

**Principles for Safeguarding
Good Scientific Practice
at the University of Duisburg-Essen**

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Under the provisions of Article (§) 2 Para. 4 of the Higher Education Act of the State of North Rhine-Westphalia (*Hochschulgesetz - HG*) dated 16.09.2014 (Law and Ordinance Gazette, GV. NRW. p. 547), the University of Duisburg-Essen has issued the following Regulation:

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A. Requirements of good scientific practice and the prevention of scientific misconduct**§ 1
Guiding principles**

(1) The University of Duisburg-Essen considers it to be one of the central duties of its members to safeguard scientific quality standards, in particular honesty and the accuracy of research. These standards are based on the principles published by the German Research Foundation (DFG), on the recommendations of the General Faculty Association (*Allgemeiner Fakultätentag*) and the Science Council (*Wissenschaftsrat*), and on the international agreements backed by the DFG.

(2) The University of Duisburg-Essen calls on its members to apply the quality standards for good scientific practice strictly in their activities. Priority is given to preventing infringement of the rules. The University and its units will nevertheless not hesitate to take action in the event that rules are infringed.

(3) Particular importance is attached to the scientific quality standards in the training and education of students and young scientists. Students and young scientists are to receive suitable information and instruction on the principles applicable at the University of Duisburg-Essen.

(4) The University of Duisburg-Essen appoints mediators, establishes an investigation commission and adopts a body of rules and regulations in order to guarantee good scientific practice.

**§ 2
General rules**

While specific criteria of scientific quality have become established to a certain extent in the different disciplines represented at the University of Duisburg-Essen, the following can be regarded as generally applicable principles:

- In research, the relevant rules established by the scientific community must be strictly observed.
- Scientific research and the results of that research must be documented in such a way that they may be verified where necessary by a neutral party and/or can be reproduced.
- Before publishing research results, every scientist undertakes to eliminate any remaining doubts as to those results and their origin, and/or to explicitly discuss any such doubts in his/her publication.
- The contributions of other scientists must be treated with absolute honesty. In particular in the publication of scientific results, the use of others' preliminary work and findings must be identified as such beyond doubt.
- The rules of conduct set down in §§ 3 to 7 must be observed.

**§ 3
Cooperation and leadership responsibility
in working groups**

(1) The leaders of working groups are responsible for compliance with the principles described in § 1 and § 2 within their working groups. This calls for appropriate organisation to ensure that the tasks of leadership, supervision, conflict resolution and quality assurance are clearly assigned and actually exercised.

(2) Exemplary conduct is expected of the leaders of a working group. In their own future interests and those of their institution, all scientific members of a working group are expected to comply with the rules of good scientific practice and avert scientific misconduct.

**§ 4
Supervision of young scientists**

(1) Particular attention must be paid to the training and mentoring of young scientists and scholars.

(2) The supervisors of scientific work are responsible for imparting the rules of good scientific practice and ensuring compliance with those rules.

**§ 5
Securing, storing and using original
research data, especially primary data**

(1) Scientific research is substantiated by transparent original research documentation. Securing original research documentation, in particular primary data, is essential for later reconstruction and defence of research results.

(2) Primary data include in particular measurement results, collections, the findings of studies, cell cultures, material samples, archaeological finds, and questionnaires.

(3) Primary data and comparable documents as the basis of publications are to be maintained on permanent and secure data carriers in the institution in which they originated for a ten year period. Where justified, the institution may stipulate a shorter retention period for primary data that cannot be stored on permanent and secure carriers.

(4) A distinction is made between the use and retention of primary data. The researchers who collect the data in particular are entitled to use it.

**§ 6
Scientific publications**

(1) The authors of scientific publications are only people who have made an appropriate scientific contribution to the results of the publication. They are always jointly responsible for the content of the publication. "Honorary authorship" is not permissible.

(2) The contributors to research projects are required as a matter of principle to work actively towards the publication of their results or as a minimum to not refuse their publication. In order to avoid conflicts relating to authorship, it is recommended that clear agreements are made at an early stage to permit a decision in the event of any dissent.

(3) The co-originators share the right of publication jointly; amendments to the work are only permitted with the consent of the co-originators. However, a single co-originator may not withhold his/her consent to publication or amendment in bad faith. Any refusal to publish must therefore be justified with verifiable criticism of the data, methods or results.

(4) The co-originators may turn to the mediators if they suspect that consent has been refused in bad faith. If the mediator is convinced that obstruction has taken place, the mediator may as the ombudsperson permit the other researchers to publish. The details of the case and the permission to publish by the mediator must be disclosed in the publication to also inform potential publishers.

