

**Principles for safeguarding
good research practice
at the University of Duisburg-Essen
(‘Principles of good research practice’)¹**

Dated 13 July 2023

On the basis of Section 4 (4) of the North Rhine-Westphalian Higher Education Act (*Hochschulgesetz*, HG) in the version modified by the Act amending the North Rhine-Westphalian Higher Education Act (*Gesetz zur Änderung des Hochschulgesetzes*) dated 12 July 2019 (Gesetz- und Verordnungsblatt NRW, p. 377), as last amended by the Act dated 30 June 2022 (Gesetz- und Verordnungsblatt NRW, p. 780b) and as part of the implementation of the ‘Guidelines for Safeguarding Good Research Practice’ code of conduct from the German Research Foundation (DFG), which became effective on 1 August 2019, the University of Duisburg-Essen has issued the following regulation for all its members and employees.

Preamble

With these ‘Principles for safeguarding good research practice’, the University of Duisburg-Essen (UDE) is complying with statutory obligations, according to which all researchers, research support staff and students at UDE are required to maintain integrity in research. These principles form the basis for integrity in research and establish the appropriate framework for this purpose.

The principles set out below implement the DFG’s ‘Guidelines for Safeguarding Good Research Practice’ in a legally binding manner and closely follow the wording of these guidelines and of the recommended ‘Mustersatzung zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit Verdachtsfällen wissenschaftlichen Fehlverhaltens’ (Sample articles for safeguarding good research practice and for handling suspected cases of research misconduct) published by the German Rectors’ Conference (HRK) and dated 10 May 2022.

Contents:

A. Requirements of good research practice (GRP) and the prevention of research misconduct

1. Guiding principles
2. Legal and ethical frameworks
3. General stipulations
4. Confidentiality and neutrality of review processes and discussions
5. Leadership responsibility, joint work in research units and supporting early career researchers
6. Assessing research performance
7. Documenting, backing up, retaining and using original research data, particularly primary data
8. Academic publications, authorship and copyright
9. Providing public access to research results

B. Research misconduct

10. Research misconduct

C. Ombudspersons and academic investigating committees for good research practice

11. Appointing ombudspersons
12. Appointing members of the academic investigating committee
13. Ombudspersons
14. Academic investigating committee

D. Investigating allegations of research misconduct

15. General principles
16. Rights and obligations of complainants
17. Procedure of the ombudspersons

¹ Please note: this translation of the German document is provided for information purposes only. The original German version is legally binding.

18. Procedure of the academic investigating committee

19. Decision by the Rectorate

20. Possible sanctions and measures

E. Transitional and concluding provisions

21. Transitional provisions and application upon leaving the University

22. Entry into force

A. Requirements of good research practice (GRP) and the prevention of research misconduct

1.

Guiding principles

(1) The University of Duisburg-Essen considers action to ensure quality standards in research a central task of its members and employees. This particularly includes honesty and accuracy in research. These standards are based on the guidelines of the German Research Foundation (DFG), the recommendations of the Allgemeiner Fakultätentag (German General Faculty Association; AFT) and the German Science and Humanities Council (WR), as well as the European and international agreements involving the DFG.

(2) Research integrity forms the basis for trustworthy research. It is an example of voluntary academic commitment that encompasses a respectful attitude towards peers, research participants, animals, cultural assets and the environment, and strengthens and promotes vital public trust in research. The constitutionally guaranteed freedom of research is inseparably linked to a corresponding responsibility.

(3) Through their organisational structures, the Rectorate of the University of Duisburg-Essen and the heads of its research centres create a framework for research and thereby guarantee the necessary conditions for their members and employees to adhere to legal and ethical standards and to work *lege artis*. They are responsible for education regarding good research practice and compliance with this, as well as for promoting and providing career support in a suitable manner for all researchers and research support staff. This framework includes clearly defined and written principles and procedures for staff selection and development, as well as for equal opportunities. In this context, gender equality and diversity are taken into consideration. Similarly, the management of the University of Duisburg-Essen and the heads of its research units ensure that binding specifications are created for clear and transparent organisational and responsibility structures at the level of the research work units in order to guarantee the necessary individual authorities and resources for researchers and research support staff.

(4) Education regarding the principles of good research practice begins at the earliest possible stage in academic teaching and research training. Quality standards in research are of particular importance in the education and supervision of students and early career researchers. Students and early career researchers are trained and instructed in a suitable way with regard to the principles of good research practice that apply at the University of Duisburg-Essen, in particular by the supervising university professors. Mentoring, training opportunities and advice regarding career planning are offered.

