

KIEL UNIVERSITY

Freedom of research and research risks

With this statute, adopted by the Academic Senate on May 15, 2013 and the University Board on May 22, 2013, Kiel University endorses the "Instructions and rules of the Max Planck Society for the responsible handling of freedom of research and research risks".

I. INTRODUCTORY NOTES

A. Freedom of research and responsibility of the scientist

Research is one of the foundations for human progress. The central prerequisite for this is, above all the freedom of research, which is particularly protected by the Basic Law and which can only be used to protect other important constitutionally protected values. Successful basic research also requires transparency, free exchange of information and publication of research results.

However, the success of free and transparent research also involves risks. These are not only the result of own negligent or intentional misconduct of scientists. In addition, there is an indirect risk in individual research projects, which are neutral or useful in themselves, will be misused by other persons for harmful purposes. This "dual use" problem must also be taken into account in knowledge-driven basic research, whose results are often unpredictable and whose outcomes are therefore neither good nor bad per se. In this complex area of tension of benefits and risks, research at Kiel University is committed to the well-being of humanity and the protection of the environment. Scientists must therefore avoid or reduce - direct and indirect - damage to humans and the environment as far as possible. In addition to the feasibility of the research, they should also consider its consequences and its controllability, if possible. Research at Kiel University thus has not only legal but also ethical limits.

B. Legal and ethical limits of research

The limits of research are initially determined by legal norms. In order to protect important constitutionally protected goods, they may limit the freedom of research if this is proportionate. The relevant provisions have different objectives and approaches: They can exclude research goals (e.g. the development of nuclear and biological weapons), regulate methods (e.g. for certain experiments on humans) or prohibit the export of knowledge, services and products to certain countries. These regulations must be strictly observed at Kiel University. However, state law is not always able to fully and effectively standardise the risks and abuses of research. In particular, the potential misuse of individual research cannot be prevented by placing research per se under a general suspicion and by comprehensive state regulation.

Therefore, scientists must not be content with complying with the legal regulations, but must take into account further ethical principles. They shall use their knowledge, experience and skills to identify and assess the relevant risks of damage to humans and the environment. In critical cases, they must make a personal decision about the limits of their work, for which they are responsible within the framework of their freedom of research. This can lead to projects being carried out in a modified form in individual cases or not at all, even if they are not prohibited by law.

The following rules, adopted by the University Board and the Senate of Kiel University, support the persons working at Kiel University in the implementation of these principles. They are not legally enforceable right. Rather, they are supposed to prevent misuse of research and avoid risks with an ethical guideline by means of self-regulation, while at the same time providing a procedure by which scientists can better resolve ethical questions of doubt and thus also prevent accusations of unethical behavior.

II. RULES ON THE RESPONSIBLE HANDLING OF RESEARCH FREEDOM AND RESEARCH RISKS AT KIEL UNIVERSITY

A. General objective and scope

1. Objective

These rules are intended to prevent abuse of research and to avoid risks by means of self-regulation with an ethical guideline. To this end, they also create a procedure with which researchers can resolve questions of ethical doubt better and thereby prevent accusations of unethical behaviour.

2. Scope of application

The rules apply to all those who work in institutions of Kiel University or who work elsewhere with their resources. The researchers of Kiel University shall take them into account in their scientific work everywhere, e.g. as part of their advisory work or their co-responsibility for journals. In applying them to the persons employed at Kiel University, the status of the various researchers and non-academic staff must be taken into account. The status of these persons may influence their freedom of research and any right of instruction of the university to them.

3. Relationship of the rules to other regulations

These rules are in addition to the "Guidelines for safeguarding good scientific practice" of Kiel University. As general provisions for all areas of research, they can be supplemented by specific self-regulatory measures created and implemented by other institutions for specific research areas. Insofar as these special codes comply with the general principles laid down here and do not violate the fundamental freedom of research, they may supplement and clarify the present rules. Legal provisions take precedence over these provisions as well as other measures of self-regulation.

