

CAU guidelines for safeguarding good scientific practice

in the version of 11th May 2017

The Senate at Kiel University (CAU) adopted the following guidelines at its meeting on 10th May 2017 to implement recommendations 1 to 8 of the Committee on „Professional Self Regulation in Science“ of the German Research Foundation (DFG):

OVERVIEW OF CONTENTS:

Preamble

Section I: Safeguarding good scientific practice

- § 1 Scope of application
- § 2 Rules of good scientific practice
- § 3 Principles for the supervision of young scientists

Section II: Scientific misconduct

- § 4 Scientific misconduct
- § 5 Co-responsibility for misconduct

Section III: Ombudsteam and Standing Committee

- § 6 Ombudsteam
- § 7 Responsibilities of the ombudsteam
- § 8 Appointment of the Standing Committee
- § 9 Responsibilities of the Standing Committee
- § 10 Chairperson and procedures of the Standing Committee

Section IV: Procedure when scientific misconduct is suspected

- § 11 Report of suspected scientific misconduct
- § 12 Statement by the persons affected
- § 13 Preliminary investigation by the chairperson of the Standing Committee
- § 14 Formal investigative procedure
- § 15 Decisions regarding the formal investigative procedure

Section V: Possible decisions

- § 16 Decision by the President
- § 17 Procedure in the event of a change of institution
- § 18 Support to persons also affected and those providing information

Preamble

Scientific work is based on a series of fundamental principles. Above all it is the integrity and honesty of scientists to themselves and others. Honesty is both an ethical standard and the basis for the rules of scientific professionalism, in other words good scientific practice. A lack of integrity on the other hand endangers science, destroys the trust of scientists between each other and the trust of society in science. One of the principal tasks of the university is therefore to safeguard the observance of the principles of good scientific practice and to appropriately deal with allegations of scientific misconduct.

As a place of research, teaching and early career support, Kiel University undertakes to maintain a high standard of quality and implements measures to exclude scientific misconduct. It is of particular importance to the university to teach its students and young scientists about the fundamental principles of honesty and fairness in scientific practice and promote an atmosphere of creativity and commitment.

With these guidelines for safeguarding good scientific practice, Kiel University is presenting binding guidelines and a procedure to deal with scientific misconduct on the basis of the recommendations of the Committee on „Professional Self Regulation in Science“ of the German Research Foundation (DFG) of 9 December 1998 and the additions of 3 July 2013.

In principle Kiel University will therefore pursue every specific suspected case of scientific misconduct. If the suspicion of scientific misconduct is confirmed after clarification of the facts, appropriate measures in each individual case will be taken within the scope of the legal options.

Section I: Safeguarding good scientific practice

§ 1

Scope of application

This guideline is binding for everyone who is employed in scientific activities or those supporting such activities at Kiel University. A copy of this guideline is to be given to members of full-time staff at Kiel University when they are appointed or recruited so that they are aware of its contents. Reference to these rules is to be made expressly to part-time scientific staff at the university.

§ 2

Rules of good scientific practice

- (1) These rules of good scientific practice are to be observed by everyone working and involved in science at Kiel University. They include:
 - a. the general principles of scientific work such as
 - i. state of the art work,
 - ii. complete documentation of results,
 - iii. consistent scrutiny of all results,

- iv. strict honesty with regard to the contributions by collaboration partners, co-workers and competitors (exclusion of honorary authorship)
 - v. responsibility of all authors for every part of joint scientific publications.
 - b. complying with special rules for individual specialist disciplines.
- (2) Primary data, which is used as the basis for publications, is to be kept in the relevant scientific institution (department, institute, clinic) in which it was produced for ten years on sustainable and secure data carriers, insofar as this is necessary for the purpose of verifiability.
- (3) Regardless of the responsibility of the University Board, every board of a faculty and every leader of an institution in the relevant area is responsible for appropriate organisation to ensure that
- a. the responsibilities for direction, supervision, quality assurance and conflict resolution
 - i. are clearly allocated and
 - ii. actually assumed,
 - b. the young scientists are instructed and supervised appropriately in accordance with the relevant level of education.

§ 3

Young scientists

- (1) Young scientists start working scientifically with the Bachelor's, Master's, examination and doctoral theses. In addition to technical skills, the university needs to teach them basic ethical conduct for scientific work and how to act responsibly when handling results and when working with other scientists.
- (2) Young scientists are entitled to regular scientific supervision, advice and support by their supervisors or working group leaders.
- (3) Young scientists should report about the progress of their research work on a regular basis and participate in internal seminars.

