

Kiel University guidelines to ensure good scientific practice

as amended on May 11, 2017

The senate of Kiel University adopted the following guidelines at its meeting on May 10, 2017 for the implementation of recommendations 1 to 8 of the commission "Self-regulation in Science" of the German Research Foundation (DFG):

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PREAMBEL

Scientific work is based on a number of basic principles. Above all, the honesty of scientists towards themselves and others is at the forefront. It is at the same time an ethical norm and the basis of the rules of scientific professionalism, that is, good scientific practice. On the other hand, dishonesty endangers science, it destroys the trust of scientists among themselves and the trust of society in science. One of the university's core tasks is therefore to ensure the validity and application of the principles of good scientific practice and to deal appropriately with allegations of scientific misconduct.

As a place of research, teaching and promotion of young researchers, Kiel University is committed to maintaining a high standard of quality and implements precautions to exclude scientific misconduct. It is particularly important for the university to impart basic principles of honesty and fairness in scientific practice to its students and young academics and to promote an atmosphere of creativity and motivation.

With these guidelines for ensuring good scientific practice, Kiel University, based on the recommendations of the Commission "Self-Control in Science" of the German Research Foundation (DFG) of December 9, 1998 and their addition of July 3, 2013, sets binding guidelines and a procedure for dealing with scientific misconduct.

Kiel University will therefore investigate any concrete suspicion of scientific misconduct. If, after clarifying the facts, the suspicion of scientific misconduct is confirmed, appropriate measures shall be taken within the scope of the legal options for the individual case.

Section I

Ensuring good scientific practice

§ 1

Scope

These guidelines are binding for every person who works scientifically or in a supporting capacity at Kiel University. This guideline is to be communicated to the members of the full-time staff of Kiel University when hiring or employing them by handing it over. The academic staff working part-time at the university shall be expressly informed of these regulations.

§ 2

Rules of good scientific practice

- (1) These rules of good scientific practice must be observed by all members of Kiel University working in science. They include:
 - a. the general principles of scientific work such as
 - i. work lege artis
 - ii. complete documentation of the results,
 - iii. continuously questioning of all results,

- iv. strict honesty with regard to the contributions of cooperation partners, employees and competitors (exclusion of honorary authorships)
 - v. responsibility of all authors for each part of joint scientific publications.
 - b. the observance of special rules for individual disciplines.
- (2) Primary data, which serve as the basis for publications, must be kept in the scientific institution (seminar, institute, clinic) in which they were created for ten years on durable and secure data carriers, insofar as this is necessary for the purpose of verifiability.
- (3) Without prejudice to the responsibility of the University Presidential Board, each head of a faculty and each head of an institution in the respective area is responsible for the fact that
- a. the tasks of management, supervision, quality assurance and conflict management
 - vi. are clearly assigned and
 - vii. actually be perceived,
 - b. young scientists are guided and supervised according to the respective level of education.

§ 3

Young scientists

- (1) Young scientists begin to work scientifically with their bachelor, master, exam and doctoral thesis. In addition to technical skills, the university shall teach them an ethical attitude in scientific work, responsible handling of results and cooperation with other scientists.
- (2) Young scientists are entitled to regular scientific supervision, advice and support from supervisors or working group leaders.
- (3) Young scientists shall report regularly on the progress of their research work and participate in internal seminars.

Section II

Scientific misconduct

§ 4

Scientific misconduct

Scientific misconduct occurs in particular when, in a scientific context, intentional or negligent misstatements are made or the intellectual property of others is violated or their research activity is sabotaged. The following are particularly considered as misconduct:

1. False information:
 - a. the inventing or falsifying of data, or withholding data that does not confirm or disprove a hypothesis,
 - b. incorrect information in a letter of application or a funding application (including incorrect information on the publication organ and publications in print),
 - c. Non-disclosure of parallel publications
2. Intellectual property of other (copyrighted work created by another) is violated by anyone who:

- a. publishes or exploits this work under presumption of authorship (plagiarism)
 - b. falsifies its contents, [the falsification of the contents]
 - c. without having made his own creative contribution in accordance with Sections 7, 8 of the copyright laws (UrhG), presumed (co-)authorship or can be named as a (co-)author,
 - d. conceals contributions from co-authors,
 - e. names others as (co-)authors without their consent,
 - f. names others as (co-)authors, with or without their consent, even though they do not meet the requirements of Sections 7, 8 of the copyright laws (UrhG).
 - g. publishes or exploits as their own, findings, hypotheses or research approaches that have been submitted to them confidentially as experts.
3. Sabotaging the ability of others to research by damaging, destroying or manipulating experimental setups, devices, documents, hardware, software, chemicals or other things that another person needs to carry out an experiment.

