



Rules of Procedure for the DESY Commission on Ethics in Research

(As at 13/05/2020, based on the resolution of the DESY Commission on Ethics in Research)

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Preamble

These Rules of Procedure (RoP-DKEF) shall govern the procedure by which meetings shall be prepared and conducted, and by which recommendations shall be obtained from the DESY Commission on Ethics in Research (DKEF).

The DKEF shall conduct its activities in accordance with the provisions of the law, the statutes of DESY, the statutes of the DKEF and the RoP-DKEF as they apply respectively at the time.

§ 1 Members

- (1) The composition of the DKEF shall be governed by § 2 of the DKEF Statutes. Members and substitute members shall be appointed by the Directorate. The provisions of these Rules of Procedure shall apply equally to members and substitute members of the Commission.
- (2) The term of office of each member may be extended a total of two times.
- (3) Any member may resign from office by giving four weeks' written notice to the Chair of the DKEF, who shall immediately inform the other members accordingly. His or her duties shall be carried out by the respective substitute member until a successor takes office.
- (4) In exceptional circumstances, a member may be dismissed, which requires a written request to be submitted to the Directorate, stating serious grounds for the dismissal. The violation of duties of loyalty, secrecy and/or due diligence shall in particular be considered serious grounds. Any member of the DKEF and any member of the Directorate may submit a request for dismissal. A request for the dismissal of a member shall be considered in a closed session of the Directorate after hearing the DKEF and the member to be potentially dismissed.
- (5) When the term of office of a member expires, he or she shall remain in office until a new member has been appointed by the Directorate. Members who retire before their term of office expires must be replaced immediately by appointing a new member.
- (6) Working on the DKEF is an honorary position. Travel expenses may be reimbursed according to the regulations of the Federal Travel Expenses Act.

§ 2 Chair

- (1) The Chair and Deputy Chair shall be elected by the members of the DKEF from among the members of the Commission for the duration of the term of office. The members of the Commission shall agree on the management and principles of the election at the beginning of the meeting. Whoever receives the most votes shall be elected.
- (2) The Chair shall conduct the business of the DKEF and represent the Commission within DESY and towards third parties. The Chair shall be responsible for planning, preparing and chairing the meetings and shall issue the invitations. He or she shall receive administrative support in this from DESY when requested.
- (3) The Chair shall cooperate with the Administrative Office set up by DESY for the work of the DKEF (see § 3).
- (4) The Deputy Chair shall have the same rights and duties as the Chair in the event of the Chair being unable to attend.
- (5) The Chair may resign from the Chair before the end of his/her term of office, even without giving reasons, by giving written notice to the members of the Commission.

- (6) Should the Chair resign before the end of his/her term of office, the DKEF shall immediately hold a new election. Until a successor takes office, duties that cannot be postponed must continue to be performed by the Deputy or a member of the Commission with the support of the Administrative Office.

§ 3 Administrative Office

- (1) An Administrative Office shall be set up.
- (2) The Administrative Office shall coordinate the collaboration between the Chair and the members of the Commission, prepare the meetings of the Commission and assist in preparing the documents for the meeting.
- (3) The Administrative Office shall support the Chair in preparing the annual report of the DKEF, which shall be submitted to DESY's Board of Directors by the Chair.

§ 4 Meeting

- (1) According to § 3(1) of the DKEF Statutes, the Commission shall only go into action in response to a written application. Beyond this, the provisions on convening the meeting set out in § 4(1) of the DKEF Statutes shall apply.
- (2) To ensure that it operates in keeping with the rules, the Commission should meet at least once a year.
- (3) The Commission shall normally meet at one of DESY's sites. It may also meet by telephone or by electronic means.
- (4) The Chair shall be responsible for preparing the meetings. He or she shall be supported in this by the Administrative Office. The Administrative Office shall compile the preparatory documents for the meeting and the agenda, after consulting with the Chair. The agenda and documents should be sent to the members at least two weeks before the meeting. In exceptional cases of urgency, for which justification must be given, additional items may be adopted onto the agenda, provided that none of the members present objects.
- (5) The Chair shall open, chair and close the meetings. He or she shall monitor adherence to the adopted agenda and shall exercise domestic authority in the meeting room during meetings. The Chair shall normally give the floor in the order of the requests to speak. He or she may interrupt or adjourn a meeting convened by him or her, or the discussion of individual items or all the items on the agenda, stating his or her reason for doing so.
- (6) Regular attendance at meetings is expected of all members. If necessary, the members shall be released by the DESY Directorate from their other duties to make the necessary time for the meetings, their preparation and follow-up.
- (7) The members of the Commission and the Administrative Office shall be entitled to attend the DKEF meeting.