(5) To ensure good research practice, the University of Duisburg-Essen has appointed ombudspersons, established an academic investigating committee and approved the present 'Principles of good research practice at the University of Duisburg-Essen', which the University of Duisburg-Essen announces to all its members and employees in its Verkündungsanzeiger (Journal of Legal Notices).

(6) The members and employees of the University of Duisburg-Essen apply the rules for good research practice in their activities. The prevention of non-compliance with good research practice takes priority. The University and its units will investigate any potential cases of suspected misconduct and impose sanctions in cases of actual misconduct.

(7) In order to advise the University of Duisburg-Essen on matters related to good research practice, the Rectorate invites participants to a roundtable discussion on fundamental topics regarding GRP at least once a year. The ombudspersons and chairs of the staff councils are to be invited to this roundtable discussion. Further individuals may be invited, in particular from the academic investigating committee, the Commission for Research, Career Development and Science Transfer, the faculties, inter-faculty research centres or the University's administration.

2.

Legal and ethical frameworks

- (1) Researchers handle the freedom of research constitutionally granted to them in a responsible manner.
- (2) The Rectorate is responsible for ensuring that members and employees of the University of Duisburg-Essen act in a way that complies with these principles and guarantees this through suitable organisational structures and binding ethics policies for research.
- (3) Researchers pay regard to their rights and obligations in their actions, particularly those that arise from legal requirements and agreements with third parties. In the case of agreements with third parties, the present principles are to be observed and complied with.
- (4) Researchers seek consent and ethics statements where necessary and present these to the responsible individuals or units.
- (5) Researchers maintain a continual awareness of the risks associated with the misuse of research results, particularly in the case of security-relevant research. In doing so, the potential consequences of research are evaluated in detail and its ethical aspects are assessed.
- (6) Suitable organisational measures are put in place at the level of the individual research work units and of the management of the research centres to prevent the abuse of power and exploitation of dependent relationships.

3.

General stipulations

- (1) Members and employees of the University of Duisburg-Essen adhere to the principles of good research practice in their activities.
- (2) Irrespective of the fact that specific criteria for research quality have developed to a certain extent within the various disciplines present at the University of Duisburg-Essen, the following rules for research activities established by the research community can be set out as generally applicable principles:
 1. Planning and preliminary research work
 - a. Researchers thoroughly take into account and acknowledge the current state of research when planning a project. This usually requires them to carefully gather information regarding existing research in the public domain.
 - b. Researchers examine whether and to what extent gender and diversity aspects may be of significance to the research project.
 - c. University management ensures that the necessary basic framework for these preliminary activities is in place according to its budgetary capabilities.
 2. Implementation
 - a. Researchers use scientifically sound and transparent methods in their research.
 - b. When developing and applying new methods, researchers attach particular importance to quality assurance and establishing standards.
 3. Handling data
 - a. The origin of the data, organisms, materials and software used in the research process is disclosed, citing the original sources, and it is demonstrated what requirements apply for safeguarding, storage and use. If publicly available software is used, this must be documented in a persistent and citable way, stating the source code where possible and appropriate.
 - b. The nature and the scope of research data generated during the research process are described.
 - c. Where possible and appropriate, researchers use methods to avoid (unconscious) bias in the interpretation of findings.
 4. Documentation and archiving

Academic research and its results are to be documented in such a way that, if necessary, the findings can be reviewed by independent bodies and potentially replicated. In doing so, the 'Policy on the retention, disposal, archiving and destruction of documents' applicable at the relevant time at the University of Duisburg-Essen is to be taken into account in particular.

5. Publication

- a. Before publishing research results, researchers are required to systematically challenge all results themselves and, if necessary, clear up any existing doubts regarding these results and how they were produced, or explicitly discuss these doubts in the corresponding publications.
- b. When research results are made publicly available (including in other ways than through publications), the quality assurance mechanisms used are always explained. If researchers subsequently notice or are advised of inconsistencies or errors in these results, the necessary corrections are made.
- c. Fairness and honesty are to be maintained with regard to a researcher's own contributions and those of other people. When publishing research results, the use of preliminary work and findings of third parties particularly is to be indicated unequivocally. Researchers' own earlier contributions are to be clearly marked as their own.

In addition, the rules of conduct set out in the following are to be observed.

4.

Confidentiality and neutrality of review processes and discussions

- (1) Fair behaviour is the basis for the legitimacy of any judgement-forming process.
- (2) The confidentiality of third-party material that particularly concerns submitted manuscripts, research proposals and personal qualifications, and in particular to which a reviewer or committee member gains access, precludes sharing this material with third parties or making personal use of it.
- (3) Individuals involved in review processes and discussions immediately disclose to the responsible body any possible conflicts of interest or biases that could arise in relation to the research project being reviewed or the person or matter being discussed.