§ 5

Co-responsibility for misconduct

Co-responsibility as misconduct within the meaning of Section 4 may arise, among other things, from

1. active participation in the misconduct of other
2. knowledge of counterfeiting by others,
3. co-authorship of falsified publications,
4. gross neglect of the supervisory duty.

Section III

Ombudsman team and standing commission

§ 6

Ombudsman team

- (1) Kiel University appoints an ombudsman team consisting of an ombudswoman and an ombudsman to whom the members and relatives of the University can turn in questions of good scientific practice and in questions of suspected scientific misconduct.
- (2) Experienced scientists who are members of Kiel University and have extensive experience in the scientific field are appointed ombudspersons. They may not be members of the standing commission and shall not hold any other management function (e.g. membership of the university board, dean's office) within the university; in addition, the provisions in Section 8 et seq. referenced.
- (3) The university shall propose to the senate suitable persons within the meaning of subsection 2. The senate elects the ombudspersons with a majority of its members in separate ballots for a term of five years. In addition to the majority of the senate, the election also requires the majority of its professors. Reelection is possible.
- (4) The president shall appoint the elected persons as ombudsmen and oblige them to comply with this directive. The participation in workshops and events for ombudspersons shall be supported.
- (5) The two ombudspersons are independent of each other in their actions. However, they are encouraged to work in a trusting cooperation.

- (6) In the event of partiality of an ombudsman, reference shall be made to the other ombudsperson or to the standing committee.
- (7) If an ombudsperson resigns prematurely, a by-election shall be held; paragraphs 2 to 4 shall apply accordingly.

§ 7

Tasks of the ombudsman team

- (1) As a person of trust, the ombudsperson advises those members of Kiel University who inform them about a suspected scientific misconduct within the meaning of sections 4 and 5, or can take up relevant information on their own initiative, of which they directly or indirectly becomes aware of third parties.
- (2) He or she checks whether the allegations are plausible in terms of concreteness and significance, as well as possible motives, and clarifies with the persons concerned whether there are possibilities to dispel the allegations.
- (3) In the event of justified initial suspicion of scientific misconduct or concrete suspicious facts, the ombudsperson shall apply to the standing commission for the preliminary examination procedure pursuant to § 13 if the person to be advised has given his or her consent.
- (4) After the conclusion of a formal investigation procedure, the ombudsperson shall supervise the persons concerned and inform in accordance with Section 18.
- (5) Every member of Kiel University has the right to speak to the ombudsman team personally within a 10-day period.
- (6) The names and contact details of the ombudsman team shall be appropriately disclosed.
- (7) At the end of each year, the ombudsman team reports to the university board in writing, in anonymised form, on the number of consultations conducted, broken down by faculties and topics.

§ 8

Appointment of the standing commission

- (1) Kiel University appoints a standing commission to investigate scientific misconduct. The standing commission consists of the following six members:
 - Four members from the group of professors. Full-time professors as well as retired or emeritus professors with extensive experience in the scientific field can be appointed. At least one member must be qualified to serve as a judge.
 - Two members from the group of research assistants. Doctoral researchers are appointed.
- (2) Two deputies from the group of professors are also to be appointed, one of whom must have the qualification to serve as a judge.
- (3) The university board shall propose suitable persons within the meaning of subsections 1 and 2 to the senate. The senate elects the commission members by a majority of its members for a term of office of generally three years with the possibility of a one-time re-election.
- (4) The president shall appoint the elected persons as members of the standing committee and shall require them to comply with this directive.
- (5) The names and contact details of the members of the standing commission shall be disclosed in an appropriate manner.
- (6) The ombudspersons are members of the standing commission with an advisory vote.

