

Please note: This is a translation of Freie Universität Berlin's "Satzung zur Sicherung guter wissenschaftlicher Praxis (GWP-Satzung)" of November 18, 2020 (*FU-Mitteilungen* No. 42/2020). The original document is in German. This translation is provided as a convenience for information purposes only. In the event of a dispute concerning the contents of this document or other issues related to it, the German version alone is valid and legally binding.

## Statute for Safeguarding Good Scientific Practice

Developed according to the recommendations of the German Research Foundation's Commission on Professional Self-Regulation in Science of December 9, 1997, and the German Rector's Conference plenary meeting of July 6, 1998, amended in alignment with the German Research Foundation's code of conduct "Guidelines on Safeguarding Good Research Practice" of July 3, 2019.

On the basis of Section 9, Para. 1 Nos. 4 and 5 of the *Teilgrundordnung* (partial basic regulation) published in *FU-Mitteilungen* No. 24/1998, the Academic Senate issued the following statute on November 18, 2020:

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#### General remarks

This statute applies to all members of Freie Universität Berlin under the Berlin Higher Education Act (*Berliner Hochschulgesetz, BerIHG*), to all recipients of scholarships at Freie Universität Berlin, and to all emeritus professors at Freie Universität Berlin who are still actively teaching and/or researching (hereinafter all defined as "members"). Every member of Freie Universität Berlin must observe the rules of good scientific practice when conducting scientific activity.

As centers of research and education, and in their function of promoting early career researchers, universities are committed to upholding high scientific and ethical standards. Mechanisms that safeguard the quality of their performance in all areas must therefore continuously be monitored and, where necessary, improved. These mechanisms include measures to prevent the occurrence of scientific misconduct. The university has the duty of educating its members to be honest and fair researchers. This is of particular importance in disciplines where scientific development is based on the obtaining of new and potentially commercially exploitable data against a backdrop of growing international competition. Freie Universität Berlin has therefore issued this statute for safeguarding

good scientific practice based on the recommendations of the German Research Foundation's Commission on Professional Self-Regulation in Science of December 9, 1997, and the German Rector's Conference plenary meeting of July 6, 1998, amended in alignment with the German Research Foundation's code of conduct "Guidelines on Safeguarding Good Research Practice" of July 3, 2019, as a binding guideline together with a procedure for dealing with scientific misconduct.

## 1. Rules of good scientific practice

Every member of the university is obliged to adhere to the following rules of good scientific practice:

- a) To observe the general principles of academic and scientific work ("lege artis").
- b) To observe legal requirements and institutional regulations and the fulfillment of obligations arising out of contractual relationships with third parties in relation to research projects. The administrative departments of Freie Universität Berlin support scientists in complying with such obligations through providing regular and up-to-date information and advice.
- c) To establish the rights of ownership and use in relation to any research findings as soon as is practically possible and maintain written documentation of related agreements.
- d) To bring a proactive, critical approach to the ethical aspects of research that includes assessing the significance and impact of any research, including where applicable any known or potential negative consequences. The ethical codes of the relevant professional and academic associations must be observed, and where necessary, an ethics committee statement (*Ethikvotum*) and approval must be obtained. Freie Universität Berlin's Central Ethics Committee and departmental ethics committees play a central part in obtaining such approvals and in supporting researchers in this area.
- e) To assess the relevance of gender and diversity in relation to the aims, questions, methods, and workflows of any research project and ensuring that these aspects are sufficiently addressed.
- f) To assume collaborative and leadership responsibilities in working groups (e.g., through holding regular meetings on current collaborations and supervising early career researchers).
- g) To establish clearly delineated tasks for each participant in joint research projects (including both scientific and support staff involved in the project) and regularly review how tasks are divided and allocated, especially if any of the general conditions for the project change. Responsibility for this lies with the leader of the working unit/research project.
- h) To take into consideration the current state of research in the field and ensure that this is adequately acknowledged; to ensure that any existing research findings are comprehensively researched when planning and implementing research projects.
- i) To consider all relevant factors and parameters when interpreting investigative findings in order to avoid (unintentional) misinterpretations; to apply blind trial methodologies where these are considered scientifically appropriate according to the standards of the relevant field and where it is possible to do so.