5.

Leadership responsibility, joint work in research units and supporting early career researchers

- (1) The heads of research units and supervisors of research work bear responsibility for education, compliance and sharing updates within their research units regarding the principles of good research practice. An appropriate organisational structure must be ensured for this purpose.
- (2) The leadership role particularly includes ensuring adequate individual training, supervision and autonomy of early career researchers, integrated into the overall institutional policy, as well as career development for researchers and research support staff. Every student, early career researcher and apprentice in a profession that supports research is entitled to a form and intensity of supervision appropriate to their educational stage.
- (3) Researchers and research support staff enjoy a balance between support and autonomy that is appropriate to their career level. They are given adequate status with the corresponding rights of participation. Through gradually increasing autonomy, they are empowered to shape their career.
- (4) Researchers and research support staff provide each other mutual support in a process of continuous learning and ongoing training and engage in regular dialogue.
- (5) The roles and responsibilities of the researchers and research support staff participating in a research project must be clear at each stage of the project.
- (6) If necessary, roles and responsibilities are adapted with the involvement of the researchers and research support staff participating in the research project.

6.

Assessing research performance

A multidimensional approach is taken in assessing the performance of researchers. A significant

component of the assessment is research performance, which is primarily to be assessed on the basis of qualitative criteria. Quantitative indicators may be incorporated into the overall assessment with appropriate differentiation and reflection. In addition to research performance, other aspects of performance may be taken into consideration, such as involvement in teaching, academic self-governance, public relations work, knowledge and technology transfer, or contributions to the general good of society. An individual's approach to research, such as an openness to new findings, a willingness to take risks, and any voluntarily provided information regarding personal circumstances in their career path are also to be given appropriate consideration.

7.

Documenting, backing up, retaining and using original research data, particularly primary data

(1) Academic research is particularly characterised by transparency with regard to original research material. Backing up original research material, particularly primary data, is of vital importance for documenting and subsequently replicating research findings.

(2) Primary data is the foundation of knowledge gain. This particularly concerns measurement readings, surveys, questionnaires, collections, archaeological finds, material specimens and cell cultures or data on cell cultures.

(3) Researchers document all information relevant to the production of a research result as clearly as is required by and is appropriate for the relevant subject area in order to allow the result to be reviewed and assessed and enable its replication. Where subject-specific recommendations exist for review and assessment, researchers create documentation in accordance with these guidelines. When developing software, its source code is documented where this is possible and appropriate.

(4) As a rule, individual results that do not support the researcher's hypothesis are also documented. The selection of results is not permitted.

(5) If the documentation does not satisfy the requirements in items 1 to 4, the constraints and the reasons for them are clearly explained.

(6) Documentation and research results must not be manipulated. They are protected as effectively as possible against manipulation.

(7) All primary data and comparable documents relating to a research result and individual finding, particularly in the context of research projects, are to be retained for ten years on durable and secure media within the responsible unit if no other regulations apply, even if they do not support the researcher's hypothesis. As a rule, this retention period begins on the date on which public access was established. In the case of data that cannot be stored on durable and secure media, the responsible unit can define shorter retention periods where justified. The reasons for this are described in a comprehensible manner. Where justifiable reasons exist for not retaining particular data, researchers explain these.

(8) As a rule, the responsible units ensure that the infrastructure necessary to enable archiving is in place. If the responsible unit cannot archive the data, the University can provide the necessary infrastructure or the necessary funds in justified, individual cases and according to its budgetary capabilities.

(9) The right of use (in particular publication) of primary data belongs to the researcher who collected this data, provided that the use (in particular publication) is not restricted by legal regulations or contractual agreements, for example in the case of commercial use. Corresponding contractual agreements require the researchers' consent.

(10) At the earliest possible point, researchers conclude documented agreements regarding the rights of use of the data and findings that have resulted from the research project, particularly for the case of a move to another institution.

(11) Individuals who hold the right of use establish regulations on the question of whether and how third parties receive access to the research data.

8.

Academic publications, authorship and copyright

(1) Only those persons who have individually contributed to the results of an academic publication are the authors of this publication. Establishing whether there has been an individual research contribution depends on the subject-specific characteristics of research work and is to be assessed according to standardised, objective criteria in each individual case. There has been an individual research contribution if the person has been autonomously involved in

1. drafting and developing the specific research activities described and assessed in the publication
or
2. developing concepts or lines of argument, approaches or argumentative structures or
3. preparing, acquiring, gathering, procuring, providing or processing the data, software or sources,
or
4. analysing, evaluating or interpreting the data or sources, or the conclusions or findings drawn from them, or
5. drafting the manuscript.