- (8) The DKEF may allow other/further persons to attend its meetings, insofar as this is provided for in the statutes and is necessary in order to deal with a subject of discussion.
- (9) Should the appearance of bias within the meaning of § 4(2) of the DKEF Statutes seem possible, the member of the Commission in question shall be excluded from the deliberations and decisions. In the event of a dispute, the Commission shall decide whether there are grounds for an exclusion without the participation of the member concerned. This must be recorded in the minutes.

§ 5 Resolutions, recommendations and final reports

- (1) The DKEF may discuss applications at its meeting provided the meeting has been duly convened and at least two thirds of the appointed members are attending the meeting.
- (2) The Commission shall issue the result of its examination of an application in the form of a written recommendation. According to § 5(1) of the DKEF Statutes, the Commission should seek to reach a consensus on the recommendation to be made. Where a recommendation is not supported by all members of the Commission, this shall be indicated in the recommendation.
- (3) Administrative matters shall be decided in the form of a resolution carried by a majority of the members present. A simple majority of the members of the Commission shall be sufficient. In the event of a tie, the vote of the Chair shall carry double weight.
- (4) In urgent cases, the Chair may also bring about resolutions or recommendations of the Commission by telephone, in writing or electronically, if no member objects immediately to this procedure. Members who are prevented from participating must be informed immediately in writing about such resolutions or recommendations.
- (5) The scientists responsible for a project must be given the opportunity to comment on a decision reached by the DKEF before the DKEF makes its recommendation, and this comment will be appended to the final report.
- (6) A final report on the recommendation shall be prepared. The final report shall be drawn up by the Administrative Office. It must be submitted to the DKEF members for approval within four weeks of the meeting or – if a hearing of the scientist/s in charge has been held – within four weeks of the hearing.

§ 6 Minutes

- (1) Minutes shall be prepared by the Administrative Office for all the meetings of the Commission. The minutes shall state the place, date and duration of the meeting, the participants, the items on the agenda, the key sequence of events and the contents of the discussions, as well as the resolutions and recommendations. Any DKEF member may demand that certain statements be recorded verbatim in the minutes.
- (2) The minutes shall be submitted to the Chair by the Administrative Office within four weeks of the meeting for approval. The minutes approved by the Chair shall be circulated to members for approval within six weeks of the meeting.

- (3) The minutes shall be signed by the Chair of the meeting and by the Administrative Office recording the minutes and shall be kept by the Administrative Office.

§ 7 Confidentiality

- (1) All documents and information relating to the substantive activities of the Commission and the words spoken at meetings shall be subject to confidentiality without time limit. DKEF members and meeting participants may bring in third parties for factual reasons, provided that they maintain similar confidentiality. Pursuant to § 5(3), persons who are affected by a Commission recommendation shall be granted access to the Commission's documents.
- (2) Members of the Commission shall not make use of any business or trade secrets of third parties which they may learn in the course of their duties and obligations, or divulge them to any third parties.

§ 8 Validity and amendment of the Rules of Procedure

The RoP-DKEF may be amended by a resolution passed by the DKEF. They shall continue to apply until new rules of procedure enter into force. Should any provision of these Rules of Procedure be invalid, this shall not affect the validity of the remaining provisions. In such cases, the Commission shall agree on an effective provision which shall replace the ineffective provision and which comes as close as possible to the meaning of the ineffective provision.

§ 9 Coming into force

These Rules of Procedure shall come into force on the date of the resolution being passed by the DKEF.