

Statutes

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Statutes

of Studentinnen- und Studentenwohnhilfe Gießen e.V.

5. Version, 24. 10. 2002

I. General

§ 1 Name and domicile

- (1) The association is called “Studentinnen- und Studentenwohnhilfe Gießen e.V.”.
- (2) It has its domicile in Gießen and is registered in the association register under the number VR 936.

§ 2 Purpose

- (1) The association has the task to solve specific problems from students by:
 - a) helping students to be integrated in a new social environment
 - b) taking organisatory and financial matters to solve communication problems
 - c) preventing students to get isolated or lonely
- (2) The association in particular supports students who feel isolated in a single room and want to break out of the isolation by living together in a shared apartment.
- (3) The support from the association does not come only to those with the same party political or confessional point of views.
- (4) The association therefore exclusively follows a charitable cause. This is reflected by the compliance with the „tax promotive causes“ in the general tax code. The association especially does this through
 - a) Renting of apartments for students (especially multiple room apartments or houses)
 - b) Intermediation of money by the Church (protestant church in Hessen and Nassau) for the support of students.
- (5) In this sense the association has only an intermediative function. It is acting selflessly and does not follow its own economical interest as a first priority.
- (6) Living space that has been rented by the association will only be given to active members who aren't only sustaining members via §4 Abs. 3.

§ 3 Business year

The business year of the association is the calendar year.

II. Membership

§ 4 Acquisition

- (1) Every person that stands in for the purpose of the association actively or passively is welcome to join the association.
- (2) The membership is acquired through a request in writing (declaration of accession) The admission is decided by the managing board.
- (3) People who support the purpose of the association passively can become a sustaining member (= member without voting rights) if they are willing to pay an adequate membership fee.

§ 5 Rights and duties

- (1) Members – with exception of sustaining members – have voting rights in the annual meeting of the association.
- (2) All members have the right to file motions at the annual meeting of the association.
- (3) All members are liable to pay their membership fee. The liability is ended with the end of the membership.

§ 6 Termination

- (1) The membership is terminated with the written inquiry or death of the legal entity.
- (2) The Termination of the membership has to be introduced to the managing board in written form.
- (3) A member can be excluded of the association if they transgress against the interests of the association effective immediately by a vote of the members during a meeting. Before the decision-making in a limited amount of time the member has the right to justify themselves.

To counter the verdict of exclusion the affected has the right to file an appeal at the next meeting. This meeting has to take place during the next month after the appeal and will rule the final verdict.

III. Property

§ 7 seizure

- (1) The property of the association contains:
 - a) the contributions of the members,
 - b) the donations from third parties,
 - c) the revenues of the association's property.

§ 8 Utilization

- (1) Resources of the association must be used within the purposes of the statutes.(§2)

(2) Members do not get gratuities from the association's resources.

(3) No person can be benefited by unproportional payment or for a service that is not within the purposes of the association.

(4) Members have -also after their termination- no legal claim on a refund of their contributions to the association. This also takes part after the disbandment of the association.

(5) In case of disbandment of the association it's property falls into the hands of „Evangelische Studentengemeinde Gießen (Evangelische Kirche in Hessen und Nassau), who should use the money for purposes of the statutes. Also the association can decide at their meeting to donate the money for another reasonable cause. (§ 2) This decision can only be made with approval of „Finanzamt“ (inland revenue)

(6) The register auditors investigate if the use of the association's property is reasonable and up to the statutes. They have the right to audit the association's finances and accounting. They report about this audit in the member meeting.

IV. Organs

§ 9 Organs, procedures

(1) Organs of the association are

- a) the member meeting
- b) the board of management

(2) Every organ of the association can provide themselves with standing orders which are not in opposition with this statute.

(3) All organs of the association hold their meetings publicly unless they decide to exclude the public.