B. Legal limits of research

The individual scientists themselves are responsible for compliance with the applicable legal regulations. They shall verify the rules applicable to them and to their field of research and ensure compliance within the scope of their responsibility. As a rule, a lack of knowledge of the applicable law does not relieve them.

The University Board of Kiel University supports the institutions in complying with the legal regulations. In doing so, it also fulfils its statutory supervisory obligation, which may require intervention in the event of legal violations within the Kiel University.

C. Principles of ethically responsible research

1. *General principle*

Research at Kiel University serves to increase knowledge and is committed to the public good and protection of the environment. Scientists must therefore avoid or reduce - direct and indirect - damage to humans and the environment as far as possible.

When making relevant decisions, researchers must not be content with merely complying with legal regulations, but must also observe ethical principles. They must be aware of the risk of misuse of research. In critical cases, they have to make a personal decision about what is responsible for research.

In the case of research at risk of misuse, a responsible approach to research includes in particular the following measures: the identification and minimisation of research risks, the careful handling of publications, the documentation of risks as well as information and training measures. However, these measures are not intended to impede research unduly and are therefore subject to their possibility and proportionality.

2. *Risk analysis*

Knowledge of the possible risks is a prerequisite for research to be carried out responsibly. A key prerequisite for the prevention or at least the control of research risks is therefore the awareness of the relevant risks. Researchers should therefore take into account as far as possible the consequences as well as the possibilities of use and abuse of their work and their controllability. Potentially risky research projects should therefore be preceded by an examination of the associated risks for human dignity, for the life or health of people, for the environment and for other important constitutionally protected goods.

Identifying research risks does not only concern the risks of one's own behaviour. Researchers should also take into account, in the case of work at risk of misuse, the consequences of their research, which they carry out for neutral or useful purposes, but whose results can then be used or misused by others for harmful purposes. Risk analysis and impact assessment therefore require openness of thought and responsibility. Scientists may find it particularly useful to find out more about the context of the research project or about the person of a client or cooperation partner or their client.

3. Risk minimisation

Researchers and all other persons involved should minimise as far as possible the risks posed by the performance and use of their work to human dignity, life, health, freedom and property and the protection of the environment. These risk minimisation measures should be tested and implemented both before and during an ongoing research project. This can result in security measures being taken or in the confidentiality of the research results being improved by physical, organisational and personnel protection measures as well as greater computer security. The transparency requirement does not prevent such backups and access restrictions, as it does not require research results to be accessible to anyone at all times.

In the case of research at risk of abuse, the employees and the cooperation partners must be selected carefully and also taking into account their reliability and their sense of responsibility. As far as public authorities fulfil the tasks of the security review, a corresponding cooperation is appropriate, for example in the event of risks of proliferation of safety-relevant research results.

4. Publications

A responsible and early review requires - before the **project begins** - the potential consequences of a publication of the results in areas of risky research. This is especially true when easily implementable research results without additional knowledge and without complex implementation processes and application processes can lead to specific dangers or major damage.

The requirements of transparency and communication do not exclude that scientists minimise certain risks of their research by modifying the communication and publication of their results. They can also publish the results of their work not immediately, but delayed. In the case of research results with a high potential for misuse, the partial results that are particularly relevant for misuse can be excluded from the publication in special cases.

Research which, from the very beginning, has been under the seal of objectively comprehensive and time-incalculable secrecy, is incompatible with Kiel University's self-image.

5. Renunciation of irresponsible research as ultima ratio

The primary goal of risk analysis is the responsible implementation and communication of research. In individual cases, however, the responsible decision of researchers may, as an ultima ratio, result in the fact that a certain research with an unlimited and disproportionate risk potential will not be carried out, even if it is not prohibited by law.

