

## **Freie Universität Berlin**

### **Code of Honor**

#### **Articles on Ensuring Good Scientific Practice**

**Developed in accordance with the recommendations of the DFG**

**Commission “Self-Governance in the Sciences“ dated December 9, 1997  
and the HRK Plenum of July 6, 1998**

By virtue of Section 9, paragraph 1, sub-para. 4 and 5 (Official FU Announcement No. 24/1998), the Academic Senate has amended the following Articles, issued on June 16, 1999, on April 17, 2002: 1)

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#### **A. Code of Honor and Procedural Steps to Ensure Good Scientific Practice**

##### **General Information**

Universities devote themselves to research, teaching and the promotion of young researchers and thus are obligated to maintain a high standard. Therefore, the mechanisms employed to safeguard the quality of their work in all areas must consistently be reviewed and developed further, if necessary. These also include measures to safeguard and rule out scientific misconduct. It is one of the university's responsibilities to teach students honest and fair conduct in science. This is particularly important for disciplines whose scientific development is based on finding new and possibly economically usable information in a growing international competition.

This Code of Honor and a Code of Procedure to safeguard good scientific practice represents the binding guidelines of Freie Universität Berlin and the procedural steps to be employed in case of scientific misconduct. They are based on the recommendations made by the DFG on July 9, 1997 and the HRK Plenum on July 6, 1998. All members of the university are obligated to lead by exemplary scientific behavior. The researchers are responsible for their graduates and thus shall instruct their students on the principles of scientific work and good scientific practice. This instruction shall commence during the

introduction into scientific work. All junior scientists should be treated fairly and thus have a favorable experience as early in their scientific career as possible. The supervisors are therefore asked to be particularly careful when using data from master's theses or similar documents.

### **1. Rules of Good Scientific Practice**

1.1 Individuals involved in scientific work and all university students are obligated to adhere to the following rules or good scientific practice:

- a) Adherence to the general principles of scientific work (“lege artis”),
- b) Complete documentation of the results,
- c) Honesty with regard to contributions of cooperation partners, colleagues, competitors (ghost writing is excluded),
- d) Cooperation and leadership responsibility in work groups (e.g. regular discussions of the ongoing work; supervision of junior scientists),
- e) Safe archiving of primary data for ten years at the institution where it was generated,
- f) Responsibility of all authors for every part of joint scientific publications.

1.2. Early instruction of students, junior scientists, exam candidates, doctoral candidates through the different departments

1.3 All subjects and subject areas are asked to incorporate these rules into their study and exam guidelines.

### **2. Facts Surrounding Scientific Misconduct**

Scientific misconduct occurs if misinterpretations are intentionally or negligently made in a scientifically relevant connection, if the intellectual property of others is misused or the research activities of others are negatively influenced. The facts surrounding each particular case are examined to decide whether misconduct did occur.

2.1 Some Examples of serious scientific misconduct include:

- a) False data in publications, applications, or funding proposals
    - The forging of data;
    - The falsification of data, e.g. by
      - \* Selecting and concealing undesired results,
      - \* Manipulating a diagram or chart,
      - \* Misuse of statistical methods with the intention to interpret data in an unjustified manner,
    - Interpreting results in a biased way, and drawing unwarranted conclusions,
- 1) Approved on November 18, 2002 by the Senate Committee for Science, Research, and Culture.
  - 2) In addition to the DFG standards, the Code of Honor also includes the recommendations made by the Danish Medical Research Council (DMRC, 1992).
- b) Violation of intellectual property, e.g. by misusing proprietary works, scientific insights, hypotheses, teachings, or research approaches of others by
    - Utilization of the work of others and pretending to be the author (plagiarism),

- Exploitation of research approaches and ideas, particularly in connection with assessments (idea theft),
- Pretense of being the scientific author or co-author,
- Falsification of content,
- Reproduction of research results in a biased manner,
- Publication of as yet unpublished results without authorization or making these available to third parties,
- Claim to be the (co-)author of another party without that party's consent,
- c) Obstruction of the research activity of others
- Sabotage of the research activities (e.g. by damaging, destroying, or manipulating test series, instruments, documents, hardware, software, logs, chemicals).
- Deletion of primary data, if this violates legal provisions or principles of scientific work recognized in that particular discipline.
- d) Participation in the misconduct of others or co-authorship in falsified publications,
- e) Knowledge of falsifications made by others,
- f) Gross disregard of one's obligatory supervision duties.