Section II: Scientific misconduct

§ 4

Scientific misconduct

Scientific misconduct occurs in particular when incorrect information is provided intentionally or negligently in a scientific context or intellectual property belonging to other people is infringed or their research work is sabotaged. The following in particular constitute scientific misconduct:

1. providing incorrect information:
 - a. inventing or forging data, or withholding data, which does not confirm or refute a hypothesis,
 - b. providing incorrect information in an application letter or an application for funding (including false information to the publishing body and publications being printed),
 - c. non-disclosure of parallel publications.

2. Intellectual property belonging to others (a work protected by copyright created by someone else) is infringed if:
 - a. this work is published or used with a pretence of authorship (plagiarism),
 - b. its content is altered fraudulently [falsification of the content]
 - c. there is a pretence of (joint) authorship without having made a constructive contribution according to section 7 and 8 UrhG by claiming (joint) authorship or by letting oneself be named as (joint) author,
 - d. contributions of co-authors are being concealed,
 - e. other people are named as (co-)authors without their consent,
 - f. other people are named as (co-)authors – with or without their consent – although not fulfilling the conditions set out in section 7 and 8 UrhG.
3. Sabotage of the research capacity of others: by harming, destroying or manipulating experimental set-ups, equipment, documentation, hardware, software, chemicals or other items, which are required to carry out an experiment.

§ 5

Co-responsibility for misconduct

Co-responsibility for misconduct within the meaning of § 4 can arise among other things from

1. active involvement in the misconduct of others,
2. knowledge of falsifications by other people,
3. co-authorship of publications with falsifications,
4. gross negligence of duty of supervision.

Section III:

Ombudsteam and Standing Committee

§ 6

Ombudsteam

- (1) Kiel University will appoint an ombudsteam consisting of one ombudswoman and one ombudsman, which members and associates of the university may consult on issues concerning good scientific practice and suspected scientific misconduct.
- (2) Experienced scientists who are members of Kiel University and have wide-ranging experience in the field of science are appointed as ombudspersons. They may not be a member of the Standing Committee and should not have any other managerial responsibilities (e.g. membership in the University Board, Dean's Office) within the university, as for the rest, reference is made to the stipulations in §§ 8 et seqq.
- (3) The University Board will suggest suitable candidates to the University Senate within the meaning of Para. 2. The University Senate will select the ombudspersons with the majority of its members in separate ballots for an office term of five years. In addition to the majority of the University Senate, the ballot also requires the majority of the professors belonging to it. Re-election is possible.
- (4) The President will appoint the people elected as ombudspersons and oblige them to comply with this guideline. Participation in workshops and events for ombudspersons will be supported.

- (5) The two ombudspersons are independent of each other in their actions. However, they must work together in the strictest confidence.
- (6) In the event that one of the ombudspersons is biased, reference will be made to the other ombudsperson or the Standing Committee.
- (7) If one ombudsperson leaves early, another ballot will be held; Paragraphs 2 to 4 apply accordingly.

§ 7

Responsibilities of the ombudsteam

- (1) The ombudsperson will advise those members and associates of Kiel University, who provide information on suspected scientific misconduct within the meaning of §§ 4 and 5 as an independent mediator or may take up relevant indications of which he/she becomes aware directly or indirectly via a third party on his/her own initiative.
- (2) He or she will verify whether the allegations are plausible with regard to tangibility and significance as well as possible motives and will clarify with the persons affected whether there are any options of excluding the allegations.
- (3) In the event of justified initial suspicions of scientific misconduct or specific suspicious facts, the ombudsperson will apply to the Standing Committee for the preliminary investigative procedure in accordance with § 13 when the person being advised gives his/her consent.
- (4) After completion of a formal investigative procedure, the ombudsperson will support the persons also affected and those who provided information in accordance with § 18.
- (5) Every member and associate of Kiel University has the right to have a personal discussion with the ombudsteam within ten days.
- (6) The names and contact data of the ombudsteam are to be published in a suitable manner.
- (7) At the end of each year, the ombudsteam reports to the University Board anonymized and in writing the number of consultations undertaken itemized according to faculties and subjects.