j) To apply scientifically sound and comprehensible methods to all research. Where new methods are developed and used, it is especially important to ensure that quality standards are maintained and that if necessary, new standards agreed upon, in order to ensure that any findings remain useful and comparable in the future.

k) To be willing to consistently question all findings, including one's own, and to facilitate and encourage a critical discourse in the scientific community.

l) To be honest with regard to the contributions of collaborative partners, colleagues, and competitors.

m) To ensure, as far as possible, the accurate and correct designation of authorship (an author is defined here as a person who has made a genuine, documentable contribution to the content of a scientific publication in text, data, or software form). All authors must approve the final version of a work before it can be published. All named authors are responsible for jointly published scientific papers unless otherwise explicitly stated. Authors must do their best to ensure that their contributions are identified by the publisher and any other supplier directly or indirectly assisting with the publication in such a way that they can be correctly cited. Honorary authorships are not permitted.

n) Authors must select the publication and format in which they wish their contributions to appear with care, bearing in mind the quality of the publication and its visibility in the relevant subject fields. Where researchers have an editorial role, it is their duty to check the quality and seriousness of the publication.

o) To fully document all information relevant to how the research findings were obtained transparently. This means that in general, findings must also be documented that do not support the research hypothesis or are otherwise undesirable or surprising. This requirement also includes the subject-appropriate documentation of the methods used and the documentation of the quality assurance measures used in the research process.

p) To safely and securely store primary data and research outcomes, along with the materials on which they are based, including any research software if relevant, for an appropriate amount of time in the institution where they were produced or in repositories that are available to all the institutions involved in the research project.

q) As a basic principle, all research findings must be publicly accessible. This means that as far as is reasonably possible, the research data, materials, information, methods, and software (including self-programmed software) used to obtain the findings must be made available, and all workflows must be comprehensively documented. Researchers are responsible for deciding in each given case whether, when, and how research findings will be made publicly available, bearing in mind any potential negative consequences.

1.2 Students, doctoral students, and early stage researchers at Freie Universität Berlin shall be instructed in good scientific practice at the beginning of their studies and at regular intervals

thereafter. Regulations in relation to degree programs and examinations will set out the competencies and course content aimed at safeguarding good scientific practice in a transparent manner in accordance with the relevant levels of the German Qualifications Framework for Lifelong Learning (DQR). Experienced and early stage researchers shall support each other in a continual learning and improvement process, communicating regularly and participating in any training made available in this area.

## 2. Acts of scientific misconduct

A case of scientific misconduct is deemed to exist where false statements are made knowingly or through gross neglect in a scientific context, the intellectual achievements of others are plagiarized or otherwise misused, or the research activities of others are impaired. This also applies to statements made in the context of expert opinions or peer reviews or within committees appointed to assess scientific achievement. Each case is to be considered individually to determine whether a case of misconduct exists.

Examples of scientific misconduct include:

- a) False statements made in publications, application letters, or grant applications, such as
  - fabrication of data and/or other research findings;
  - falsification of data, e.g. by
    - withholding undesired results
    - manipulation of a description or illustration
    - the misuse of statistical procedures with the intention of interpreting data in an unjustified manner
    - the distorted interpretation of results and drawing unjustified conclusions;
  
- b) Violation of intellectual property, through the abuse of copyrighted works, scientific findings, hypotheses, teachings, or the research methods of others through
  - unauthorized 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 authorship or co-authorship of a scientific publication
  - falsification of content
  - distorted rendering of research results
  - unauthorized publication and granting of third-party access to unpublished findings
  - utilization of (co-)authorship of another person without their consent;
  
- c) Impairment of the research activities of other persons through
  - sabotage of research activities (e.g., damaging, destroying or manipulating experimental set-ups, equipment, documents, hardware, software, reports and protocols, chemicals, biological substances)
  - removal of primary data, to the extent that this violates legal provisions or principles regulating scientific work accepted in the relevant discipline.

d) Concealment of facts that could justify a concern of bias on the part of examiners or reviewers and/or members of a committee or board with responsibility for assessing applications, including funding applications,

e) Participation in the misconduct of others or co-authorship of publications containing falsification,

f) Joint knowledge of falsification on the part of others,

g) Listing multiple publications that are actually the same work in a list of publications and not identifying them as such,

h) Failure to refer to previous observations made by others,

i) Failure to take into consideration and mention other researchers who also contributed to a publication, or the unjustified consideration of persons who did not in fact make any substantial intellectual contribution.