2.2 Some examples of less serious scientific misconduct are:

- a) Not disclosing multiple publications in publication lists,
- b) Not mentioning prior observations made by others,
- c) Not including colleagues in spite of their contributions to a publication.

## **B. Code of Procedure for Scientific Misconduct**

### 1. Investigation Authorities

If scientific misconduct is suspected, chosen persons of trust will be the contact partners on the departmental and university level. Every member of the department and/or the university is entitled to a face-to-face meeting with the persons of trust listed in the catalog of courses within a short period of time. Only individuals who are not obligated to take appropriate steps on the basis of information they received, e.g. because they are holding a particular office or because they are superiors, should be chosen as persons of trust. In addition, the persons of trust shall conduct a preliminary investigation into the alleged misconduct. Each person of trust should have a deputy that can act in the event the person of trust is not available or prejudiced.

#### 1.1 Departmental person of trust

The faculty council shall use the dean's office's suggestions to choose an experienced scientist and a deputy from among active or retired/emeritus professors as a person of trust. Members of dean's office, the hospital board, and the president's office cannot be appointed. The persons of trust shall advise the members of the department that have informed them of suspected scientific misconduct and shall proactively follow respective suggestions.

#### 1.2 Central person of trust and fact-finding commission (formal investigation)

If there is a substantiated suspicion of culpable misconduct, the departmental person of trust shall forward the case to a commission for a formal investigation.

This commission, to be appointed by the president's office for a three year term, consists of an independent individual (central person of trust), one representative each from the humanities and social sciences, from natural sciences, and from medicine, as well as one university professor, who is authorized to exercise the functions of a judge or who has experience with extrajudicial settlements. The commission shall only become active when called upon.

The central person of trust shall be the contact partner of the departmental person of trust and is the last appeal's instance for complaints (see 2.1 d).

## 2. Investigation procedure and trans-procedural principles

The procedure for the investigation of possible culpable misconduct includes a preliminary investigation and, if necessary, a formal investigation. Both procedural steps must comply with the following principles:

- a) Both the accused and the individual must have the right to claim prejudice.
- b) The person suspected of wrongdoing must be given the opportunity to respond to the accusations during every phase of the procedure.
- c) Any information about the parties involved and any information uncovered up to that point must be held in strict confidence until culpable misconduct has been proven (official decision).
- d) The individual procedural steps should be taken within 12 weeks.
- e) The individual steps and results of individual procedural phases shall be documented in writing. This procedure does not replace any other legal or administrative procedures governed by the bylaws (e.g. procedure required by the administrative law of universities, disciplinary proceedings, proceedings pertaining to labor law and civil law, criminal proceedings). If applicable, these shall be initiated by the respectively responsible authorities; the president's office shall be informed by the parties involved of all facts pertaining to the aforementioned proceedings during all phases of the procedure in a preferential, direct, and immediate manner.

### 2.1 Preliminary investigation

- a) The department's person of trust is to be informed, if scientific misconduct is suspected. The complaint should always be made in writing; if verbal information is provided, a written memo about the suspected misconduct and any substantiating evidence should be produced. The person of trust shall initially check the allegations for plausibility and/or validity.

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- b) The person of trust shall inform the individual accused of misconduct of the incriminating facts and evidence and shall provide this individual with the opportunity to respond within two weeks. The name of the complainant is not disclosed to the accused without the complainant's consent.
- c) Upon receipt of the accused individual's response or after the expiration of the granted deadline, the person of trust shall decide within two weeks whether the proceedings should be closed, because the suspicions could not sufficiently

be substantiated or because the alleged misconduct could be ruled out with a high degree of certainty, or whether a formal investigation should be launched. This decision and the reasons for it should be communicated to the accused and the complainant.

d) If the suspicions could not sufficiently be substantiated or if misconduct could be ruled out, the person of trust shall stop the investigative proceedings. The complainant and the accused shall be informed of this decision in writing. If the complainant does not agree with the fact that the investigation proceedings were stopped, the complainant has the right to ask for a meeting with the person of trust, who shall review his/her decision once more.