§ 8

Appointment of the Standing Committee

- (1) Kiel University will appoint a Standing Committee to investigate scientific misconduct. The Standing Committee will consist of the following six members:
 - Four members from the cohort of professors. Full-time professors as well as retired or emeritus professors, who have comprehensive experience in science, can be appointed. At least one member must be competent to hold judicial office.
 - Two members from the cohort of research associates. Scientists with a doctoral degree will be appointed.
- (2) Two deputies are also to be appointed from the cohort of professors, one of whom must be competent to hold judicial office
- (3) The University Board will suggest suitable candidates to the University Senate within the meaning of Para. 1 and 2. The University Senate will elect the Committee members with the majority of its members for a term of office of generally three years with the option of one-off re-election.
- (4) The President will appoint the people elected as members of the Standing Committee and oblige them to comply with this guideline.
- (5) The names and contact data of the members of the Standing Committee are to be published in a suitable manner.
- (6) The ombudspersons belong to the Standing Committee with an advisory vote.

§ 9

Responsibilities of the Standing Committee

- (1) The Standing Committee is responsible for investigating allegations of scientific misconduct, which are notified to it by a member of the ombudsteam or of which it is informed directly. The Standing Committee will undertake the preliminary investigative procedure (§ 13) and the formal investigative procedure (§ 14). The opening of the formal investigative procedure will be notified to the management of the university by the chairperson.
- (2) The Standing Committee can discontinue the procedures owing to suspicion of scientific misconduct or make proposals as to how the misconduct discovered should be sanctioned (see annex).
- (3) The Standing Committee will take action on behalf of a member of the ombudsteam or one of its members.
- (4) The Committee's procedure does not replace other statutory procedures or those governed by the statutes (e.g. regulatory procedures of the university, disciplinary procedures, procedures under employment law, criminal proceedings).

§ 10

Chairperson and procedures of the Standing Committee

- (1) The Standing Committee will elect a chairperson and a deputy chairperson from among its members. The chairperson – or if the latter is prevented from doing so the deputy – will issue invitations to meetings of the Standing Committee, chair the latter and implement its resolutions.
- (2) The Standing Committee is quorate if at least four members are present, of which two must belong to the cohort of professors. The Standing Committee will decide with a simple majority of its members. In the event of a tie, the chairperson will have the casting vote. Minutes are to be taken on the meetings of the Standing Committee, which state the main results of the meeting.
- (3) The Standing Committee can involve up to two additional people, experts from the field of the facts being assessed as well as experts dealing in relevant procedures (e.g. mediators) at its discretion with an advisory vote.
- (4) The deadlines for statements, hearings, proceedings and decisions are to be set by the Standing Committee in such a way that the procedure will be completed as quickly as possible.

Section IV:

Procedure when scientific misconduct is suspected

§ 11

Report of suspected scientific misconduct

- (1) If individual members, former members, associates or former associates of Kiel University or scientific collaboration partners of Kiel University have tangible suspicions of scientific misconduct, they may notify an ombudsperson or member of the Standing Committee. If a member of the Standing Committee is informed, he/she must notify the ombudspersons immediately.

- (2) The suspected scientific misconduct should be reported in writing, naming the incriminating facts and evidence; in the event of a verbal notification, a written note is to be taken on the suspicion and the facts and evidence on which it is based.
- (3) One of the two ombudspersons will check the allegations and attempt to rule them out as part of the inquiry which they undertake. If this is successful, he/she will inform the persons affected and those who provided the information. If the persons who provided the information are not in agreement with the decision of the ombudsperson in the inquiry, they can call on the Standing Committee.
- (4) If the ombudsperson cannot rule out the allegations, he/she may transmit the notification with regard to suspected scientific misconduct or the written note to the Standing Committee and report on his/her efforts in the inquiry.
- (5) Non-members of Kiel University must notify their suspicions of scientific misconduct against a member or associate of Kiel University via the University Board or the Dean's Office. The University Board or Dean's Office is to inform the Standing Committee immediately.
- (6) Confidentiality must be maintained to protect the persons affected and those who provided the information.

§ 12

Statement by the persons affected

- (1) The Standing Committee will give the persons affected by the suspected misconduct an opportunity to state their position naming the incriminating facts and evidence within a deadline to be set. The deadline for stating their position is generally three weeks – six weeks in the lecture-free period.
- (2) Without the express agreement of the persons providing the information, their names must not be disclosed to the persons affected during this stage of the procedure except for such cases in which the communication of names is essential for the further performance of the procedure.

§ 13

Preliminary investigation

- (1) After receipt of the statement by the person affected or after expiry of the deadline set for the latter, the Standing Committee will reach a decision within a period of four weeks - eight weeks in the lecture-free period
 - (a) on whether the preliminary investigative procedure is to be suspended with notification of the reasons to the persons affected and those who provided the information because the suspicion of scientific misconduct has been fully clarified or the scientific misconduct is not serious, or
 - (b) whether there should be a move to the formal investigative procedure for further clarification and a decision, with the reasons for this being provided in writing.
- (2) If the persons who provided the information are not in agreement with the initial suspension of the preliminary investigative procedure, they can present their objections within four weeks - eight weeks in the lecture-free period - in writing to the Standing Committee. The Standing Committee will advise and decide on the objections through the corresponding application of Paragraph 1 if applicable in accordance with § 12 Para. 1 after hearing the person affected again. The persons affected and those who provided the information are to be informed of the decision.

