



Deutsch-Chinesische Akademie für Psychotherapie e. V. (DCAP)
德中心理治疗研究院

Bylaws

I. Name, Headquarters and Objective of the Academy

§ 1

Name and Headquarters

The society bears the name

German-Chinese Academy for Psychotherapy

It was founded on 11th February 1995 and is registered at the Registry of Societies. Its headquarters are in Hirschberg, the fiscal year is the calendar year.

§ 2

Objective of the Academy

- 2a) The objective of the Academy is the support and research of models in psychotherapy in China, educational and research activities in this field and the award of scholarships.

Further, the Academy pursues the objective of supporting the teachings and German-Chinese scientific exchange in the field of psychotherapy.

- 2b) The Academy pursues solely and directly purposes of a public utility with regard to the paragraph entitled "tax privileged purposes" of the tax regulations. The Academy is politically and religiously neutral.

The Academy controls the sole and direct utilisation of the means it has at its disposal as defined by § 2a) of its objectives.

II. Membership

§ 3

Any natural or legal person who wishes to support the objectives of the Academy may become a member.

The Academy comprises :

- a) orderly members

- b) members enrolled at a university
- c) supportive members
- d) honorary members

The board of the academy decides whether or not to accept a new member when an application filed.

- **Orderly Members**
Orderly members are members of the faculty. The faculty is responsible for the intermediation of theory and practice of psychotherapy as well as research and organisational activities within the scope of the Academy's objectives –
The application for admission to the Academy is filed by the applicant himself or herself or by a member of the Academy. In both cases, at least two references issued by members need to be presented to the board. References for a new admission are issued only by Chinese members of the Academy; applications for admission of a German new member require two German references by members of the Academy. The board confirms the admission of the new member.
- **Members Enrolled at a University**
Individual persons or lawyers can be accepted as members enrolled at a university, who are continuing their education in the theory and practice of psychotherapy and who support the objectives of the Academy.
- **Supportive Members**
Individual persons or lawyers who do not wish to become orderly members can be accepted as supportive members without a right to vote.
- **Honorary Members**
Persons who have earned particular merit for the Academy or the objectives of the Academy may be nominated as honorary members. They are on the same level as the ordinary members; no fees are charged. They are nominated upon a unanimous decision by the board.

§ 4

General Assembly

The general meeting is the highest authority. The general assembly of the German members and the general assembly of the Chinese members are held separately. Motions to be voted on shall be identical and available in German and in Chinese. The general assembly will decide on:

- the election of the board members;
 - The election of the German or Chinese representatives to the extended board.
 - The treasurer will be appointed by the German general assembly of members, since the Academy has its official domicile in Germany and has to furnish proof of its revenues and expenditures to the German tax authority.
- the election of two auditors who are not allowed to be members of the board;
- the receipt and approval of the annual report, the annual balance and the budget;

- approval of the acts of directors;
- motions which are on the agenda or which have been submitted at least ten days prior to the general assembly;
- alterations to the bylaws;
- determination of the membership fees;
- objections to the exclusive resolutions of the board;
- dissolution of the Academy.

A regular general assembly takes place twice a year and has to be called by the president of the board. The German and Chinese general assemblies are held separately. The general assembly is to be called by the president or by the vice-president. Extraordinary general assemblies are to be called by the president or vicepresident or as resolved by the board or upon submission of a written application by at least a quarter of the members.

Each general assembly is to be called by a written invitation of the members after its announcement at least two weeks previously and upon details of the agenda.

Minutes to be written recording the course of the assembly; these minutes then have to be signed by the director of the board and the author of the minutes. The minutes of the general assembly will be written in English and made available to all the members of the Academy.

§ 5

Membership Fees

The membership fees are determined during the general assembly and are to be paid to the authority directed by the board in advance for the current year up until 31st March. Different membership fees may be determined for the German and the Chinese members

§ 6

Cancellation of Membership

Membership of the Academy is cancelled by:

- resignation;
- exclusion;
- death of a member;
- dissolution of the Academy.

The resigning member (or his/her legal successor) has no claims on the commodities of the Academy. However, duties towards the Academy remain in as far as they derive from the membership.

Resignation from the Academy has to be declared in writing to the board and is effective immediately. However, all duties, particularly with regard to the remittance of fees until the end of the fiscal year, remain in effect.

A member can be excluded from the Academy upon written application by a member of the board if he or she offends against the goals of the Academy, or if he or she violates the ethical principles of psychotherapeutic or scientific work.

A member can be excluded from the Academy following a unanimous decision. In the case of an equal number of votes, the decision is made by the director of the board. The exclusion of a member shall be agreed by a simple-majority resolution of the extended board. In the event of an equality of votes, the president's vote shall be the decisive vote.

