

Please note:

This is a translation of the "Ehrenkodex – Satzung zur Sicherung guter wissenschaftlicher Praxis" of the Freie Universität Berlin from 16th June 1999, amended on 17th April 2002 (FU-Mitteilungen 29/2002), which is originally in German language. This translation shall serve for information only. In the event of disputes only the German version shall be valid.

Freie Universität Berlin
Code of Honour
Statute for Safeguarding Good Scientific
Practice

Developed according the recommendations of the
DFG-Kommission (German Research Foundation Committee)
"Professional Self Regulation in Science"
of 9th December 1997
and the
HRK-Plenum (German Rector's Conference) of 6th July 1998

On the basis of Section 9, Para. 1 No. 4 and 5 of the Teilgrundordnung (partial basic regulation) (FU-Mitteilungen No. 24/1998) the Akademische Senat (Academic Senate) issued the following statute on 16th June 1999, amended on 17th April 2002: ¹⁾

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¹⁾ Confirmed by the Senatsverwaltung für Wissenschaft, Forschung und Kultur (Senate administration for science, research and culture) on 18th November 2002.

²⁾ Amending the standards of the DFG recommendations made by the Danish medical research council (DMRC 1992) were integrated into the code of honour

A. Code of Honour and rules of procedure for safeguarding good scientific practice

General remarks

As centres of research and education, and in their function of promoting junior scientists, universities are committed to holding up high standards. Mechanisms of safeguarding the quality of their performance in all areas therefore continuously have to be verified and, if necessary, developed further. This includes having safeguarding measures in place to prevent the occurrence of scientific misconduct. The university has the duty of educating its students to be honest and fair scientists. This is of particular importance in disciplines whose scientific development is based on the production of new and potentially economically exploitable data against the backdrop of a growing international competition. The Freie Universität Berlin presents this code of honour and rules of procedure for safeguarding good scientific practice based on the recommendations of the DFG of 9th July 1997 and the HRK-Plenum of 6th July 1998, as binding guidelines and a procedure for dealing with scientific misconduct.

Every member of the university is obliged to display scientifically exemplary conduct. Due to their responsibility for their graduates, scientists are obliged to instruct their students in the principles of scientific work and good scientific practice in their studies. This already takes place when students are introduced to scientific work. Every junior scientist should have a positive experience in their scientific career of being treated in a fair way themselves. The research supervisors are therefore required to demonstrate a high level of sensitivity when using data deriving from examination papers or the like.

1. Rules of good scientific practice

- 1.1 All science professionals and the students of the university are obliged to observe the following rules of good scientific practice:
 - a) Observance of general principles of scientific work ("lege artis"),
 - b) Complete documentation of results,
 - c) Honesty with regard to the contributions of cooperation partners, colleagues and competitors (exclusion of honorary authorships),
 - d) Collaboration and leading responsibility in working groups (e.g. regular joint discussions on the current work; supervising junior scientists),
 - e) Safe storage of primary data for ten years in the institution where they were produced,
 - f) Responsibility of all authors for their contribution in jointly published scientific papers.
- 1.2 Early instruction of students, junior scientists, exam candidates, and doctoral students of the different departments
- 1.3 The subjects and departments are called upon to adhere to these rules in their study and examination regulations.

2. Acts of scientific misconduct

A case of scientific misconduct is believed to exist if false statements are knowingly or negligently made in a scientific context, the intellectual property of others is abused, or the research activities of others are impaired. Each case is to be assessed individually to decide whether a case of misconduct exists.

- 2.1 Examples of gross scientific misconduct are
 - a) False statements made in publications, application letters or grant applications
 - fabrication of data;
 - falsification of data, e.g. by
 - * selecting and withholding of undesired results,