§ 14

Formal investigative procedure

- (1) The chairperson of the Standing Committee will initiate the formal investigative procedure by notifying the persons affected of the result of the preliminary investigation. The results of the preliminary investigation will also be notified to the person affected if it is discontinued in accordance with § 13 Para. 1a. He or she will notify the President and the Dean of the affected faculty about the initiation of the formal investigative procedure.
- (2) The Standing Committee will provide advice in a non-public verbal hearing. It must determine not only the incriminating but also the exonerating circumstances. It will verify in open consideration of the evidence whether any scientific misconduct has taken place.
- (3) The persons affected by possible misconduct, the working group affected or the institute affected are to be given an opportunity to make a statement. The persons affected are to be heard verbally on request and they can each involve someone they trust to support them. This also applies to other people who are to be heard.
- (4) The names of the persons providing the information are to be disclosed to the persons affected on application, if there is otherwise no appropriate defence possible for them or if the credibility and motives of the persons providing the information are of major importance to clarify the allegations. The persons providing the information are to be notified of the disclosure.
- (5) All those involved must work towards rapid implementation of the procedure.

§ 15

Decisions regarding the formal investigative procedure

- (1) If the Standing Committee believes that there is no proof of scientific misconduct, it will discontinue the procedure. Sentence 1 will also apply if the Standing Committee considers that the scientific misconduct is not serious. The President is to be notified of the discontinuance.
- (2) If the Standing Committee believes that there is proof of scientific misconduct, it will report on the result of its investigations in writing to the President and propose how the procedure – also with regard to maintaining the rights of others – is to be continued.
- (3) The main reasons which have led to the procedure being discontinued or to it being passed on to the President are to be notified in writing to the persons affected and those providing the information.
- (4) It is not possible to appeal against the decisions of the Standing Committee.
- (5) The files on the formal investigative procedure will be kept for 30 years.

Section V:

Possible decisions and penalties in the event of scientific misconduct

§ 16

Decision by the President

- (1) If scientific misconduct has been determined, the President will verify what measures should be taken both to maintain the scientific standard of the university as well as the rights of all those affected directly and indirectly on the basis of the final report and the recommendation of the Standing Committee.
- (2) Scientific misconduct cannot be assessed in accordance with established rules; its appropriate penalties depend on the circumstances of the individual case.

- (3) The relevant responsible bodies will initiate the measures under service, employment, civil, criminal or regulatory law with the corresponding procedures (see Annex 1) depending on the circumstances of the individual case.
- (4) The ombudsteam and the Standing Committee will be informed in writing by the University Board about the completion of the formal investigation and the measures taken.
- (5) The President will verify in agreement with the Standing Committee whether and to what extent other scientists (former or possible collaboration partners, co-authors), scientific institutions, scientific journals or publishing houses (with regard to publications), funding institutions and scientific organisations, professional associations, ministries and the general public should or need to be notified.

§ 17

Procedure in the event of a change of institution

- (1) The provisions in § 13 and § 14 apply accordingly in cases in which the person affected by a suspicion of scientific misconduct has left the university, and the institution, to which the person affected now belongs, asks the university to implement the procedure. The University Board will be replaced by the management of the institution of which the person affected is now a member.
- (2) If the person affected was also a member of another institution at the time of the suspected infringement of the rules of good scientific practice, the university will usually request this institution to carry out a preliminary investigation and if necessary a formal investigation.

§ 18

Support to persons also affected and those providing information

After completion of a formal investigative procedure, the persons, who were innocently involved in procedures of scientific misconduct, are to be protected against adverse effects with regard to their personal dignity and scientific integrity. The following can serve to protect personal and scientific integrity:

- (a) advice from the ombudsteam;
- (b) a written explanation by the chairperson of the Standing Committee that the person also affected is not accused of any scientific misconduct (§ 4) or has any joint responsibility for this (§ 5).

§ 19

Entry into force

This guideline will enter into force on the day after it is approved in the University Senate. At the same time the guideline, which was approved by the University Senate on 28.05.2002, will cease to be in force.

Kiel, 11th May 2017

Prof. Dr. Lutz Kipp
President of Kiel University