility for coordinating cultural events of CIB.

The Vice Director is to have defined weekly in-office work hours.

(4) The Managing Director and Vice Director consult with and assist each other regarding the fulfillment of their responsibilities. The Board of Trustees of CIB selects the individuals for these positions.

(5) For further information regarding administration and business management, see the charter of CIB.

Article 6 Funding of the Confucius Institute Bonn

(1) BLCU funds annual project funds upon filing by CIB, as approved by BLCU. Annual project funds include but are not limited to: expenses for day-to-day office supplies, telecommunications, IT infrastructure, marketing, transport, continuing education, project development and related staff costs of the CIB. These include for example expenses to purchase necessary equipment and systems and for the organization of all events. A detailed budget for annual project funds must be prepared for and submitted to the Executive Committee of CIB for approval before submission to BLCU for approval.

(2) A separate account is to be maintained for the financial administration of CIB. All expenditures must be approved by signature by the Managing Director or Vice Director. Project expenditures exceeding 1000 euros in a single transaction must be submitted to the Executive Committee for advance approval.

Article 7 Existing intellectual property, work results, rights of use

(1) The term “existing intellectual property” refers to all knowledge, documents, data and inventions which existed prior to signing of this partnership agreement by the respective partners or were reported by them, as well as to intellectual property protections granted and know-how existing prior to signing of this partnership agreement.

(2) The partners mutually recognize the rights of use and full ownership of all existing intellectual property which is utilized or made available by a partner within the framework of the partnership.

(3) Each partner grants the respective other partners a free, non-exclusive, non-transferable right of use to the existing intellectual property for the duration of and for the purposes of the partnership to the extent necessary for conducting courses or academic events within the framework of the partnership, and to the extent no rights of third parties are thereby infringed. The partners shall notify each other accordingly immediately upon becoming aware of any infringed third-party rights.

(4) Work results are defined as all results, including prepared reports, evaluations and documents, which are produced by the partners in the course of execution of the partnership (course teaching materials and plans, media, event plans, etc.).

(5) Work results produced exclusively by the employees of one single partner shall be the property of that partner. Work results produced within the framework of the

- partnership shall be the exclusive property of the partner whose employees produced the work results in question.
- (6) Work results produced with the involvement of employees of multiple partners shall be the joint property of those partners. The partners shall in good faith implement separate agreements on a case-by-case basis with reasonable terms governing the specifics of usage.
 - (7) Academic authorship shall be respected in accordance with the Regulations for Safeguarding Good Research Practice at UB (Appendix 1).
 - (8) CIEF has the exclusive right to grant licenses for use of the Confucius Institute logo, and is administrator of the Confucius Institute trademark.
 - (9) UB holds exclusive rights to the naming appendage/tag "an der Rheinischen Friedrich-Wilhelms-Universität Bonn" (that means: "at the University of Bonn") and to the UB logo.
 - (10) If and when the agreement should no longer be in force, neither the non-profit organization nor UB may use the "Confucius Institute" name or logo. Similarly, CIB, CIEF and BLCU may no longer use the tag/naming appendage "at the University of Bonn" if and when this agreement is no longer in force or ends.

Article 8 Amendments to this agreement

- (1) Amendments to this agreement must be made in writing and signed off on by the authorized signatories of the partners.
- (2) Should one or more provisions of this agreement become invalid for reasons de jure or de facto, the validity of the remaining provisions of this agreement shall not be thereby affected. The contractual partners agree in such case to replace any invalid provision with a valid one which renders the intended outcome to the closest possible extent. The same applies in case of an unintended agreement loophole.

Article 9 Effectiveness and ending of this agreement

- (1) This agreement becomes effective on the date when the last required signature is attached.
- (2) The agreement term is five (5) years. An extension of the agreement requires corresponding written declarations from the authorized signatories of all of the partners.
- (3) Irrespective of paragraph 2, any of the partners can terminate this agreement prior to elapse of the agreement term, effective at month-end. The termination notice period is six (6) months.
- (4) UB may terminate this agreement with immediate effect in the event a partner acts in breach of German law in the context of the partnership and that partner remains in

breach despite receiving corresponding notice thereof from UB. Each partner has the right to terminate the agreement with immediate effect if the agreement is no longer fulfillable due to force majeure events (e.g. national state of emergency, war, enactment of a state ban) or to legal requirements. CIEF, BLCU or UB may terminate this agreement with immediate effect if in their respective view CIB does not meet quality requirements, fails to implement necessary improvement measures, if fulfillment of requirements remains unverifiable after the implementation of such measures or if the Regulations for Safeguarding Good Research Practice per Appendix 1 are not observed. Extraordinary right of termination with reference to §626 of German Civil Code (BGB) remains unaffected.

- (5) CIB shall repay funding disbursed by BLCU prior to termination after deducting reasonable amounts for liabilities incurred by CIB in good-faith reliance on the funding prior to termination.
- (6) Any activities under or in connection with this Agreement shall be subject to the applicable export control laws and regulations. Should it be found that this Agreement or any project or activity thereunder violates any applicable export control law and / or regulation, this Agreement shall be void. Materials, documents and equipment shall, in this case, be returned to the party where they or it originated from. Neither party has the right to incur damages or claim compensation of any kind for costs or expenditure incurred in connection with the necessary reversal.