B. Scientific misconduct

**§ 7
Scientific misconduct**

(1) Scientific misconduct is deemed to have taken place if, in the course of any research-relevant activity, false information is supplied intentionally or by gross negligence, the intellectual property of others is infringed or their research activity harmed in any other way.

(2) The following in particular may be considered as wilful or grossly negligent misconduct:

a. False information, in particular by

- fabricating and falsifying data;
- supplying incorrect data in a funding or other application.

b. Infringement of intellectual property, especially

aa. in relation to work created by and under copyright to another person or crucial scientific findings, hypotheses, theories or research approaches originating from another person in the form of

- unauthorised use under the pretence of authorship (plagiarism);
- exploitation of the research approaches and ideas of others, especially as a reviewer (idea theft);

- the pretence or unjustified assumption of scientific authorship or co-authorship;
- falsification of content or
- unauthorised publication and unauthorised disclosure to third parties prior to publication of the work, finding, hypothesis, theory or research approach,

bb. by assuming (co-)authorship with another person without consent.

- c. Ceasing work on research projects without sufficient grounds.
- d. Refusing in bad faith to consent to publication as co-originator.
- e. Harming others' research activity by sabotage.
- f. Disposing of primary data in so far as this contravenes legal provisions or accepted principles of scientific work in the given discipline.
- g. Active involvement in others' misconduct, especially
 - by collusive collaboration on falsifications committed by others,
 - by co-authorship of publications containing falsifications.
- h. Significant neglect of the duty of care and supervision.

C. Mediators and scientific investigation commission for good scientific practice

**§ 8
Appointment of mediators and
scientific investigation commission**

(1) The Rector's Office appoints two experienced scientists as proposed by the Senate to act as mediators, both of whom must be members of the University of Duisburg-Essen. The mediators must not belong to any management committee. They represent each other in the event of any conflict of interest or any other hindrance.

(2) The Rector's Office additionally appoints a scientific investigation commission as proposed by the Senate, comprising three experienced scientists and their representatives, all of whom must be members of the University of Duisburg-Essen.

(3) The term of office of the mediators and the scientific investigation commission is 3 years. Reappointment is possible.

**§ 9
Mediators**

(1) The mediators for good scientific practice are available – irrespective of any existing internal faculty structures – to all members of the University of Duisburg-Essen and to anyone externally with a suspicion of scientific misconduct. All contact will be treated confidentially.

(2) The mediators also advise the individuals who are or were involved in a case after conclusion of formal investigative proceedings. They advise individuals (in particular also young scientists) who have been involved in scientific misconduct through no fault of their own on protecting their personal and scientific integrity.

**§ 10
Investigation commission**

(1) The investigation commission meets in closed session. Resolutions of the investigation commission are reached by a majority of its members, unless some other provision applies.

(2) The investigation commission appoints one of its members as the chair.

(3) The investigation commission is entitled to take all steps serving to clarify the facts of a case. It may, where necessary with legal assistance from the University, obtain all necessary information and statements. It may call on persons with special experience of handling such cases in an advisory capacity. If the term of office of a member of the investigation commission ends during an ongoing inquiry, the departing member should continue to be involved in the commission in an advisory capacity.

(4) The chair of the investigation commission reports to the Rector's Office and to the mediators on ongoing proceedings of the investigation commission.

D. Investigation of allegations of scientific misconduct

**§ 11
Pursuit of scientific misconduct**

(1) The University of Duisburg-Essen will pursue every concrete suspicion of infringements within the meaning of this statute. In the event of an immediate suspicion in a faculty or institution, one of the mediators is to be informed without delay. Handling of the case by the mediator takes precedence over the faculty's or other office's own investigations. The mediator decides by agreement with the faculty on the further procedure. The individuals concerned are to be heard.

(2) Further to paragraph (1), any suspicion put forward in writing by a third party or an institution is to be considered by the mediator for good scientific practice.

(3) The mediator is to follow up any suspicion, generally concluding investigations within a period of 3 months. The mediator considers with the individual concerned and the individual raising the suspicion ("informer"), unless the allegation has been made anonymously, whether a sus-

pected case should be handled by the investigation commission. This consideration is carried out according to plausibility criteria; the mediators may obtain external advice during the process.