If the parties cannot come to an agreement, the complainant and the accused are entitled to call upon the central person of trust as a last instance of appeal.

e) If the suspicions are confirmed, but if the misconduct is deemed to be less severe, the person of trust shall attempt to reach a settlement. If the complainant or the accused do not agree with the settlement proposal, he/she has the right to ask for a meeting with the person of trust, who shall review his/her decision once more. Also here, the central person of trust may be called upon, if the parties cannot come to an agreement.

f) If there is a substantiated suspicion of severe culpable misconduct, the departmental person of trust shall forward the case to the central person of trust, so that a formal investigation may be launched. The facts of the case must remain confidential.

## 2.2 Formal investigation

a) The formal investigation proceedings are opened by the central person of trust and carried out by the commission outlined in 1.2.

b) If needed, the commission may use experts familiar with the scientific area to be assessed as well as experts familiar with such cases, such as settlement consultants.

c) The investigation shall take place in a closed hearing. The commission shall consider the evidence and determine if scientific misconduct did occur. The accused shall be provided with an appropriate opportunity to respond to the allegations. If so requested, the accused should be heard in person, and may choose, at his/her discretion, a person of his/her trust to act as his/her counsel.

d) At this point of the proceedings, the name of the complainant must be disclosed, if the accused cannot otherwise properly defend him/herself, e.g. because the credibility and motives for the accusation of possible misconduct must be reviewed.

e) If the commission believes that misconduct could not be proven, the proceedings are stopped. If misconduct is proven, the commission shall present the findings of its investigation to the president's office and make a suggestion about how to proceed further, also with regard to preserving the rights of others. The president's office shall then make the necessary decision and take all further steps. In the case of less serious misconduct, the commission shall attempt to reach a settlement. The last sentence of Section 2 shall not be affected.

f) The accused and the complainant shall immediately be informed in writing of the main reasons that have led the commission to stop the proceedings or to forward the case to the president's office.

g) There is no internal procedure to appeal the commission's decision.

h) At the end of an investigation that was able to prove scientific misconduct, the responsible person of trust shall advise all individuals who are or were involved in the case and, through no fault of their own, were involved in actions of scientific misconduct, on how they can safeguard their personal and scientific integrity. The report about the findings of the investigation is sent to the responsible dean's office and the president's office. The last sentence of Section 2 shall not be affected.

i) The files of the formal investigation are kept for 30 years. The persons who were named within the context of scientific misconduct but who were not involved shall be entitled during this period of time to ask the person of trust to issue a statement of exoneration for them upon request.

### **3. Sanctions**

a) If scientific misconduct was confirmed, the dean's office and the president's office shall determine to what extent additional measures are required to safeguard scientific standards as well as the rights of everyone directly or indirectly involved. The last sentence of Section 2 shall not be affected.

b) If the misconduct was carried out by a student, the person of trust shall determine in a subsequent administrative university proceeding the conditions under which the student may be allowed to complete his/her studies.

c) On the departmental level, academic consequences, e.g. the removal of academic degrees or a teaching license, shall be reviewed. The dean's offices shall work together with the president's office to find out if and to what extent other scientists (former or potential cooperation partners, co-authors), scientific institutions, scientific journals and publishing houses (in the event of publications), financing institutions and scientific organizations, professional organizations, ministries, and the public should be informed.

d) Regardless of the proceedings governed by the aforementioned provisions, the president's office must be immediately informed pursuant to the last sentence of Section 2 and kept abreast of every phase of the proceedings, and, if applicable, the respective dean's offices shall initiate the necessary and related administrative civil service proceedings, in particular as they pertain to civil or criminal law.