Article 10 Disclosure of this agreement

In the interest of greater mutual understanding, the partners expressly agree to the public release of this agreement so as to ensure maximum transparency regarding this partnership.

Article 11 Procedures in case of dispute

The partners agree to first attempt to negotiate an amicable settlement in the event of differences of opinion or disputes arising between the partners in connection with this agreement. Court litigation shall only be pursued after one partner states in writing that efforts to reach an amicable agreement have failed. German law shall govern any disputes arising from this agreement. The place of jurisdiction shall be Bonn, the location of the seat of CIB.

Article 12 Language of this agreement

This agreement is set forth in English. This agreement has been prepared in quadruplicate, i.e. in four (4) original documents.

Appendix 1: "Regulations for Safeguarding Good Research Practice at the University of Bonn"

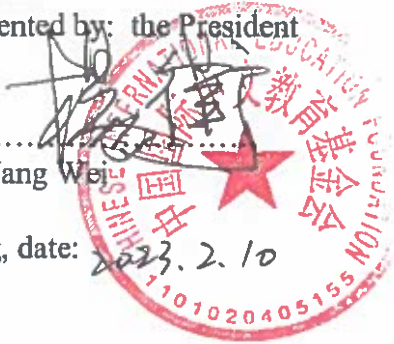
Appendix 2: Draft of the Charter of Confucius Institute Bonn (Konfuzius-Institut Bonn e.V.)
in German and English which must be agreed on by the general assembly

**Chinese International Education
Foundation**

Represented by: the President

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Prof. Yang Wei

Beijing, date: 2023. 2. 10



**Beijing Language and Culture
University**

Represented by: the President


.....
Prof. Dr. Liu Li

Beijing, date:


2/8/2023

The University of Bonn

Represented by: the Rector

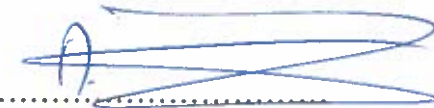

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Prof. Dr. Dr. h. c. Michael Hoch

Bonn, date: 8/5/2023

**Konfuzius-Institut Bonn e. V. –
Confucius Institute Bonn**

Represented by: the chairperson


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Prof. Dr. Ralph Kauz

Bonn, date: 9/3/2023

Official Announcements

Content:

Regulations for Safeguarding Good Research Practice at
the University of Bonn

dated February 12, 2021

English version for reference only!

Disclaimer: This translation of the " Ordnung zur Sicherung guter
wissenschaftlicher Praxis an der Rheinischen Friedrich-Wilhelms-Universität Bonn
vom 12. Februar 2021 " published in " Amtliche Bekanntmachungen Nr. 13/2021 " **is not legally binding.**

**Regulations for Safeguarding Good Research Practice at
the University of Bonn**

dated February 12, 2021

By virtue of § 2, para. 4 and § 4, para. 4 of the NRW Higher Education Act (Gesetz über die Hochschulen des Landes Nordrhein-Westfalen, Hochschulgesetz, HG) of September 16, 2014 (Legal and Regulatory Gazette of North Rhine-Westphalia, p. 547) as last amended by Article 1 of the Act Concerning Further Measures for Management of the Coronavirus Pandemic in Higher Education Institutions (Gesetz hinsichtlich weiterer Maßnahmen zur Bewältigung der Corona-Pandemie im Hochschulbereich), dated December 1, 2020 (Legal and Regulatory Gazette of North-Rhine Westphalia, p. 1110), the University of Bonn issued the following Regulations:

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Preamble

As a research university, the University of Bonn is committed to research and research-guided teaching. Good research work is based on a basic principle of honesty towards oneself and others and requires the principles for safeguarding research practice be observed, while taking into account special factors applicable to the field in question. Compliance with and communication of these principles by all of its members is of key importance to the University of Bonn. To this end, the University of Bonn develops binding principles for research ethics, and for assessing research projects on this basis.

The faculties are required to adequately address the Principles for Safeguarding Good Research Practice in their teaching curricula, and to inform students and persons working as early-career researchers in their area of responsibility about the principles applicable at the University of Bonn. The faculties guarantee that the heads of the research institutions will create the conditions required for researchers to comply with legal and ethical standards.

In addition to measures for identifying and punishing scientific misconduct, suitable measures should also be taken or strengthened to prevent scientific misconduct from occurring. As a place of research, teaching and the promotion of early-career researchers, the University has institutional responsibility in this respect.

The German Research Foundation (Deutsche Forschungsgemeinschaft, DFG) supports higher education institutions in these efforts. In 2019, it issued new "Guidelines for Safeguarding Good Research Practice" (Code of Conduct) that the University of Bonn recognizes as legally binding for all of its members.

The University of Bonn is confronting the changes due to digitalization and addressing the challenges arising due to the introduction of information processing methods in all scientific disciplines. Addressing the challenge presented by the digital transformation involves the use and (further) development of semantic standards. The University of Bonn considers itself an active partner in the research system and its development and strives to develop standards for the management of research data with the members of scientific communities and research institutions.

