

Procedures of the Max Weber Foundation (Max Weber Stiftung, MWS) for implementing the Whistleblower Protection Act (Hinweisgeberschutzgesetz)

[adopted by the Board of Trustees on 17 November 2023]

The MWS conducts the implementation of the Whistleblower Protection Act as one unit; all institutes and other institutions use the said structures. Tip-offs relate to matters of German or EU law or provisions of the law of the respective host nation of the institutes and institutions of the MWS. The Executive Director(s) (hereinafter: the Board of Directors) represents/represent the Foundation externally; this does not alter the institute directors' competences and responsibilities defined internally within the MWS for certain matters.

Section 1 Reporting office

The Central Office of the MWS operates a reporting office for the implementation of the Whistleblower Protection Act. This reporting office is to be run by an external service provider and be operated on external infrastructure. It takes receipt of reports in German and English and forwards them to the ombudsperson for whistleblowers of the MWS (hereinafter: Ombudsperson), anonymously if the whistleblower so requests. The reporting office acts as an external mediating body in the event of conflicts; it fulfils the data privacy requirements in relation to the persons concerned.

Section 2 Procedures and working practices, conflict resolution bodies and assessment of administrative responsibility

(1) Assessment of administrative responsibility

The reporting office is the first level of authority in the process. It establishes whether the tip-off falls under the Whistleblower Protection Act. If it does, the reporting office forwards it to the Ombudsperson. If tip-offs concern the Ombudsperson, the reporting office forwards them to the Board of Directors, which takes on the role of Ombudsperson in such case.

(2) Verification

The Ombudsperson collects necessary data and information for examining the tip-off at the site concerned. As the individual sites of the MWS are so small that the whistleblower could conceivably be identified, the Ombudsperson may make enquiries about the same matter in question at two or more sites for the purpose of anonymisation. In this respect, however, only the data from the site concerned are evaluated.

(3) Depending on the nature of the breach reported, the Ombudsperson investigates the validity of the report. He/she may call in the support of suitable persons in this respect insofar as there are no conflicts of interest.

(4) If there is no indication that the tip-off is correct, the Ombudsperson documents the result, closes the case and notifies the whistleblower, the reporting office and the Board of Directors.

Section 3 Follow-up action

(1) If there is an indication that the tip-off is correct, the Ombudsperson contacts the persons concerned, informs them of the matter in question and gives them the opportunity to comment. This is done in text form or is recorded. If the persons concerned can give a full and convincing proper explanation for the matter in question, the Ombudsperson documents the result, closes the case and notifies the reporting office and the Board of Directors (if the persons concerned are members of the Board of Directors, the President takes the place of the Board of Directors). Otherwise, the Ombudsperson informs the Board of Directors and the institute directors (unless these are themselves the persons concerned) and works out with these appropriate follow-up action. In accordance with the statutory stipulations, the Ombudsperson informs the reporting office and the whistleblower of the action taken and planned. After an appropriate period, the Ombudsperson examines the implementation of the follow-up action.

(2) Where a whistleblower is employed at the MWS or in a relationship of dependency with the MWS, and there is cause for concern that the whistleblower will be discriminated against, the Ombudsperson and the Board of Directors may make termination of the contract/contract extensions and the award of further contracts subject to the observation and mandatory prior consent of the Board of Directors.

Section 4 MWS Ombudsperson

In consultation with the general staff representatives, the Board of Directors appoints an Ombudsperson for dealing with tip-offs. The Ombudsperson may be an employee of the reporting office, an employee of the MWS, a committee member or an external person. The Ombudsperson must not have any of the following functions at the MWS: Executive Director or deputy Executive Director, institute director or deputy institute director, administrative manager of an institute. It is possible to combine the role with other roles at the MWS. Independence and adequate work capacity must be guaranteed. Therefore, the Ombudsperson's duties do not include any power to issue instructions. The Ombudsperson is responsible for compliance with the provisions of the Whistleblower Protection Act and for the necessary communication within the MWS.

Section 5 Retention

The documents are retained in accordance with the statutory requirements, otherwise for 3 years after the procedure has ended.

Section 6 External reporting office

The Federal Government's external reporting offices are available to whistleblowers; the Ombudsperson is, in this respect, the contact person of the external reporting office.