The faculties and research centres can develop objective, clear and transparent criteria for a standardised, subject-specific definition of an individual research contribution for themselves. In this development process, all groups of persons whose principal occupation is as a researcher or research support staff member are involved. The results are implemented in consultation with the DFG.

(2) Authors always bear joint responsibility for the contents of the publication, unless it is explicitly stated otherwise. A detailed description of the individual contributions and the corresponding responsibilities is possible and can help to avoid or resolve conflicts. If a contribution is not sufficient to justify authorship, the person's support may be properly acknowledged in footnotes, a foreword or an acknowledgement. Honorary authorship is not permissible. A leadership or supervisory function does not constitute co-authorship in itself.

(3) It is in the spirit of research work to publish new findings in due course. In order to avoid conflicts regarding authorship, it is recommended to establish clear agreements as early as possible that enable a decision to be made in the case of disagreement.

(4) Researchers involved in conducting or enabling research come to an agreement on who is to be listed as an author for the research results, taking into consideration item 1. Agreement regarding the order of authors is reached in good time, at the latest usually when the manuscript is being written up, on the basis of transparent criteria and taking into consideration the conventions of the relevant subject area.

(5) In line with the principle of 'quality over quantity', researchers avoid splitting research into inappropriately small publications. They limit the repetition of content from publications of which they were (co-)authors to the extent that is necessary to enable the reader to understand the context. Content from publications that were produced on the basis of a requirement in doctoral degree regulations may be published again in the context of the corresponding doctoral degree in the doctoral thesis. The content of a doctoral thesis may be published in subsequent publications. In both cases, the respective preceding publication must be clearly referenced.

(6) A claim to authorship can particularly not be restricted by the payment of usage costs.

(7) The right to publication belongs jointly to the co-authors of the research results; publication and modification of the work is only permissible with the consent of all co-authors. However, a co-author may not refuse to give their consent for publication or modification in breach of good faith. Publication refusals must therefore be justified with verifiable criticism regarding the data, methods or results.

9.

Providing public access to research results

- (1) As a rule, researchers make all results of their research available as part of academic discourse.
- (2) Authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of research. Researchers who assume the role of editor carefully select for which publication media they will carry out this activity. The seriousness of a new publication medium in particular is assessed.
- (3) The academic quality of a contribution does not depend on the medium in which it is published. In addition to publication in books and journals, authors may also consider academic repositories, data and software repositories, and blogs.
- (4) In individual cases, there may be reasons to not make results publicly available. As a rule, a decision regarding making results publicly available may not depend on third parties; rather, researchers decide autonomously whether, how and where they make their results publicly available as a matter of principle, giving due regard to the conventions of the relevant subject area. Exceptions are particularly permissible in cases where the rights of third parties are affected, where there is a prospect of patent application, or where the research is commissioned or security-relevant.
- (5) If results are made publicly available, they are described in a clear, comprehensive way. This includes making available the research data, materials and information on which the results are based, as well as the methods and software used, where this is possible and appropriate. In particular, this is done in accordance with the FAIR principles: Findable, Accessible, Interoperable and Reusable. Exceptions are permissible particularly in the context of patent applications.
- (6) Software programmed by researchers themselves is made publicly available along with the source code, where this is possible and appropriate. The software may be licensed. Work processes are fully explained.
- (7) In particular, the University of Duisburg-Essen's guidelines regarding publication and its Open Access Policy are to be observed.

B. Research misconduct

10.

Research misconduct

- (1) Research misconduct is deemed to have occurred if, in the course of research-relevant activity, false information is provided deliberately or through gross negligence, the intellectual property of other individuals is infringed or their research activities are impaired in some other way.
- (2) The following are considered misconduct in particular:
 1. false information, in particular
 - a. through the fabrication and falsification of data or research results or
 - b. through the statement of incorrect information in a funding proposal or application or
 - c. through the presentation of images alongside descriptions that are incongruent with them or
 2. the infringement of intellectual property
 - a. through the utilisation of the (co-)authorship of another or several other persons without their consent or
 - b. with regard to a copyrighted work created by another person or research results, hypotheses, theories or research methods produced by another person through
 - aa. unauthorised utilisation under pretension of authorship (plagiarism) or
 - bb. the exploitation of research methods and ideas of other persons, in particular as a reviewer (idea theft) or
 - cc. pretension or unfounded assumption of research authorship or co-authorship or