Part I:

Principles of Good Research Practice

§ 1

Guiding Principles

Persons actively involved in research at the University of Bonn shall

1. Work *lege artis* in all phases
2. Use scientifically sound and verifiable methods to answer research questions
3. Prove that they have any specific skills required to apply these methods, or ensure their availability through close research cooperations
4. Place particular importance on quality assurance and the establishment of standards when developing and applying new methods
5. Obtain any approvals required for the research project
6. Document results, the steps taken to obtain them and the quality assurance mechanisms used, present them in publications, and rigorously question all findings themselves

7. Identify the source of all data, organisms, materials and software used in the research process, provide proof that they were reused and cite the original sources
8. Maintain strict honesty with respect to their own contributions and the contributions of research partners, competitors and predecessors and provide full and correct information on their own preliminary work and that of others
9. Observe regulations on the handling of primary data and generated knowledge
10. Observe ethical standards when collecting data and performing experiments, assess the ethical implications of the specific research project concerned and obtain any ethics committee statements required
11. Assess the impacts of research, particularly in the area of security-related research
12. Prevent scientific misconduct and regularly update their knowledge of the standards of good research practice and the current state of research
13. Observe the rules set down in these Regulations.

§ 2

Responsibilities of the Heads of Research Institutions, Work Units and Stakeholders

(1) The Rectorate of the University of Bonn shall create the necessary framework conditions for research work. It is jointly responsible with the faculties and the Bonn Center for Teacher Education (BLZ) for ensuring compliance with and communication of good research practice and for providing appropriate career support for all researchers. The Rectorate, heads of the faculties, the BZL and the research work units shall guarantee the necessary conditions to enable researchers to comply with legal and ethical standards. These conditions include:

1. Clear written policies and procedures for personnel selection and development, taking into account equal opportunity and diversity and avoiding unconscious bias as far as possible
2. Established supervisory structures and concepts for the promotion of early-career researchers
3. Appropriate career support for researchers and research support personnel
4. Suitable organizational measures for preventing abuses of power and the exploitation of dependent relationships.

(2) Those responsible for managing early-career researchers must conduct themselves in an exemplary manner with respect to research and are responsible for ensuring that quality assurance is actually performed and for ensuring individual supervision. In the interests of their own plans for the future, early-career researchers must also be vigilant against potential misconduct in their environment.

(3) The roles and responsibilities of the researchers and research support personnel involved in a research project must be clear at all times during the research project and must be adapted where necessary if there are changes in the research project.

(4) Researchers who evaluate submitted manuscripts, funding applications or personnel qualifications must maintain strict confidentiality in this regard. They must disclose all facts that could give rise to the appearance of a conflict of interest. The duty of confidentiality and disclosure of facts that could give rise to the appearance of a conflict of interest also applies to members of research advisory and decision-making bodies. The confidentiality of third-party material to which a reviewer or committee member gains access precludes unauthorized sharing of the material with third parties or making personal use of it. Researchers must immediately disclose to the responsible body any conflicts of interest or apparent conflicts of interest related to the research project being reviewed or the person or matter being discussed.

(5) Researchers must take into account and acknowledge the current state of research when planning a project. To identify relevant and suitable research questions, they must familiarize themselves with existing research in the public domain. The University of Bonn shall ensure that the necessary basic framework for this is in place, including (digital) access to specialized literature and periodicals through the University and State Library. When planning and carrying out research projects, methods to avoid (unconscious) distortions in the interpretation of findings, e.g. the use of blinding in experiments, shall be used where possible. Researchers must examine whether and to what extent gender and diversity may be of significance to the research project (with regard to methods, work program, objectives, etc.). The context in which the research was conducted must be taken into consideration when interpreting findings.

§ 3

Supervision of Early-Career Researchers

(1) Those who supervise doctoral students, postdoctoral researchers and Habilitand candidates, are responsible for ensuring that supervision is performed appropriately. This also includes career advancement. Further requirements are specified in the faculty doctoral degree and habilitation regulations.

(2) The faculties maintain a list of all doctoral students and habilitation candidates.

§ 4

Performance and Assessment Criteria

A multidimensional approach shall be used to assess the performance of researchers. Originality and quality must always take precedence over quantity as performance and assessment criteria for research work. Other aspects, such as involvement in teaching, academic self-governance, public relations and knowledge and technology transfer, can also be taken into consideration. Where provided voluntarily, individual circumstances stated in curricula vitae—as well as the categories specified in the German Anti-Discrimination Act (Allgemeines Gleichbehandlungsgesetz)—can be taken into account when forming a judgment.

§ 5

Handling of Primary Data, Software and Knowledge: Access, Security and Archiving

(1) The data collected and knowledge generated in research projects must, whenever possible, be (digitally) Findable, (digitally) Accessible, Interoperable and Reusable (FAIR). The rules for access must be transparent and clearly described. The data and knowledge generated shall be provided promptly taking into account disciplinary requirements in order to enable follow-up research and verification of the results. An appropriate description of the materials and methods used must be provided to ensure that the research results can be replicated. To provide a basis for enabling replication, the information necessary to understand the research must be made available (including the research data used or generated, the methodological, evaluation and analytical steps taken, and, if relevant, the development of the hypothesis), citations must be clear, and, as far as possible, third parties must be permitted to access this information. The establishment of standards for methods, the use of software, the collection of research data and the description of research results is essential for the comparability and transferability of research outcomes.