- * manipulation of a description or illustration,
- * misusing of statistical procedures with the intention of interpreting data in an unjustified manner,
- distorted interpretation of results and unjustified conclusions,
- b) violation of intellectual property, i.e. abuse of copyrighted articles, scientific findings, hypotheses, teachings or research methods of others through
 - unauthorised use under the pretension of authorship (plagiarism),
 - exploitation of research methods and ideas, especially in the context of expert appraisals (theft of ideas),
 - presumption or unfounded acceptance of scientific authorship or co-authorship,
 - falsification of content,
 - distorted rendering of research results,
 - unauthorised publication and granting of third-party access to unpublished findings,
 - utilisation of (co-)authorship of another person without his/her consent.
- c) impairment of the research activities of other persons
 - sabotage of research activities (e.g. damaging, destroying or manipulating experimental set-ups, devices, documents, hardware, software, protocols, chemicals).
 - removal of primary data, to the extent that this violates legal provisions or principles recognised in the corresponding discipline regarding scientific work.
- d) participation in the misconduct of others or co-authorship of publications containing falsification,
- e) joint knowledge of the falsification by others,
- f) severe negligence of the duty of supervision.

2.2 Examples of minor scientific misconduct are

- a) undisclosed multiple publications in publication lists,
- b) lack of reference to previous observations made by others,
- c) non-consideration of staff member despite their contributions to a publication.

B. Rules of procedure for cases of scientific misconduct

1. Inspection bodies

In cases of suspected scientific misconduct, elected persons of trust on the departmental level and on the level of the university serve as contact persons. Each member of the department or university is entitled to have a personal discussion with the person of trust specified in the course catalogue at short notice. Only persons who are not obliged to act themselves based on the information they receive, e.g. office holders or supervisors, are entitled to be elected as persons of trust. In cases of suspected misconduct, the person of trust shall carry out the preliminary examination. A deputy shall be available to act for the person of trust in cases of absence or bias.

1.1 Person of trust in the department

Based on the dean's office proposal, the department council shall elect an experienced scientist and a deputy for the course of three years from the circle of active or retired university professors of the department as person of trust. Members of the dean's office, the board of the university hospital and the executive board are ineligible.

The persons of trust shall advise members of the department, who inform them of a suspected case of scientific misconduct, and identify relevant information.

1.2 Central person of trust and investigative commission (formal investigation)

In cases of duly justified suspicion of culpable misconduct the person of trust in the department forwards the case to a commission for formal investigation. This commission which is appointed by the executive board for a course of three years includes an independent person (central person of trust), one representative each from the departments of humanities and social sciences, natural sciences and medical science, and a professor qualified to hold the office of judge or with experience in out-of-court settlements. The commission is only active upon notification. The central person of trust is the contact person for the person of trust in the departments and the last resort for appeal for filing complaints (cf. 2.1 d).

2. Investigation procedures and cross-procedural principles

The investigation procedure concerning possible culpable misconduct includes a preliminary examination and - if necessary - a formal investigation. Both procedural levels have to comply with the following principles:

- a) Any bias of a party to the proceeding must be challengeable both by the person him or herself and by the suspected person.
- b) Those affected by the accusations must be given the opportunity to comment at any point in the proceedings.
- c) Until proof of culpable misconduct (official decision), all information regarding the parties involved in the proceedings and any previous findings must be treated with the utmost confidentiality.
- d) The individual procedural steps shall be completed within a period of 12 weeks.
- e) The procedures and results of individual procedural steps are to be recorded in writing.

This procedure shall not replace further legal proceedings or statutory procedures (e.g. regulatory procedures with regard to universities, disciplinary proceedings, proceedings under labour and civil law, criminal proceedings). These will be instigated, if necessary, by the correspondingly competent bodies; the executive board shall be given priority and be informed by the parties involved at all stages immediately and without delay about all relevant facts pertaining to the above-mentioned procedures.

2.1 Preliminary examination

- a) In case of a suspected scientific misconduct the department's person of trust is to be informed. The complaint is generally to be filed in writing. In case of verbal notification, a written note must be made of the suspicion and the supporting evidence. The person of trust shall initially verify the accusations in terms of plausibility and truthfulness.
- b) The person of trust will give the person suspected of misconduct the opportunity to comment within two weeks of being notified, indicating the incriminating facts and providing proof of evidence. The name of the person filing the complaint shall not be disclosed to the suspect without his/her consent.