### 3. Advisory and investigative bodies

#### 3.1 Ombudspersons in the departments

Elected ombudspersons at the departmental level advise the members of their department on good scientific practice. The ombudsperson advises members of the department who raise a concern of scientific misconduct and carries out preliminary inquiries where scientific misconduct may exist. Every member of Freie Universität Berlin may contact the ombudsperson for the relevant department at Freie Universität Berlin, or they may contact the national body, the “German Research Ombudsman” committee for scientific integrity in Germany.

#### 3.2 Central ombudsperson and formal investigatory commission

The central ombudsperson is the contact person for the departmental ombudspersons and the final authority in appeals in the complaints procedure (cf. 4.1.d). Once a year, the central ombudsperson invites the departmental ombudspersons to share their experiences and offer mutual advice. Formal investigations of possible acts of scientific misconduct are carried out by an investigatory commission comprising the following members:

- the central ombudsperson, who acts as chairperson to the committee
- a representative from the humanities and social sciences
- a representative from the natural sciences, including medical fields, and
- a professor qualified to hold the office of judge or with experience in out-of-court arbitration.

#### 3.3 Appointment of advisory and investigative bodies

Only individuals with significant professional experience in research may be appointed as ombudspersons or as members of the investigatory commission. Individuals may only be appointed

who are not otherwise obliged to take formal action in their official function, e.g. as required by their position at the university, in response to information they have received about potential misconduct. Members of the deans' offices and the executive board of the university may not be appointed. Appointments are for a term of five years. Re-appointment for another term following the five-year period is permissible.

The deans' offices are responsible for proposing departmental ombudspersons and their deputies to the department councils from among the active or emeritus and/or retired professors of the department. The actual appointments are then made by the department councils.

The executive board is responsible for appointing the central ombudsperson and the three other members of the investigatory commission, plus a deputy for each member, from among the active or emeritus and/or retired professors of Freie Universität Berlin.

#### 4. Investigative procedure and governing principles

The procedure for investigating possible acts of scientific misconduct includes a preliminary inquiry as outlined under Section 4.1. Following the preliminary inquiry, should a formal investigation be deemed necessary, this will be then be carried out as described in Section 4.2. Both stages of the procedure must comply with the following principles:

a) The complainant – that is, the individual who has raised a concern of scientific misconduct – must not suffer any academic or professional disadvantage as a result of their allegation, provided that it is made in good faith on the basis of objective indications of possible scientific misconduct. A concern that is knowingly or willfully raised where there are no such indications may itself be deemed to represent an act of scientific misconduct. The mere raising of a concern should not result in any academic or professional disadvantage to the person suspected of misconduct, and all inquiries must be based on the principle of innocent until proven guilty.

b) The person suspected of misconduct must be given the opportunity to state their own position at every stage of the procedure.

c) The investigation shall take place based on the principles of free appraisal of evidence and confidentiality. Both the complainant and the person suspected of misconduct must be made aware of their duty to maintain confidentiality. Should the investigation result in proof of scientific misconduct (official decision), all details regarding the parties involved in the procedure and any findings must be treated with the utmost confidentiality, both during the procedure and thereafter. The obligation of confidentiality does not apply to the necessity of informing the executive board of the university and, where necessary, other departments of the university of the outcome of the inquiry.

d) The name of the complainant may not be disclosed to the suspected person without the former's consent. If the complainant does not consent to their name being provided to the suspected person, the ombudsperson shall decide in the course of the preliminary inquiry, and the investigatory commission shall decide in the course of the formal investigation respectively, whether the

proceedings can continue and, in particular, whether the facts of the matter can be sufficiently investigated under these circumstances.

e) Where there is a concern of bias in relation to any individual entrusted with an investigative function, this person may not take part in the relevant investigation. The concern of bias may be raised by the person themselves or alternatively by the suspected person or the complainant. In the course of the preliminary inquiry, the dean's office shall assess the grounds for the concern of bias and appoint, if necessary, the affected person's deputy to carry out further investigations. During the formal investigation the investigatory commission shall examine the grounds for concern of bias, whereby any member of the commission about whom such concern has been raised shall be excluded from this part of the procedure. Should the concern relate to a subject-specific expert or person with special expertise as defined under Section 4.2.b, the investigatory commission shall examine the grounds for concern and if necessary appoint a replacement. The dean's office and/or investigatory commission must record the reasons for their decision clearly in writing.

f) All stages of the investigation shall be completed within a period of 12 weeks.

g) A written and detailed record must be kept of the procedure undertaken and each of the separate stages thereof, including the outcome of each stage.