In general, individual results that do not support the research hypothesis must also be documented. Selecting results must be avoided in this regard. Where subject-specific recommendations exist for review and assessment, researchers shall create documentation in accordance with these requirements. If the documentation does not satisfy these requirements, the constraints and the reasons for them must be clearly explained. Documentation and research results must not be manipulated; they must be protected as effectively as possible against manipulation.

(2) The source code of publicly available software must—as far as possible and reasonable—be persistent, citable and documented; when research software is developed, the source code must—as far as possible and reasonable—be documented. If self-developed research software is made available to third parties, it shall, as a rule, be provided under fee-based licenses. Further details shall be governed by license agreements.

(3) The provisions of the EU General Data Protection Regulation, as amended, and NRW Data Protection Act (Datenschutzgesetz NRW), as amended, and legal and contractual obligations to third parties (cooperation partners, funding providers) concerning the protection of personal data must be observed.

(4) Primary data used as a basis for publications must be archived on durable, secure media at the institution where they were produced for a period of ten years after being made publicly available. Whenever possible, preparations produced using the primary data shall be archived for the same period. If more than one institution is involved in the data collection process, provisions governing archiving, access rights and usage rights must be contractually stipulated. The University of Bonn shall ensure that the infrastructure required for archiving is available.

§ 6

Scientific Publications and Authorship

(1) Unless explicitly stated otherwise, the authors of scientific publications shall always share responsibility for their content. They shall agree on the final version of the work to be published. Only an individual who has made a genuine, verifiable contribution to the content of a scientific publication (text, data or software publication) can be an author. This must be evaluated on a case-by-case basis and shall depend on the field in question. Researchers shall reach agreement on who should be an author of the research results. Agreement on the order in which the authors are named shall be reached in good time, normally no later than when the manuscript is drafted, and in accordance with verifiable criteria that reflect the practices in the field concerned. The consent required for the publication of results shall not be refused without sufficient grounds. A refusal of consent must be justified by verifiable criticism of the data, methods or results.

(2) Research findings can be published in a variety of ways in scientifically recognized media, both analog and digital. The different publication options shall be considered of equal value. The publication of negative results shall be encouraged. Authors shall seek to ensure that their publications can be correctly cited.

(3) The following contributions on their own do not justify authorship of a scientific publication:

1. Organizational responsibility for raising funding
2. Providing standard experimental materials
3. Instructing employees in standard methods
4. Technical assistance with data collection

5. Technical support, e.g. providing equipment, experimental animals, data records
6. Reading the manuscript without contributing substantively to the content
7. Heading an institution or organizational unit in which the publication originated, or holding a supervisory function.

(4) A genuine, verifiable contribution is deemed to exist if a researcher contributes in a scientifically significant way to

- The development and design of the research project, or
- The gathering, collection, acquisition or provision of data, software or sources, or
- The analysis/evaluation or interpretation of data, sources and conclusions drawn from them, or
- The drafting of the manuscript.

If a contribution is not sufficient to justify authorship, the individual's support may be properly acknowledged in footnotes, a foreword or an acknowledgment. Honorary authorship is not permissible.

(5) The freedom of the researchers to decide whether, how and where to make their results publicly available shall remain unaffected (negative freedom of publication) Authors shall select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse. A key criterion to selecting a publication medium is whether it has established its own guidelines on good research practice. A new or unknown publication medium must be evaluated to assess its seriousness. The scientific quality of a contribution does not depend on the medium in which it is published.

(6) Researchers who assume the role of editor shall carefully select the publication media where they will carry out this activity.

§ 7

Scientific Misconduct

(1) A person shall, in particular, have committed scientific misconduct if they, in scientifically significant circumstances, deliberately or with gross negligence

1. Provide false information
2. Unjustifiably appropriate the academic achievements of others as their own
3. Interfere with the research activities of others.

The following, in particular, shall constitute scientific misconduct within the meaning of sentence 1:

1. Providing false information by
 - a) Fabricating data and/or research results
 - b) Falsifying data and/or research results, in particular by
 - (i) Concealing and/or excluding data and/or results obtained during research without disclosing this
 - (ii) Manipulating a chart or figure
 - c) Presenting images/graphics/tables and corresponding statements in an incongruous manner
 - d) Providing incorrect information in a funding application or in required reports (including false information on the publication medium and publications in print), provided the information is science-related
 - e) Claiming the (co-)authorship of another person without their consent

2. Unjustifiably appropriating the academic achievements of others as their own by:
 - a) Unidentified use of third-party content without the required source citation ("plagiarism")
 - b) Exploiting research approaches and ideas ("idea theft")
 - c) Unauthorized disclosure of data, theories and findings to third parties
 - d) Presumption or unjustified assumption of authorship or co-authorship, particularly when no genuine, verifiable contribution was made to the scientific content of the publication
 - e) Falsification of content
 - f) Unauthorized publication and unauthorized disclosure to third parties as long as the work, findings, hypothesis, principles or research approach have not yet been published
3. Interfering with the research activities of others, in particular by
 - a) Sabotage of research activities (including damaging, destroying or manipulating experimental setups, equipment, documents, hardware, software, chemicals or other items required by others for research purposes)
 - b) Falsification or unauthorized removal of research data or research documents
 - c) Falsification or unauthorized removal of documentation of research data.