- dd. falsification of content or
 - ee. unauthorised publication or unauthorised dissemination to third parties in the case that the work, the result, the hypothesis, the teaching or the research method has not yet been made public or
3. ending participation in research projects without sufficient reason or
 4. refusing to give consent for publication as a co-author in breach of good faith or
 5. failure to take into account a person who has made a clear individual research contribution to a publication with regard to
 - a. authorship or
 - b. agreements regarding the order of authors or
 6. the culpable procurement of an unfair advantage
 - a. through obtaining authorship without having personally made an individual research contribution or
 - b. through obtaining participation in a research project or participation in a proposal for a research project without having personally made an individual research contribution or
 - c. through exploiting dependent relationships in order to obtain authorship, participation in a research project or participation in a proposal for a research project without any individual contribution justifying authorship or such participation ('abuse of power') or
 - d. through the use of researchers who are in a dependent relationship for one's own purposes outside the joint research project and contractual agreements ('abuse of power') or
 - e. through tolerating research misconduct by other persons, from which a social, financial, perceived research or other form of advantage results for the person tolerating it or
 7. interfering with the research activities of others, in particular
 - a. through sabotage (including damaging, destroying or tampering with experimental set-ups, equipment, documents, hardware, software, chemicals or other items required by other persons for research purposes) or
 - b. through the disposal of primary data, provided this action violates legal provisions or approved discipline-specific principles of research practice, or
 - c. through the falsification or unauthorised disposal of research data, research documents or documentation of research data or
 8. culpable involvement in the misconduct of other persons, in particular through involvement (in the sense of instigation or aiding and abetting) in the misconduct of other persons that constitutes a violation of the present 'Principles of good research practice' or
 - a. through collusive collaboration in falsification by other individuals or
 - b. through co-authorship of publications tainted by falsification or
 9. substantial neglect of monitoring or supervisory obligations if another person has objectively committed the offence of research misconduct and this would have been prevented or substantially impeded by necessary and reasonable supervision or
 10. the renewed publication of one's own research results that have already been published without referring to the previous publication and the research-related reasons for renewed publication in the context of the current publication.
- (3) Research misconduct on the part of reviewers or committee members at the University is deemed to have occurred if they
1. use research data, theories or findings that they have gained knowledge of in the course of their activities as a reviewer or committee member for their own research purposes without authorisation or
 2. share with third parties, without authorisation, data, theories or findings that they have gained knowledge of in the course of their activities as a reviewer or committee member in violation of the confidentiality of the review process or

3. fail to disclose to the responsible body any facts or circumstances that may suggest a potential conflict of interest within the scope of their activities as a reviewer or committee member or
4. in the course of their activities fail to disclose facts which indicate research misconduct on the part of another person as defined by items 1 and 2, against their better knowledge and with the intention of obtaining an advantage for themselves or the other person.

C. Ombudspersons and academic investigating committees for good research practice

11.

Appointing ombudspersons

- (1) Upon proposals put forward by the Senate, the Rectorate appoints four independent researchers with management experience as qualified and neutral contact persons (ombudspersons), who must be members of the University of Duisburg-Essen and are to come from the group of professors as well as the group of non-professorial academic staff. The ombudspersons may not be members of the academic investigating committee or belong to a governing body.
- (2) They act as substitutes for each other in the case of conflict of interest or if an ombudsperson is prevented from carrying out their duties.
- (3) The Rectorate and the Dean's Offices give the ombudspersons the necessary informative support and acceptance they need to carry out their duties. In order to help facilitate the work of ombudspersons, the University of Duisburg-Essen puts measures in place to relieve them in other areas. As part of the yearly roundtable discussion stipulated in Section 1, item 7, the Rectorate gives information about the measures put in place to relieve the ombudspersons.
- (4) Ombudspersons are appointed for a term of three years. One further term of office is permissible.
- (5) The ombudspersons perform their duties independently, in particular independent of instructions or informal attempts to exert influence in individual cases by University management, other University bodies or other persons.
- (6) Information about the ombudspersons and their duties is displayed on the University's website.

12.

Appointing members of the academic investigating committee

- (1) Upon proposals put forward by the Senate, the Rectorate appoints an academic investigating committee composed of three independent researchers with management experience, as well as a deputy for each, who must be members of the University of Duisburg-Essen and are to come from the group of professors as well as the group of non-professorial academic staff.
- (2) If a member of the academic investigating committee or if a person involved in the process considers a member of the academic investigating committee to be biased as defined by Section 21 of the North Rhine-Westphalian Administrative Procedure Act (*Verwaltungsverfahrensgesetz NRW*), this must be reported to the chair. The academic investigating committee makes a decision by a simple majority regarding the exclusion of this member, without the participation of the member in question. Section 22 et seq. of the German Code of Criminal Procedure (*Strafprozessordnung*) apply accordingly.
- (3) Members of the academic investigating committee are appointed for a term of three years. Further terms of office are permissible.
- (4) The members of the academic investigating committee and their deputies perform their duties

independently, in particular independent of instructions or informal attempts to exert influence in individual cases by University management, other University bodies or other persons.