A decision to exclude a member has to be sent as a letter to the member by registered mail. The member can then file an objection to the extended board within one month. In this case the general assembly has to decide on the legality of the exclusion after a unanimous decision. The general assembly of the German members passes the decision on excluding a German member, the general assembly of the Chinese members passes the decision on excluding a Chinese member.

The decision made by the board to exclude a member is valid temporarily until a decision has been made by the general assembly.

§ 7

Right to Vote

Each ordinary member is entitled to participate in the general assembly and submit his or her vote. Each ordinary member has one vote. Lawyers will be represented by an authorised person. A transfer of the right to vote takes place; however, each member present may only represent an absent member upon written power of attorney.

III. Management

§ 8

Director of the Academy

The Academy is directed by

- the presidents
- the board;
- the extended board
- the general assembly.

§ 9

The board consists of three German and three Chinese members with joint representation, as well as of a German treasurer. The board appoints the president. The Chinese members will elect their president to the board; the German members will elect their German president.

The extended board consists of 6 German and 6 Chinese members. It assists the board in managing the Academy's business activities.
The board determines the location of the office of the Academy in Germany and in China.

Both bodies are elected by the general assembly for a period of three years. Re-election is admissible. The Chinese members will elect their representatives to the board; the German members will elect their German representatives.

It is elected by the general assembly for a term of three years every three years. Re-election is permitted. The term commences after the election and lasts until the next election. The Academy is represented judicially and extrajudicially by the president. The residing board also remains in office until a new board is elected.

It is the duty of the board to develop the scientific and didactic concepts which serve the purpose of realising the objectives of the bylaws. It reports annually to the general assembly on this.

The board may pass resolutions when it has at least two members. Each absent member of the board may transfer his or her vote by a written power of attorney to another member of the board. Resolutions may be made by means of a written, telephonic or fax enquiry. Board resolutions are made by a simple majority of votes.

Minutes must be written on the negotiations; these minutes must then be signed by the board director and the author of the minutes.

§ 10

Expense Allowances

The board may receive a lump sum for expenses necessary for the management of the Academy; the extent of this allowance is decided by the general assembly. Further, the Academy covers the expenses incurred in the interest of the Academy.

In as far as members of the board are project managers of scientific projects they qualify for an adequate remuneration.

§ 11

Advisory Board

The extended board will assist the board in all activities detailed in § 9.

§ 12

Alterations to the Bylaws/Dissolution of the Academy

A general assembly decides on both alterations to the bylaws and dissolution of the academy; this must be preceded by a board meeting. At least one month and a maximum of three months must lapse between this meeting and the general assembly. A majority of at least 2/3 of the representative votes is necessary in both meetings in order to resolve an alteration of the bylaws, respectively for the dissolution.

Upon dissolution of the Academy or lapse of its previous objectives the commodities of the Academy, in as far as it exceeds the shares of capital paid by the members and the common value of the actual chattels conveyed by the members, will be donated to a public utility, scientific institution with the obligation of utilising it solely and directly for the purpose of German-Chinese Co-operation in the field of psychotherapy in consonance with § 2 of the bylaws.

IV Tax Regulations

§ 13

According to §§ 51 ff. AO, i.e. in consonance with the paragraph for tax-privileged purposes of the tax laws, the Academy is a public utility. The Academy acts disinterestedly and does not primarily pursue its own economic goals. The Academy's means may only be used for purposes defined in the bylaws. The use of the Academy's means must conform with rules governing a public utility. After covering its expenses, any overbalance from revenues must be directed to reserve fund in as far as this is required to effectively fulfil tax-privileged purposes. Otherwise a collection of reserve funds is allowed according to the valid rules governing a public utility. No persons may be privileged as a result of expenditures extraneous to the objectives of the Academy or as a result of excessively high remuneration. Upon dissolution of the Academy or lapse of its tax-privileged objectives the Academy's commodities may only be used for tax-privileged purposes. Any resolutions on the utilisation of the Academy's commodities may only be effected upon authorisation by the respective Inland Revenue. The members of the Academy, in their capacity as members, do not receive any gratuities from the Academy's means.

§ 14

Donations

The Academy is authorised to receive any donations and other gratuities for the objectives of the Academy and to issue certifications of such donations for tax deduction purposes.

Conclusion

The aforementioned bylaws are hereby concluded by all charter members.

The board is requested to register the Academy in the Register of Societies at the Magistrates Court in Weinheim. The board is hereby authorised to issue any alterations of the bylaws as may deem necessary in the interest of the initial registration in the Register of Societies or of obtaining the status of a public utility.