(2) Scientific misconduct also includes conduct that creates joint responsibility for misconduct by others, in particular through active participation (including aiding and abetting), co-authorship of publications containing falsifications, or gross neglect of supervisory duties.

(3) A reviewer shall have committed scientific misconduct while performing reviewer activities if they, deliberately or with gross negligence,

1. Make unauthorized use of data, theories or findings they gain knowledge of during the course of their reviewer activities for their own academic purposes
2. Violate the confidentiality of the review process during their reviewer activities by unauthorized disclosure of submissions or the data, theory or findings they contain to third parties
3. Fail to disclose facts or circumstances in connection with their reviewer activities that could give rise to the appearance of a conflict of interest.

(4) Relevant provisions of the DFG Rules of Procedure for Dealing with Scientific Misconduct, as amended, shall also be applied when assessing scientific misconduct.

**Part II:
Procedure in Case of Suspected Scientific Misconduct**

**§ 8
Prosecution of Scientific Misconduct**

The University of Bonn will investigate any suspicion of scientific misconduct in the University, provided specific objective indications exist. If investigation of the circumstances confirms the suspicion of misconduct, appropriate measures will be taken within the range of possibilities available in each case. The investigation of allegations of scientific misconduct must be carried out in strict confidentiality and adhere to the presumption of innocence. The complainant and respondent must have the opportunity to be heard at each stage of the process.

§ 9

Protection of Complainants

(1) The University of Bonn and the bodies it appoints to investigate scientific misconduct shall ensure that persons who report specific information on suspected scientific misconduct do not suffer any professional or other disadvantages at the University as a result. This also applies in cases where scientific misconduct cannot be established, unless the allegation was made against the person's better knowledge.

(2) Reports of scientific misconduct must be made in "good faith." Reckless allegations of scientific misconduct, in particular reporting knowingly false or malicious allegations, can itself constitute a form of scientific misconduct.

§ 10

Appointment and Duties of the Ombudsperson

(1) The Rectorate shall appoint a researcher (Ombudsperson) with international experience, integrity and management experience as a contact person for members of the University of Bonn who have allegations of scientific misconduct to put forward. The Rectorate shall also appoint a Deputy Ombudsperson to perform the duties of the Ombudsperson in the event of possible conflicts of interest or if the Ombudsperson is unable to carry out his or her duties. Their respective terms of office shall be three years. A further term of office is permissible. The Rectorate shall give the Ombudspersons the support and acceptance they need to carry out their duties and shall publicly announce them. Members of the Senate, Rectorate, deans and persons holding management positions in University institutions cannot be appointed Ombudsperson or Deputy Ombudsperson. Instead of the Ombudsperson at the University of Bonn, University members can also contact the national "German Research Ombudsman" committee.

(2) The Ombudsperson shall advise persons who provide information about suspected scientific misconduct and examine the allegations for plausibility with respect to details and significance and the possibilities available to resolve the allegations (preliminary investigation procedure). The Ombudsperson may already contact the respondent at this point to clarify the situation; he or she must be given the opportunity to be heard. If the Ombudsperson cannot resolve the allegations, he or she shall request that an investigation be initiated by the Investigative Commission in accordance with § 12 and shall report the findings of his or her preliminary investigation to the Rectorate and Investigative Commission. The examination and preliminary investigation by the Ombudsperson shall take no longer than three months.

§ 11

Investigative Commission

The Rectorate shall establish a permanent Investigative Commission to investigate scientific misconduct. The Rectorate shall appoint five full-time professors of the University who belong to different faculties as members for a period of three years, in accordance with § 11b HG. The chairperson shall be a professor of law who is qualified to hold the position of judge. The Investigative Commission can call on the Ombudsperson and other persons with special experience in handling such cases to act in an advisory capacity.

§ 12

Investigative Proceedings in the Commission

(1) The Investigative Commission shall act upon request by the Ombudsperson or one of its members. The chairperson of the Commission shall inform the Rectorate of this. The possibility of conflicts of interest affecting members of the Commission must be checked before the investigative proceedings begin. Commission members with conflicts of interest shall be replaced by substitutes appointed by the Rectorate.

(2) The Investigative Commission meetings shall take place in camera. The Investigative Commission shall treat information on the parties to the proceeding and its findings as strictly confidential, until culpable misconduct has been proven. The respondent shall not suffer any professional or other disadvantages until scientific misconduct has been formally established.

(3) The Investigative Commission shall be authorized to take all appropriate steps to clarify the situation. It can obtain necessary information and statements for this purpose and may also call on experts from the scientific field concerned on a case-by-case basis.

(4) The respondent must be informed of the incriminating facts and any evidence. Both the respondent and complainant must be given the opportunity to make written and oral statements. The Investigative Commission shall decide, according to its independent conviction and taking into account the entire contents of all written and oral statements in accordance with paragraph 3 and paragraph 4 sentences 1 and 2 and any evidence obtained, whether scientific misconduct has been proven or not. The decision by the Investigative Commission shall include the reasons that guided the decision.