13.

Ombudspersons

(1) Ombudspersons are intended to act as mediators in cases of conflict regarding good research practice. The aim of their work is to settle conflicts.

(2) The ombudspersons for good research practice are available as neutral and qualified contact persons – independent of any existing internal faculty structures – to all members and employees of the University of Duisburg-Essen as well as external persons who have general questions concerning good research practice, who wish to avoid research misconduct or who suspect research misconduct. Confidentiality is ensured with regard to getting into contact with the ombudspersons and mutual communication.

(3) The ombudspersons also provide advice following the conclusion of formal investigative proceedings to individuals who are or were involved in them. They advise individuals (particularly early career researchers) who have been involved in proceedings of research misconduct through no fault of their own with regard to safeguarding their personal and academic integrity.

(4) The ombudsperson acting in the respective case can brief the Rectorate or the Rector regarding the outcome of a consultation process or an investigation. An anonymised summary report is prepared for the Rectorate once a year. As part of the yearly roundtable discussion stipulated in Section 1, item 7, the Rectorate gives information about the number and type of cases in the summary report, maintaining the anonymity of the persons concerned.

14.

Academic investigating committee

(1) The academic investigating committee is responsible for establishing the facts of the case and investigates the allegations of research misconduct after notification from the ombudsperson involved in the case at hand.

(2) The academic investigating committee designates one of its members as chair.

(3) If the term of a member of the academic investigating committee comes to an end during ongoing proceedings, this member is to continue to participate in an advisory capacity.

(4) The academic investigating committee convenes in closed sessions. Decisions of the investigating committee are made by a majority of its members.

(5) The chair of the academic investigating committee briefs the Rectorate and the responsible ombudsperson regarding ongoing proceedings and the result of the committee's work.

D. Investigating allegations of research misconduct

15.

General principles

(1) The University of Duisburg-Essen will investigate every case where there is reasonable suspicion of non-compliance with the present 'Principles of good research practice' at the University of Duisburg-Essen. If immediate suspicions arise within the University, one of the University's ombudspersons is to be informed without delay. Alternatively, the German Research Ombudsman, a committee that acts on a supraregional basis, can be informed.

(2) In addition to item 1, one of the University's ombudspersons for good research practice or the German Research Ombudsman committee are also to be involved in the case of suspicions raised in writing by third parties or by an external institution.

(3) The investigation into allegations of research misconduct must be carried out in accordance with the principles of the rule of law, fairly and under the presumption of innocence at all times. The investigation is also conducted confidentially. Until proof of research misconduct has been established, information regarding the individuals involved in the proceedings and the results up to that point are handled confidentially. Duties of non-disclosure in accordance with employment regulations and regulations for civil servants remain unaffected. Investigations are conducted irrespective of the person concerned; decisions are made irrespective of the person concerned.

(4) All individuals or bodies at the University of Duisburg-Essen investigating suspected cases of research misconduct within the scope of their responsibility take appropriate measures to protect both the complainant and the respondent. The complainant is also to be protected in the case of unproven research misconduct, unless it can be proven that the allegation was made against the complainant's better knowledge.

(5) Complainants and respondents must not experience any disadvantages in their own advancement in research and in their career. This applies to the respondent until any misconduct is proven and established.

(6) At the request of a complainant or respondent, the relevant staff council is to be involved in the investigation.

(7) If, in a specific case, intentional or grossly negligent non-compliance with research standards that constitutes research misconduct is proven, the University will initiate appropriate measures against those responsible as well as to protect those who are involved through no fault of their own. The measures to be taken follow the stipulations of the relevant regulations within the faculty, or otherwise the Rectorate decides which measures are to be taken. The second sentence of Section 15, item 4 applies accordingly.

(8) Investigative proceedings are to determine whether similar non-compliance can be proven and sanctioned in other contexts that the individual concerned was involved in, and whether other researchers or research support staff may be affected.

(9) Public statements must be agreed with the Rectorate. The rights of the respondents remain unaffected by this.

16.

Rights and obligations of complainants

(1) Individuals who report a suspicion of research misconduct are referred to as complainants.

(2) The information disclosed by the complainant to one of the ombudspersons must be provided in good faith. Allegations must not be made without previous verification and without sufficient knowledge of the facts. Careless handling of allegations of research misconduct, and above all consciously making false allegations, can in turn constitute a form of research misconduct.

