Appendix 1

Catalogue of possible penalties/consequences in the event of scientific misconduct

The following catalogue of possible penalties or consequences in the event of scientific misconduct is – without claiming to be complete – to be understood as an initial guide. As every case is likely to be different, and because the severity of the established scientific misconduct also plays a role, there is no uniform guideline for adequate reactions. These reactions are tailored to suit the individual circumstances of each case. Kiel University's Central Administration, in particular the Human Resources and Legal Affairs departments, is available to give advice.

A reprimand can be issued by the President as the mildest penalty without entailing an entry in the personnel file.

I. Legal consequences under employment law

As it is very likely that, in cases of scientific misconduct at Kiel University, the affected person is also an employee of the state of Schleswig-Holstein / the university, the legal consequences under employment law must first always be checked as a matter of priority.

1. Legal consequences under employment law for civil servants (Beamte/public officials):

The conducting of disciplinary proceedings leading to the imposition of the following disciplinary measures:

- Reprimand
- Fine
- Salary cut
- Transfer to a position in the same career path with a lower final basic salary
- Removal from service
- Reduction in the pension
- Loss of entitlement to the pension

2. Legal consequences under employment law for employees:

   a. Warning
      A warning is the step before a dismissal. This only comes into question in cases of minimal scientific misconduct which do not yet warrant dismissal. The Human Resources Department should be involved in this procedure from an early stage.

   b. Dismissal
      A dismissal presumes that the employment contract can no longer be continued taking into consideration the interests of both contractual parties and in accordance with the individual circumstances. This tends to apply in cases of more serious scientific misconduct. The Human Resources department should be contacted immediately if this is the case.
c. Termination of a contract
In addition to ending the employment contract by dismissal, efforts should be made to end the employment contract with an amicable termination.

II. Academic consequences
Academic consequences in the form of revoking academic titles can only be carried out by Kiel University itself if the affected person was awarded the title by Kiel University. If the title was awarded by another university, the university concerned must be informed about the serious scientific misconduct if it occurred in conjunction with the acquisition of an academic qualification.

In particular, the following options come into question:
1. Revocation of the doctorate and/or
2. Revocation of the authorisation to teach.
3. Examinations will be retrospectively declared as failed.
4. Revocation of the Diploma, Magister, Bachelor’s or Master’s degree.
   Numbers 1, 3 and 4 are the responsibility of the affected faculty and the procedures comply with the relevant faculty/university rules.

III. Civil consequences
The following civil consequences may come into question:
1. Issuance of a ban on entering the premises;
2. Surrender claims against the affected person such as handing out stolen scientific material;
3. Remedy claims and prohibitory injunctions from copyright law, personal rights, patent law and competition law;
4. Claims for the repayment of scholarships, third-party funds or the like;
5. Claims for compensation by the state of Schleswig-Holstein, Kiel University or third parties for personal injury, property damage or the like.

IV. Criminal consequences
Criminal consequences come into question when there is a suspicion that the scientific misconduct is simultaneously an administrative offence or an offence under the German Criminal Code (StGB) or other criminal provisions. Involvement of the investigative authorities must always be coordinated with the University Board.

Possible criminal offences include:
1. Violation of privacy
   Section 202a of the German Criminal Code: Data espionage
   Section 204 of the German Criminal Code: Exploitation of the secrets of another
2. Offences against life and the person

Section 222 of the German Criminal Code: Negligent manslaughter
Sections 223, 229 of the German Criminal Code: Causing bodily harm, causing bodily harm by negligence

3. Property Offences

Section 242 of the German Criminal Code: Theft
Section 246 of the German Criminal Code: Unlawful appropriation
Section 263 of the German Criminal Code: Fraud
Section 264 of the German Criminal Code: Subsidy fraud
Section 266 of the German Criminal Code: Embezzlement and abuse of trust

4. Forgery

Section 267 of the German Criminal Code: Forgery
Section 268 of the German Criminal Code: Forgery of technical records

5. Criminal damage

Section 303 of the German Criminal Code: Criminal damage
Section 303a of the German Criminal Code: Data tampering

6. Copyright violations

Section 106 of the German Copyright Act (Urheberrechtsgesetz, UrhG): Unlawful exploitation of copyrighted works

V. Revocation of scientific publications / public information / press information

Scientific publications that are erroneous due to scientific misconduct must be retracted if they have not yet been published and corrected if they have already been published (revoked). Cooperation partners must be appropriately informed if necessary. The authors and involved publishers are generally obliged to do this. If they fail to do so, Kiel University will initiate the possible appropriate measures.

In cases of serious scientific misconduct, Kiel University will inform the other affected research institutes or scientific organisations. In justified cases, it may be appropriate to inform professional associations.

Kiel University may be obliged to inform third parties and the public domain in order to protect third parties, to maintain trust in scientific honesty, to restore the university's scientific reputation, to prevent consequential damage, or if it is in the interest of the general public.