(5) If the identity of the complainant is not known to the respondent, this information shall be disclosed to the respondent if this appears necessary for proper defense of the respondent; this shall apply, in particular, if the credibility of the complainant is of considerable importance for establishing misconduct. Before the identity of the complainant is disclosed, he or she must be informed of the planned disclosure of this information. The University of Bonn will only investigate anonymous reports if incriminating, sufficiently specific and verifiable facts are provided.

(6) If the Investigative Commission finds that scientific misconduct has occurred, it shall also discuss the possibilities for further action, in particular possible consequences. In addition to disciplinary sanctions, the initiation of academic, civil-law or criminal-law consequences shall be considered. If the Investigative Commission cannot establish that scientific misconduct has occurred, the proceedings shall be discontinued.

(7) The chairperson of the Investigative Commission shall report to the Rectorate in writing on the results of the Commission's work and shall provide a draft resolution within a period of six months after commencement of the investigative proceedings. If scientific misconduct was found to have occurred, the resolution should include a proposal for further action by the Rectorate.

§ 13

Proceedings in the Rectorate

(1) Based on the report and recommendation by the Investigative Commission, the Rectorate shall decide within a period of three months whether the proceedings should be discontinued because scientific misconduct has not been proven, or sufficient proof of scientific misconduct exists. In the latter case, the Rectorate shall also decide on the consequences.

(2) For matters concerning the administration of academic degrees, the Rectorate shall forward the report and recommendation by the Investigative Commission without delay to the body responsible for awarding and revoking academic degrees in the faculty concerned. The responsible body shall decide whether the degree should be revoked. The members of the Investigative Commission and members of the national Commission on "Professional Self-Regulation in Science" (Selbstkontrolle in der Wissenschaft) can be called on to act as advisory members at meetings of the responsible body.

(3) The respondent and complainant must be informed of the Rectorate's decision. They must also be informed of the main reasons that led to the decision. The Rectorate can announce the decision in an appropriate manner. After conclusion of the investigations, the results shall be communicated to the scientific organizations concerned and any third parties that have a justified interest in the decision.

(4) The entire investigative proceeding, including the decision by the Rectorate, shall not take longer than one year.

**Part III:
Entry into Force**

**§ 14
Final Provisions and Entry into Force**

(1) To the extent not already implemented in these Regulations, the DFG Guidelines for Safeguarding Good Research Practice dated September 2019 (Code of Conduct) shall apply *mutatis mutandis*. The University of Bonn shall ensure the necessary framework for full implementation of the Code of Conduct.

(2) These Regulations shall enter into force on the day following the date of their publication in the Official Announcements of the University of Bonn. They shall supersede the Rectorate's Guidelines for Safeguarding Good Research Practice at the University of Bonn (Richtlinien zur Sicherung guter wissenschaftlicher Praxis an der Rheinischen Friedrich-Wilhelms-Universität Bonn) dated September 1, 2014 (Official Announcements of the University of Bonn, 44th year, no. 26, dated September 3, 2014), which shall become inoperative.

R. Hüttemann

**Chairman of the Senate
of the University of Bonn
University Professor Dr. Rainer Hüttemann**

Prepared on the basis of the University of Bonn Senate resolution of February 4, 2021.

Bonn, February 12, 2021

M. Hoch

**The Rector
of the University of Bonn
University Professor Dr. Dr. h.c. Michael Hoch**

CHARTER

Confucius Institute Bonn

§ 1

Organization name, seat, fiscal year

1. The name of the non-profit organization is Confucius Institute Bonn ("Konfuzius-Institut Bonn"). The organization is to be officially recognized by the University of Bonn as an affiliate institute per § 29 para. 5 of the Higher Education Act (HG). The Institute's affiliation with the University of Bonn, upon recognition, shall be acknowledged through the naming appendage "at the University of Bonn". The Institute is furthermore to be recorded in the Register of Non-profit Organizations, thus bearing the corresponding organizational form appendage "e.V."
2. The organization seat is in Bonn.
3. The fiscal year of the organization is the same as the calendar year.

§ 2

Purpose of the organization

1. The organization's activities are aimed at promoting education, science and research in the fields of linguistics and cultural studies and furthering German-Chinese relations by cultivating interest and appreciation of and for Chinese language and culture. The non-profit organization, as the public backing organization of the affiliated institute of the University of Bonn, fulfills the chartered organizational purpose. The key activities constituting fulfillment of the chartered organizational purpose are:
 - Conducting Chinese language courses open to the general public, holding events and conducting projects promoting teaching and research, particularly in the fields of Chinese as a foreign language and Chinese Studies/Sinology
 - Holding lecture events and conducting research projects on the Chinese history, culture and art, including traditional Chinese medicine (TCM) among other topics
 - Holding seminars, conducting conferences
 - Promoting German-Chinese dialogue and exchanges of/among scholars, teachers and university and high school students
 - Promoting German-Chinese interaction by providing support to Chinese visitors in Germany and providing services to prepare Germans for an upcoming visit to China.

§ 3

Non-profit status

1. The purposes and activities of Confucius Institute Bonn with seat in Bonn are exclusively and explicitly non-profit in nature with reference to the "Tax-privileged purposes" section of German Tax Code. The operations of the organization are charitable and principally non-commercial in nature.
2. Funds/assets held by the organization may be utilized exclusively for the purposes outlined in the charter. Members of the organization receive no emoluments from its funds or other assets.
3. The expending of funds for purposes other than the official purposes of the organization and the paying out of compensation in disproportional amounts are prohibited.