In the case of work which may have both positive and harmful effects, criteria for possible limits are difficult to define and apply, particularly in the field of dual-use research. However, the ethical assessment of the remaining risks required by the definition of possible protective measures may be supported by the answer to the question whether the potential damage exceeds the potential benefit of the research.

6. Documentation and communication of risks

If research leads to risks for human dignity, for the life or health of people, for the environment or for other important constitutionally protected goods, these risks should be weighed up, compared with the likely benefits and the measures taken to minimize them before the start and in the event of changes also be documented during the work.

In case of such risks, scientists should bring the documentation to the attention of the Ethics Committee or the responsible Vice President before starting the research. According to the guidelines of the Declaration of Helsinki, clinical studies on humans must be submitted to the responsible ethics committee of the Faculty of Medicine of Kiel University for examination and comply with the legal requirements.

7. Training and education

At the faculty and institute level and especially in the training of young scientists at Kiel University, principles of responsible handling of research risks are to be conveyed, practiced and the subject-specific rules for risk minimisation in the respective research area are also to be addressed.

D. Organisational responsibilities

1. Responsible persons

The examination of the compatibility of research with legal regulations, measures of self-regulation and ethical principles is primarily the responsibility of the scientists responsible for the project. Ultimately, the supervisors of the scientists are responsible, especially within the framework of the legally required supervisory obligation.

The scientists involved should primarily inform the responsible scientists, if necessary in individual cases, but also the Managing Director of the respective institute and, in special cases, the University Board of Kiel University about past or imminent violations of the law as well as ethical concerns, without any disadvantages.

Scientific members, staff and doctoral candidates of Kiel University may contact Kiel University's legal department for questions concerning the legal limits of research, and the Kiel University's ethics committee for questions concerning ethical limits.

2. Ethics Committee

An ethics committee shall be set up to advise on matters arising from the implementation of these rules. This is available to researchers working at Kiel University in matters of research ethics, mediates in relevant disagreements between researchers and can make recommendations for the implementation of research projects.

The ethics committee consists of three permanent members of Kiel University (core committee), who belong to different subjects and are elected by the Senate together with their representatives on the proposal of their faculties. The three members elect the chairperson of the core committee. Her/His term of office is three years.

In particular procedures for the evaluation of research projects, the ethics committee also includes the executive director of the institute concerned. In addition, the members of the core committee and the responsible director can elect up to two further voting members to the committee responsible for a specific procedure. They must have special expertise in research ethics, in the scientific field concerned or in other areas relevant to decision-making. The committee shall be interdisciplinary with regard to the natural sciences and humanities members. It may appoint a rapporteur for each procedure.

The ethics committee can be consulted by all project participants or project responsible researchers to check whether a planned or ongoing project is compatible with the present rules. If there is any doubt as to the compatibility of a research with the present ethical rules, it may also be called by the president and, if there is a legitimate interest, by any scientific member, by any researcher or doctoral candidate at Kiel University or by external cooperation partners.

The researchers responsible are to be informed immediately of any doubts about the compatibility of their research with these rules and to be heard by the ethics committee. They have the right to make a written or oral statement at any time and to view the relevant documents as far as possible. They shall be informed of the committee's main procedural steps and may participate in hearings and interviews. They shall be informed immediately of the final recommendation of the ethics committee and the reasons on which it is based, by sending the written opinion of the committee.

A recommendation by the ethics committee on the compatibility or incompatibility of research with these rules requires a majority of its members. In the event of a tied vote, the vote of the chairperson shall be decisive in all votes. The same applies if the ethics committee, on the basis of the present rules, makes recommendations on the manner in which a research project should be carried out or not carried out. The ethics committee may take the above decisions by written procedure on the basis of a proposal by the rapporteur if the person(s) concerned has (have) previously been able to comment on the rapporteur's proposal.

The ethics committee regularly reports to the senate on its work.

E. Applicability

These rules shall be applied one month after their adoption by the senate and the university board.

Kiel, May 22, 2013

Prof. Dr. Gerhard Fouquet
- President -