- c) After receiving the written statement by the suspect or after the deadline has expired, the person of trust shall decide within a period of two weeks whether the preliminary examination procedure is to be terminated on the grounds that the suspicion could not be substantiated or an alleged misconduct can - with a high probability - be ruled out, or whether it is necessary to turn the matter into a formal investigation. The suspect and the person(s) filing the complaint must be informed about this decision in writing, stating the grounds.
- d) If the suspicion was not sufficiently substantiated or a misconduct can be ruled out, the person of trust shall end the examination procedure. The person filing the complaint and the accused person are informed about the termination in writing. If the person filing the complaint does not agree with the decision to end the examination procedure, he/she is entitled to request that the person of trust re-examine their decision within two weeks. If the disagreement prevails, the central person of trust can be called upon as a last resort for appeal by both the person filing the complaint and by the suspect.
- e) If the suspicion is confirmed, but the misconduct is only deemed minor, the person of trust shall endeavour to reach a settlement. If the person filing the complaint does not agree with the settlement proposal, then he/she has two weeks' time to request that the person of trust re-examine his/her proposal. Here, too, the central person of trust can be called upon if disagreement continues.
- f) If there is a justified suspicion of gross scientific misconduct, the department's person of trust shall forward the case to the central person of trust in order to open a formal investigation while maintaining confidentiality.

2.2 Formal investigation

- a) The formal investigation procedure is carried out by the central person of trust and by the commission in accordance with Item 1.2.
- b) If necessary, the commission is entitled to consult experts from the field of the scientific content, as well as experts experienced in dealing with such cases, including arbitration advisors, for instance.
- c) The investigation is carried out in the form of non-public verbal proceedings. The commission shall verify in a free appraisal of the evidence provided whether scientific misconduct has occurred. The accused must be given adequate opportunity to comment. Upon his/her request he/she is to be heard verbally; for this purpose, he/she can bring in a person of his/her trust as advisor.
- d) At this stage of the process the name of the person filing the complaint shall be disclosed if this is essential for the accused to defend him- or herself adequately, for example, or if his or her credibility and motives regarding the reproach of a possible misconduct can otherwise not to be verified.
- e) Should the commission judge that misconduct cannot be proven, the procedure will be closed. Should the misconduct be judged proven, the commission will present the results of its investigation to the executive board, including a proposal for further action, also taking into account the need to respect the rights of other persons and for further decisions and consideration to be taken. In a case of minor misconduct the

commission tries to find a settlement. The last sentence of Item 2 shall remain unaffected.

- f) The accused person(s) and the person(s) filing the complaint are to be informed without delay about the essential grounds leading to the closure of the procedure or the forwarding of the case to the executive board.
- g) There is no internal complaints procedure in place for objecting to the commission's decision.
- h) At the end of an investigation procedure leading to a decision regarding proven scientific misconduct, the competent person of trust shall advise all persons involved in the case who, at no fault of their own, were involved in procedures involving scientific misconduct, with regard to safeguarding their personal and scientific integrity. The report on the results of the procedure shall be forwarded to the competent dean's office and the executive board. The last sentence of Item 2 shall remain unaffected.
- i) The files of the formal investigation shall be stored for 30 years. For the duration of this period, persons mentioned in relation to but not participating in a case of scientific misconduct are entitled to claim that the person of trust issue certification of their full discharge in the matter.

3. Sanctions

- a) If scientific misconduct has been established, the dean's office and the executive board shall investigate whether further measures are needed to safeguard the scientific standards as well as the rights of all those who are directly or indirectly affected. The last sentence of Item 2 shall remain unaffected.
- b) If a student is found to be guilty of misconduct, the person of trust shall - in the event of a subsequent administrative university proceeding - examine under which conditions the student may be allowed to complete his/her degree.
- c) On the departmental level, academic consequences, e.g. the withdrawal of academic degrees or the withdrawal of the right to hold lectures, shall be reviewed. Together with the executive board, the dean's office shall examine whether and to what extent other scientists (former ones and potential cooperation partners, co-authors), scientific institutions and publishing houses (in the event of publications), foundations and scientific organisations, professional bodies, ministries and the public need to be informed of this.
- d) Independent of the procedures set out above, the executive board, which must, pursuant to the last sentence of Item 2, be informed immediately during every phase of the procedure, shall take appropriate action in relation to the respective procedure, if applicable, with the competent dean's office, based on civil service law, and in particular disciplinary, labour, civil and/or criminal law.