(3) If the complainant is unable to verify the facts underlying their suspicion themselves or if there are uncertainties in the interpretation of the present 'Principles of good research practice' with regard to an observed occurrence, the complainant is to contact one of the University's ombudspersons or the German Research Ombudsman committee to clarify their suspicion.

(4) If a complainant reports a suspicion without disclosing their identity (an anonymous report), it will be investigated if the complainant has provided reliable and sufficiently specific facts that allow a review to be carried out with an appropriate amount of effort.

(5) If the identity of the complainant is known to the ombudsperson or the academic investigating committee, the ombudsperson or the academic investigating committee maintains confidentiality regarding their identity and, as a rule, does not disclose it to third parties without the consent of the complainant. This consent is to be given in writing. Disclosure can also occur without consent if a corresponding legal obligation exists. In exceptional cases, disclosure can also occur if the

respondent cannot otherwise adequately defend themselves because the identity of the complainant is required for this. Before the identity of the complainant is disclosed, they are made aware of the planned disclosure. They can then decide if they wish to retract their complaint. In the case of retraction, their identity is not disclosed, unless a legal obligation to do so exists. The proceedings may nevertheless be continued if a weighing of interests shows that this is in the interest of research integrity or in the legitimate interest of the University of Duisburg-Essen.

(6) In order to ensure a fair process, the complainant is required to maintain confidentiality with regard to third parties for a time appropriate for an internal review by the ombudsperson and the academic investigating committee for good research practice. The body or individual responsible for the investigation decides how to deal with a breach of confidentiality by the complainant on a case-by-case basis and properly exercising its discretion.

(7) The complainant is to be informed of the decision of the ombudsperson and, if applicable, of the academic investigating committee, the faculty or the Rectorate, who was responsible for the conclusive evaluation of the facts.

17.

Procedure of the ombudspersons

(1) The University's ombudspersons are responsible for verifying a suspected case of research misconduct; this takes precedence over investigations in the faculty or other areas of the University. The ombudspersons decide on further steps.

(2) The ombudspersons first review the complainant's allegations with regard to the responsibilities of the University of Duisburg-Essen and with regard to other potential responsibilities within the University of Duisburg-Essen.

(3) The ombudspersons check whether research misconduct may have occurred. The respondent and the complainant are given the opportunity to make a statement at every stage of the proceedings.

(4) The respondent and the complainant are to be heard. For this purpose, the ombudsperson invites the complainant and the respondent preferably to a personal, face-to-face discussion, or in exceptional cases to a discussion via video conference. If the respondent cannot comply with the invitation for good reason, the inculpatory and exculpatory facts and evidence are sent to them in text form or as a scanned document and a statement is requested within four weeks of receipt.

(5) The complainant and the respondent are not compelled to incriminate themselves.

(6) The ombudspersons may seek consultation. In particular, they may request, obtain and examine documents, obtain and safeguard other evidence, obtain statements or – if necessary – obtain expert opinions. All individuals involved are to be requested to handle such requests confidentially. If legally permissible, the ombudsperson may use relevant software or other electronic aids to establish if misconduct has occurred.

(7) The ombudspersons verify whether the allegation is unsubstantiated or if it is to be handled by the academic investigating committee or, taking into account faculty-specific regulations, in the responsible faculty. The verification is conducted on the basis of aspects of plausibility.

(8) If the ombudspersons, complainant, respondent and, if applicable, the faculty are in agreement that the allegation is unsubstantiated, there is no need for further proceedings. In cases where those involved cannot reach an agreement, the ombudspersons decide whether the information will be shared with the relevant faculty or the academic investigating committee in order to verify allegations of research misconduct.

(9) In cases where the suspicion is found to be unsubstantiated, the complainant is sent the decision in text form or as a scanned document, stating reasons and giving a two-week period for objection. If there is an objection during this period, the ombudspersons review whether proceedings will go ahead or not on the basis of the new information. The outcome is communicated to the complainant.

(10) If the case is referred to the academic investigating committee or the faculty by the

ombudsperson, the respondent and the complainant are to be informed of the course of events.

(11) The verification of suspicions by the ombudspersons should usually be completed within a period of three months.

(12) The procedure and all significant matters and findings are to be documented in writing.

18.

Procedure of the academic investigating committee

(1) The academic investigating committee informs the respondent of the substantial allegations in its possession in text form or as a scanned document.

(2) The complainant and the respondent are to be given the opportunity to address the allegation or make a statement on it in front of the academic investigating committee, preferably in a personal, face-to-face discussion or in exceptional cases via video conference. In justified exceptional cases, this can be done in writing within two weeks.

(3) If the respondent refrains from further comments, this alone may not be factored in to their disadvantage. A decision is then to be made according to the facts on record.

(4) The complainant and the respondent are not compelled to incriminate themselves.