(4) If all the parties involved are agreed that the suspicion is unfounded or that any infringement is minor, no further proceedings are necessary. The case is otherwise passed – confidentially in order to protect the informer and the person the suspicion concerns – for clarification of the allegations of scientific misconduct to the investigation commission, which then undertakes further investigation of the case. The procedure must be documented in writing.

(5) If the mediator passes a case to the investigation commission, the individuals involved are to be informed accordingly; the faculty or the institution concerned is likewise to be notified.

(6) The mediators and investigation commission keep each other informed as to the status of any proceedings.

(7) Handling of a case by the investigation commission (cf. § 10 (3)) should generally be concluded within a further 6 months.

(8) The investigation commission produces a report on the proceedings, which is presented to the person accused of scientific misconduct. If the commission finds that the accusation is unfounded, the proceedings are dropped. If the commission finds that misconduct has taken place, it presents the report to the Rector's Office together with a proposal of the steps to be taken. In addition to measures under employment or public service law, these may include imposing academic consequences or initiating action under civil or criminal law.

(9) If wilful or grossly negligent infringements of scientific standards are proven in a concrete case and meet the criteria for scientific misconduct, the University shall take appropriate action against those responsible and to protect those involved through no fault of their own. The appropriate action is based on the relevant internal regulations of the faculty in question; in other cases the decision is made by the Rector's Office.

(10) Investigative proceedings are undertaken to ascertain whether similar infringements, also in other contexts, in which the accused person(s) was/were involved, exist and are to be pursued, and whether other scientists could possibly be affected.

**§ 12
Rights and obligations of informers**

(1) Scientists who give specific information on a suspicion of scientific misconduct (hereafter referred to as informers) may not suffer any disadvantage for their own scientific and professional advancement as a result. The mediators and also the institutions investigating a suspected case of scientific misconduct must take appropriate steps to ensure that this protection is in place.

(2) The informer must provide the information in good faith. Allegations may not be made without consideration and adequate knowledge of the facts. Careless handling of suspicions of scientific misconduct, and especially

making allegations which are known to be untrue, may in themselves be construed as scientific misconduct.

(3) In the interests of fair proceedings, the informer is obliged to maintain confidentiality towards third parties within an appropriate period of time for internal investigation by the mediator and the investigation commission for good scientific practice.

(4) The anonymity of the informer must be maintained at all times. In exceptional cases the identity of the informer may be disclosed to the person under suspicion if this information appears necessary for the latter's proper defence.

(5) The informer is to be notified of the decision of the mediators or investigation commission and/or of the faculty responsible for conclusive evaluation of the case.

§ 13 General procedural regulations

(1) The person suspected of misconduct must be informed of the alleged facts and any evidence against him/her.

(2) Both the person suspected of misconduct and the informer must be given the opportunity to make a written or verbal statement. The person under suspicion has the right to examine the files.

(3) If a member of the investigation commission or a person involved in the case considers a member of the investigation commission to be biased in the sense of § 21 Administrative Procedure Act (*Verwaltungsverfahrensgesetz*), the chair must be informed accordingly. The decision on exclusion is made by the investigation commission by simple majority without the participation of the person in question.

(4) At the request of an employee involved in a case, the member of the staff council responsible for him or her may be included in the investigations.

(5) All key facts and findings of the proceedings are to be documented in a protocol.

§ 14 Decision of the Rector's Office

(1) The Rector's Office decides on the further procedure on the basis of the investigation report and the commission's recommendation. The deliberations of the Rector's Office take place in consultation with the investigation commission.

(2) The person suspected of scientific misconduct and the person who originally made the allegations are to be notified of the decision, including the reasons, of the Rector's Office. The mediator and the investigation commission are also to be notified. The Rector's Office decides on informing the public.

C. Concluding provisions

§ 15 Transitional provision, entry into force

The principles set down above for safeguarding good scientific practice at the University of Duisburg-Essen are hereby made public at the University. They shall enter into force on the day after their publication in the University of Duisburg-Essen Gazette. The principles for safeguarding good scientific practice at the University of Duisburg-Essen of 05.08.2004 (Gazette Vol. 2, 2004 p. 187/No. 19), amended by the Regulation of 2 February 2007 (Gazette Vol. 5, 2007 p. 73/No. 9), are simultaneously revoked; proceedings pending at the time of this Regulation entering into force will be concluded according to the hitherto applicable provisions.

Issued pursuant to the resolution of the Senate of 04.07.2014.

Duisburg and Essen, 15 October 2014

For the Rector
of the University of Duisburg-Essen
The Chancellor
per pro
Eva Lindenberg-Wendler