§ 4

Funding of the official non-profit activities

The organization funds its official non-profit activities via contributions, grants and donations from members and third parties. The annual membership contribution amount and due date are decided by general assembly resolution.

§ 5

Membership

1. Natural persons age 18 and above and legal persons are eligible for membership.
2. The Board of Trustees decides regarding the acceptance of membership applications.
3. Members must provide their address, phone number, fax number if any and email address.

§ 6

Ending of membership

1. Membership ends upon the decease of a member. For legal persons membership may end by their organizational dissolution, by written termination or by being barred from the organization.
2. Termination is effective at calendar year-end with one quarter advance notice. Termination notice must be submitted as a written statement sent to a member of the Board of Trustees with executive power, as per § 10 para. 5 below of this charter.
3. A member may be barred from the organization in case of serious impairment of the reputation or interests of the organization, in case of repeat actions in breach of the organization's chartered purposes and otherwise for due cause. The decision to bar any member from the organization is made by general assembly decision upon petition by the Board of Trustees. The affected member must be given a hearing prior to such vote. The affected member shall be informed in writing of the outcome of such vote on barring from the organization.

§ 7

Membership dues

1. Members are charged membership dues. Honorary members are exempt from payment of dues.
2. The amount and due date of membership dues are decided by general assembly resolution.
3. Members may be exempted from payment of membership dues by Board of Trustees petition in view of outstanding or special contribution to advancement of the organization's chartered purposes, such as by way of larger financial or non-monetary donation.

§ 8

Governance of the organization

The governance bodies of the organization are its general assembly, Board of Trustees and Executive Committee.

§ 9
General assembly

Convened general assembly meetings may be held either as face-to-face event (b) or as an online meeting (c). The provisions below (a) apply irrespective of which of the above procedures is decided on.

a) Assembly meeting regulations—both face-to-face and online

1. An ordinary general assembly meeting shall be held at least once annually, in the first half of the year whenever possible. An extraordinary general assembly meeting must be convened if specially requested by one third of the organization's membership.
2. General assembly meetings are convened by the chairperson or a deputy chair, stating the agenda in the invitations, which must go out four weeks in advance of the meeting date. The agenda items are decided by the Board of Trustees. The agenda may be supplemented or changed by majority vote by the general assembly. This does not apply regarding amendment of the charter.
3. The general assembly has a quorum when at least one member is present. This must be expressly stated in the invitation to the assembly meeting in question. Any member may be represented in general assembly meetings by another member of the organization or by a third party acting as proxy. A party appointed as proxy may represent multiple members as proxy.
4. The general assembly conducts resolution voting on:
 - a) the appointment and de-appointment of members of the Board of Trustees. Members are appointed to the Board of Trustees pursuant to voting by the Board of Trustees on candidates proposed to join its membership. In addition to the composition of the Board of Trustees, voting must be conducted to decide what specific offices Board members are to hold.
 - b) the primary activities of the organization within the framework of its charter
 - c) approval of budgets proposed by the Board of Trustees
 - d) approval of the accounts, endorsement of
 - e) the actions of the Board of Trustees
 - f) the appointment of an auditor
 - g) amendments to charter, dissolution of the organization.
5. General assembly meetings are chaired by the chairperson of the Board of Trustees or a deputy chair as necessary, except as otherwise specified in charter provisions governing chairing of the assembly. Minutes are recorded documenting the assembly proceedings and resolution voting. The minutes are to be signed off on by the assembly chair and by the secretary of the minutes, who is appointed by the assembly chair before the meeting. In signing off on the minutes the secretary of the minutes must explicitly state his/her capacity as secretary of the minutes.
6. In voting, resolutions pass by a simple majority of votes cast. In voting to amend the charter, bar a member from the organization, de-appoint a member of the Board of Trustees or dissolve the organization, a majority of three-quarters of votes cast is required.
7. Subject to approval by the Board of Trustees, resolution voting may be conducted by circulating ballot, either in writing, by fax or by email. An electronic signature procedure must be utilized for email voting to be valid. Paragraph 7 sentence 1 does not apply regarding resolutions per paragraph 6 sentence 2 or resolutions on dissolving the organization. If voting is conducted by circulating ballot in writing or by fax or email, the chairperson of the Board of Trustees must state a reasonable voting deadline in the voting notification sent out to members. Votes not received by the chairperson of the Board of Trustees by the applicable deadline are then excluded from resolution voting. Advisory of these rules must be given in the voting procedure notification. All members must be notified of the voting outcome in a suitable manner.
8. In urgent cases, the chairperson may adopt the agenda without allowing further items to be added to the agenda.