(5) The academic investigating committee is entitled, within the scope of its legal possibilities, to take all steps that serve to clarify the facts. For this purpose, it may obtain all necessary information and statements, if necessary with the assistance of the University's legal counsel. It may involve persons on an advisory basis who are particularly experienced in dealing with such cases, and it may use relevant software or other electronic aids to establish if misconduct has occurred.

(6) The academic investigating committee may, in the proper exercise of its discretion, verbally consult with further persons whose opinions it considers helpful for the proceedings. With regard to potential rights to refuse to testify, the provisions of the German Code of Civil Procedure (*Strafprozessordnung*) apply accordingly.

(7) If the academic investigating committee considers misconduct to be unproven after a thorough examination and independent assessment of the evidence, the proceedings are discontinued. If the academic investigating committee establishes misconduct has occurred after an independent assessment of the evidence, it compiles a report for the Rectorate, including a proposal of measures to be taken. In this context, the initiation of academic, civil or criminal law measures may be considered in addition to those deriving from labour or employment regulations. The rights of the staff councils remain unaffected.

(8) If research misconduct is established and published works or research results are affected, the academic investigating committee may additionally submit a proposal to the Rectorate regarding making the case public.

(9) The academic investigating committee should conclude the handling of a case within a period of usually a further six months.

(10) The documents relating to the investigation are stored at the University in accordance with the version of the 'Policy on the retention, disposal, archiving and destruction of documents' at the University of Duisburg-Essen that is applicable at the relevant time.

19.

Decision by the Rectorate

(1) The Rectorate decides, in the proper exercise of its discretion and on the basis of the investigation report and the recommendation of the academic investigating committee, whether to discontinue the proceedings or whether research misconduct has been sufficiently proven. In the latter case, the Rectorate also decides upon further steps. The Rectorate deliberates in consultation with the academic investigating committee. The rights of the staff councils remain unaffected.

(2) If the revocation of an academic degree is considered as a measure, the bodies or individuals

responsible for this are involved.

(3) The decision can be communicated to further research organisations and third parties who are concerned and who have a legitimate interest in the decision. In the proper exercise of its discretion, the Rectorate decides whether and in what way this is the case.

(4) The respondent and the complainant who originally made the allegations are to be informed in writing of the Rectorate's decision, including reasons. The parties may only have recourse to the statutorily granted legal remedies to oppose this decision. The ombudsperson and the academic investigating committee are also to be informed. The Rectorate makes a decision regarding public information.

20.

Possible sanctions and measures

(1) Possible sanctions and measures may particularly include:

1. measures resulting from employment or labour law or
2. the initiation of academic measures (in particular the revocation of the authorisation to supervise doctoral degrees, the revocation of the doctoral degree, the revocation of the authorisation to teach, the retraction and correction of academic publications) and
3. the initiation of measures resulting from civil or criminal law.

(2) In cases of misconduct by students, the procedure is based on the relevant examination regulations.

(3) Each sanction or measure is determined by the type and severity of research misconduct established and must be based on the circumstances of the individual case and comply with the principle of proportionality.

E. Transitional and concluding provisions

21.

Transitional provisions and application upon leaving the University

(1) The circumstances based on which it is established whether research misconduct has occurred as stated in Section 10 may only be applied to acts carried out when the present 'Principles of good research practice' were already in force.

(2) The procedural stipulations apply only to reports received after the present 'Principles of good research practice' entered into force. Proceedings already in progress at the time the present 'Principles of good research practice' enter into force will be completed in accordance with the procedural regulations previously in force.

(3) An act of non-compliance can also be investigated if the individual accused is no longer involved in research at the University of Duisburg-Essen, but was involved in research at the University at the time of the act in question.

22.

Entry into force

The current 'Principles for safeguarding good research practice at the University of Duisburg-Essen' are hereby announced to all members of the University. They come into force the day after their publication in the University of Duisburg-Essen's Verkündungsanzeiger (Journal of Legal Notices). At the same time, the '*Grundsätze für die Sicherung guter wissenschaftlicher Praxis an der Universität Duisburg-Essen*' dated 5 August 2004 (Verkündungsblatt vol. 2, 2004, p. 187 / issue 19), as last amended by the regulations dated 13 June 2018 (Verkündungsblatt vol. 16, 2018, p. 383 / issue 75), cease to be effective; proceedings pending at the time of the entry into force of these 'Principles of good research practice' are to be concluded in accordance with the principles previously applicable.

Issued on the basis of the resolution passed by the Senate on 07.07.2023.

Duisburg and Essen, 13.07.2023

For the Rector of the University
of Duisburg Essen
The Chancellor
p.p.