(4) In case this statute or any internal regulation cannot help with procedure during the meetings, the organs decide on the applicable procedure.

a) Member meeting

§ 10 Tasks

(1) The member meeting is the supreme organ of the association. It embodies the will of the association through decisions. It decides in all matters unless the decision opposes the code in the statutes.

(2) Solely the member meeting is responsible for :

- a) Rent a multiple room apartment or a house to a group of people who wish to live in a shared flat.
- b) Granting financial benefits for this cause (real estate agent, outage fees, deposits, etc.)
- c) the assessment of the minimal membership fee.

- d) The election and dismissal of the 4 equal board members.
- e) the election of the financial auditor, who cannot be part of the board of management.
- f) the political and financial exoneration from the board of management.
- g) the exclusion of members
- h) change of the statutes and
- i) disbandment of the association.

(3) On the first member meeting at the beginning of the business year the board of management and the financial auditor will be elected. Their term is one year unless they step down in the meantime, leave the association or are not recalled.

§ 11 Convention

(1) The member meeting is convened by a board member. All members have to be invited in writing. The invitation can also be made via Fax or E-Mail.

(2) The member meeting has to be convened if one tenth of members or one fourth of board members under mentioning a purpose or if the interest of the association demands it.

(3) Members should be invited at least seven days in advance. In case of urgency the deadline can be shortened to three days in advance.

§ 12 decision-making

(1) The meeting of members can make decisions if all members are invited via §11. Resolutions about the dismissal of a board member, about changes in the statutes and about the disbandment of the association can only be made if there is information about this in the agenda of the invitation.

(2) A transfer of their vote on another person is not permitted.

(3) Decisions are made with simple majority via the votes of the present members as long as these statutes do not say otherwise. Simple majority is valid if the number of „yes“-votes is bigger than the number of „no-votes“. In case of a par the motion is declined.

(4) Decisions that change the statutes can only be made with a majority of three fourth of present members; decisions for a change of the association's purpose (§2) or for disbandment of the association have to be made with the votes of three fourth of all members; a written consent is possible.

(5) A member is not entitled to vote if the decision-making is influenced by the conduct of a legal act with the member or if a member is in an initiation- or conclusion-process with the association; that member counts as „absent“ fort he decision-making process.

(6) A protocol about the meeting of members and about the accepted and declined motions is to be made. The transcript writer and another one oft he four board members has to sign the protocoll in terms of §26 BGB. The protocols have to be archived by the board of management. Every member has the right to review the protocols and to make a copy.

b) board of management

§ 13 tasks

- (1) The board of management conducts all running operations of the association. That includes the handling of the post-rent-motions from individuals in already existing shared flats for organisatory reasons in terms of the meeting of members.
- (2) The administration falls to the board of management as well as the association's property and the execution of decisions made during the meeting of members. The board of management monitors the compliance with the statutes.
- (3) The stand-in power of the board of management is limited in the following way: The board of management can only terminate a tenancy with a landlord due to a decision made in the meeting of members.
- (4) The association is represented by at least two board members in judicial and non judicial cases.

§ 14 Zusammensetzung

- (1) The board of management consists of four equal board members.
- (2) Every member that is entitled to vote is eligible.
- (3) Elected is who gathers more than half of all the votes from present members at a meeting of members.
- (4) With majority of votes of present members a board member can also be recalled before the end of their term. Majority of votes is valid if the count of „yes“-votes is bigger than half of present members at the meeting of members.
- (5) In case of dismissal of a board member the meeting of members has to elect a succesor for the rest of the term.
- (6) The board of management conducts the association's official functions after the end of their term until there has been a new election.

§ 15 decision-making

- (1) The board of management is able to decide when all board members are informed about the date and location for the meeting of members. For a decision to be made at least half of all board members must be present. It makes it's decisons through simple majority.
- (2) § 12 Abs. 5 and 6 count respectively.

V. final clause

These statutes enter into force as from their acceptance at the foundation meeting. Changes tot he statutes enter into force with their entry into the register of associations.
Gießen, 24. 10. 2002