b) Face-to-face assembly meetings

1. If the meeting is to be held face-to-face, members assemble at a certain place and time to vote on resolutions together as a group.
2. Assembly meetings must be convened by written invitation at least seven (7) days in advance of the meeting date, stating the provisional agenda, the location and exact time of the meeting. The invitations are sent out to the last updated member address on file with the organization.
3. Members must submit any agenda change petitions to the chairperson in writing or by email bearing electronic signature no later than two weeks before the day on which the resolution voting is to take place. Petitions received late and/or without observing the form requirements are not considered as a rule unless excused given adequate grounds or other reasons are in evidence
4. justifying the inclusion of new items in the agenda.
5. The chairperson, a member of the Board of Trustees or another member of the organization (meeting chair) chosen by the majority of members present opens, conducts and concludes the general assembly meeting.
6. Individual members vote by open show of hands or open pronouncement.
7. Voting must be conducted by secret ballot if a simple majority members present request such. In such case the meeting chair determines the appropriate procedural specifics (anonymized paper ballots, etc.).

c) Online assembly meetings

1. With online assembly meetings there are no requirements for members to physically assemble in one place or cast votes together at once.
2. The chairperson convenes the meeting by invitation four weeks in advance of the meeting date by email, fax or letter to the individual members.
3. Changes and additions to the agenda can be communicated in the invitation letter. A two-week period applies for submitting petitions to change the provisional agenda. Petitions received late or which do not meet the form requirements will not be considered. At the end of this two-week period the chairperson must notify all members of the final agenda by the same method as the notice letter sent out for convening of the meeting. The voting deadline determined by the chairperson must be included in this notice and all questions to be decided must be formulated and attached, requesting members to submit their vote accordingly.
4. Members can cast votes either by a show of hands, in a video conference, or by sending their vote on specific items to the chairperson by letter, fax or email bearing electronic signature. The time when the chairperson receives a vote is decisive regarding whether the deadline is met. Votes submitted late or which do not comply with form requirements are counted as abstentions.
5. Voting by secret ballot is not permitted. Each vote must be unambiguously referenceable to the submitting member. The chairperson determines what procedure will be followed, notifying all members accordingly in the notice of meeting convocation.
6. Documentation of all votes cast must be kept on file for a period of 12 months after the conclusion of voting.

§ 10
Board of Trustees

1. The Board of Trustees is composed of at least six members. The composition of the Board of Trustees is intended to be a parity representation of the cultural diversity of Germany and China respectively.
2. The Board of Trustees elects the chairperson and two deputies from its membership by a 2/3 majority.
3. Board of Trustees members are appointed for a two-year term of office, starting as of the date of their appointment. Board of Trustees members remain in office however in any

case until the next election and appointment of Board of Trustees members. In the event of early resignation of a member of the Executive Committee, the Board may choose a successor for the remaining term of office.

4. The statutory representatives of the organization are its Executive Committee members per § 26 of German Civil Code (BGB), i.e. the chairperson and first deputy, individually.
5. The Board of Trustees decides regarding the strategic alignment of the organization within the framework of its chartered purpose. The members of the Board of Trustees are elected by the general assembly from the membership body of the non-profit organization.
6. Voting by the Board of Trustees is decided by a simple majority of votes cast by the Board of Trustees members attending. In the event of a tie vote, discussion of the item continues before another round of voting. In case of another tie, the chairperson's vote decides.
7. The Board of Trustees adopts rules of procedure, which must be presented before the general assembly for information purposes.
8. The Board of Trustees may consult experts and utilize service providers for support, who do not have to be members of the organization.
9. Board of Trustees members may be exempted from the ban on self-dealing per § 181 BGB by general assembly resolution.

§ 11

Academic Advisory Board

The Board of Trustees appoints at least three members to constitute the Academic Advisory Board, to be comprised of varied scholars and representatives of various groups. The role of the members of the Academic Advisory Board is to help expand the network of the organization. The Academic Advisory Board is to support Confucius Institute Bonn in an advisory capacity, evaluating its activities and proposing new activities.

§ 12

Directors

1. The Board of Trustees appoints Directors to manage the day-to-day business of the organization, thus facilitating the operations of the Board and its Executive Committee. The Directors are bound to follow and uphold resolutions adopted by the Board of Trustees.
2. The Directors, i.e. the Managing Director and Vice Director, are appointed and de-appointed by Board of Trustees resolution.
3. The day-to-day business of the organization includes in particular activities in fulfillment of its chartered purpose, budgeting for the fiscal year and oversight of budget adherence, keeping accounting books, preparing annual reports for the respective fiscal years, planning and conducting events and projects, addressing inquiries and concerns of members and donors, conducting public relations and committee meeting preparation and follow-up work.
4. The Directors may consult experts and utilize service providers for support, who do not have to be members of the organization. The Executive Committee members may empower the Directors to conduct specific transactions.

§ 13

Dissolving of the organization

1. The organization can only be dissolved by general assembly vote in a meeting convened for that purpose, applying the voting majority rules as per § 9 of this charter.

2. If the organization is dissolved or no longer pursues tax-privileged purposes, the organization's assets shall be transferred to a public legal entity or other tax-privileged corporation to be utilized for the advancement of academic knowledge and research. In case of dissolution the Executive Committee shall decide what organization is to receive transfer of this organization's assets.
3. Except as otherwise decided by general assembly vote, the chairperson and second deputy chairperson shall jointly serve as liquidators with representational authority. The above provisions shall apply mutatis mutandis in the event the organization should be dissolved for other reasons or loses its legal capacity.

The charter set forth above was adopted in the General Assembly on --/--/----
(day/month/year).