§ 9

Tasks of the standing commission

- (1) The standing commission is responsible for investigating allegations of scientific misconduct which are submitted to it by a member of the ombudsman team or of which it is directly informed. It carries out the preliminary examination procedure (Section 13) and the formal investigation procedure (Section 14). The chairperson shall inform the university management that the formal investigation procedure has been opened.
- (2) The standing commission may initiate proceedings on suspicion of scientific misconduct or make suggestions as to how the identified misconduct should be sanctioned (see attachment).
- (3) The standing commission shall act at the request of a member of the ombudsman team.
- (4) The procedure of the standing commission does not replace other procedures regulated by law or statutes (e.g. regulatory proceedings of the university, disciplinary proceedings, labour law proceedings, criminal proceedings).

§ 10

Chair and procedure of the standing commission

- (1) The standing commission shall elect a chairperson and vice chairperson from among its members. The chairperson, or, in the event of prevention, his deputy, shall invite to the meetings of the standing commission, chair them and take decisions.
- (2) The standing commission shall have a quorum if at least four members, two of whom must be members of the professor's group, are present. The standing commission shall decide by a simple majority of its members. In the event of a tie, the vote of the chairperson shall be decisive. Minutes of the meetings of the standing commission shall be drawn up which record the main outcome of the meeting.
- (3) The standing commission may, at its discretion, call in up to two further persons, experts in the field of the facts to be assessed and experts in dealing with relevant procedures (e.g. mediators), in an advisory capacity.
- (4) The deadlines for statements, hearings, negotiations and decisions shall be set by the standing commission in such a way as to ensure a rapid procedure.

Section IV

Procedure for scientific misconduct

§ 11

Suspicion report

- (1) If individual members, former members, Kiel University or scientific cooperation partners of Kiel University have specific suspicions of scientific misconduct, they can inform an ombudsperson or a member of the standing commission. If a member of the standing commission is informed, he or she shall inform the ombudsperson without delay.

- (2) The notification of suspicion shall be made in writing, stating the incriminating facts and evidence; in the case of a verbal notification, it shall include a written note of the suspicion and the facts and evidence justifying it.
- (3) One of the two ombudspersons examines the allegations and looks for ways to resolve the conflict. If this succeeds, he or she informs the persons concerned and the persons providing information. If informants do not agree with the ombudsperson's decision in the preliminary investigation, they can appeal to the standing commission.
- (4) If the ombudsperson is unable to clear up the allegations, he/she can forward the suspicion report or the written note to the standing commission and report on his/her efforts in the preliminary investigation.
- (5) Non-members of Kiel University have to report their suspicion of scientific misconduct against a member of Kiel University via the university board or a dean's office. The university board or the dean's office must inform the standing commission without delay.
- (6) Confidentiality for the protection of informing and affected persons shall be maintained.

§ 12

Opinion of the persons concerned

- (1) The standing commission shall give those affected by suspected misconduct an opportunity to comment immediately, stating the incriminating facts and evidence, within a specified period. The deadline for comments is usually three - in the lecture-free period six - weeks.
- (2) Their names may not be disclosed to the persons concerned at this stage of the proceedings without the explicit consent of the person informing them, unless the communication of the name is indispensable for the further implementation of the proceedings.

§ 13

Preliminary examination

- (1) After receipt of the opinion of those concerned or after the expiry of the deadline set for them, the Permanent Commission decides on this within four - within the semester break within eight - weeks whether
 - (a) the preliminary examination procedure is to be terminated and the reasons given to the persons concerned and the informing persons because the suspicion of scientific misconduct has been fully resolved or the scientific misconduct is not serious, or
 - (b) whether the preliminary investigation procedure should be transferred to the formal investigation procedure for further clarification and decision, the reasons for this should be recorded in writing.
- (2) If informing persons do not agree to the first termination of the preliminary examination procedure, they can present their objections in writing to the standing commission within four weeks - during the semester break within eight - weeks. The standing commission shall advise and decide on the objections, in accordance with paragraph 1, where appropriate, in accordance with Section 12(1) after a further hearing of the person concerned. The persons concerned and the persons providing information shall be informed of the decision.

§ 14

Formal investigation procedure

- (1) The chairperson of the standing commission shall initiate the formal investigation procedure by informing the persons concerned of the outcome of the preliminary examination. The result of the preliminary examination shall also be notified to the person concerned in the event of a recruitment in accordance with Section 13 (1a). He/She shall inform the president and the dean of the faculty concerned of the initiation of the formal investigation procedure.
- (2) The standing commission deliberates in a non-public oral hearing. It has to investigate not only the incriminating, but also the exonerating circumstances. It examines, in a free assessment of evidence, whether there is scientific misconduct.
- (3) The persons affected by a possible misconduct, the working group or institute concerned shall be given the opportunity to comment. Those affected shall be heard orally at their request, and may each involve one person in their trust to assist them. This also applies to other persons to be heard.
- (4) The name of the informing person shall be disclosed to the persons concerned on request, if they are otherwise unable to provide adequate defence or where the credibility and motives of the information-providing persons are essential for the investigation of the allegations. The informing persons shall be informed of the disclosure.
- (5) All parties have to work towards an accelerated implementation of the procedure.

§ 15

Decisions in the formal investigation procedure

- (1) If the standing commission does not consider any scientific misconduct proven, it shall close the procedure. Sentence 1 also shall apply if the standing commission does not consider the scientific misconduct to be serious. The president shall be informed of the appointment.
- (2) If the standing commission considers that scientific misconduct has been proven, it shall report in writing to the president on the outcome of its investigations and propose how the procedure should continue, including in relation to the protection of the rights of others.
- (3) The relevant reasons which led to the termination of the proceedings or for forwarding to the president shall be communicated in writing to the persons concerned and to the informing persons.
- (4) A complaint against the decisions of the standing commission is not possible.
- (5) The files of the formal investigation procedure shall be kept for 30 years.

Section V

Possible decisions and punishment for scientific misconduct

§ 16

Decision of the president

- (1) If scientific misconduct has been established, the president shall, on the basis of the final report and the recommendation of the standing commission, consider what measures should be taken to safeguard both the scientific standards of the University and the rights of all those directly and indirectly affected.

- (2) Scientific misconduct cannot be judged by fixed rules; its appropriate punishment depends on the circumstances of the individual case.
- (3) The respective responsible bodies, taking into account the circumstances of the individual case, shall initiate the service, labor, civil, criminal or regulatory measures with the corresponding procedures (see attachment 1).
- (4) The ombudsman team and the standing commission shall be informed in writing by the university board of the completion of the formal investigation and of the measures taken.
- (5) In consultation with the standing Commission, the president examines whether and to what extent other scientists (former or potential cooperation partners, co-authors), scientific institutions, scientific journals or publishers (for publications), funding institutions and scientific organizations, professional organizations, ministries and the public should or must be notified.

§ 17

Procedure for changing the institution

- (1) The provisions of § 13 and § 14 apply where the person concerned by suspicion of scientific misconduct has left the university and the institution to which the person concerned is now a member requests the university to carry out the procedure. The university board will be replaced by the management of the institution of which the person concerned is now a member.
- (2) If the person concerned was still a member of another institution at the time of the suspected violation of the rules of good scientific practice, the university shall regularly ask that institution for a preliminary examination and, if necessary, a formal investigation.

§ 18

Support of persons affected and to be informed

After the conclusion of a formal investigation procedure, persons who have become involved in scientific misconduct through no fault of their own are to be protected from disadvantage in terms of their personal dignity and scientific integrity. The protection of personal and scientific integrity can be served by

- (a) advice by the ombudsman team;
- (b) by a written declaration by the chairperson of the standing commission that the person concerned is not guilty of scientific misconduct (Section 4) or co-responsibility (Section 5).

§ 19

Entry into force

This directive enters into force the day after its adoption in the senate. At the same time, the directive, which was adopted by the senate on May 28, 2002, expires.

Kiel, May 11, 2017

Prof. Dr. Lutz Kipp
President of Kiel University