This procedure shall not replace further legal proceedings or statutory procedures (e.g., regulatory procedures with regard to universities, disciplinary proceedings, proceedings under labor and civil law, criminal proceedings). These will be instigated, if necessary, by the proper authorities. Should further legal or statutory procedures become necessary, the executive board of the university shall be informed as a priority by the parties involved at all stages, immediately and without delay, about all relevant facts pertaining to the above-mentioned procedures.

#### 4.1 Preliminary inquiry

a) In a case of suspected scientific misconduct, the relevant department's ombudsperson 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 complaint and the supporting evidence. If a complaint is raised anonymously, a preliminary inquiry can only take place where plausible and adequate factual indications are presented that justify the concern.

b) The ombudsperson will give the person suspected of misconduct the opportunity to state their position within a two-week period, after informing them of the factual indications and any evidence therefor. The name of the complainant shall not be disclosed to the suspected person without the former's consent.

c) After receiving the statement from the suspected person, and/or following the expiry of the two-week deadline, the ombudsperson shall decide within a further two weeks whether the preliminary inquiry is to be terminated or whether a formal investigation is necessary. The proceedings should be terminated if the complaint of misconduct cannot be substantiated (see Section 4.1.d) and may also be terminated if the alleged misconduct is substantiated but is deemed to be only minor (see Section

4.1.e). The suspected person and the complainant must be informed about the decision in writing, stating the grounds.

d) If a concern of misconduct is not sufficiently substantiated and/or misconduct can be ruled out, the ombudsperson shall terminate the preliminary inquiry. The complainant and the suspected person shall be informed about the decision in writing. If the complainant does not agree with the decision, they are entitled to request within two weeks following such notification that the ombudsperson re-examine their decision. If no agreement on this point can be reached, the central ombudsperson may be called upon as the final authority in appeals by both the complainant and by the suspected person.

e) If the concern of misconduct is substantiated, but the misconduct is deemed only minor, the ombudsperson shall endeavor to arbitrate an agreement. If the complainant does not agree with the arbitration proposal, they may request a meeting with the ombudsperson and that the ombudsperson review the proposal again. This request must be made within two weeks of receiving the initial proposal. Here, too, the central ombudsperson can be called upon if no agreement can be reached. If the disagreement cannot be resolved, the ombudsperson may decide whether the procedure should nonetheless be terminated or whether it should be passed to the central ombudsperson for a formal investigation.

f) If there is a justified suspicion of scientific misconduct, the department's ombudsperson shall transfer the case to the central ombudsperson to open a formal investigation and shall inform the executive board of the university.

#### 4.2 Formal investigation

a) The formal investigation procedure is carried out by the central ombudsperson and by the investigatory commission as set out in Section 3.2.

b) If necessary, the investigatory commission is entitled to consult experts from the relevant academic field and/or experts experienced in dealing with such cases, including for example arbitration consultants.

c) The investigation shall take the form of non-public verbal proceedings. The investigatory commission shall determine whether scientific misconduct has occurred based on a free appraisal of the evidence. The suspected person must be given adequate opportunity to state their position. Upon request, they may be given a hearing to present their case orally, in which case they may be accompanied by a person of their choice to lend them support.

d) If the investigatory commission deems that no misconduct can be proven, the proceedings shall be terminated and the executive board of the university informed. If scientific misconduct is proven to have taken place, the investigatory commission shall submit their findings to the executive board with a recommendation for further action, taking into consideration the rights of third parties, as well as recommendations regarding the final decision and further consequences. Should the misconduct be deemed only minor, the investigatory commission shall attempt arbitration. The last clause in Section 4, however, still applies.



e) Both the complainant and the suspected person must be informed immediately in writing of the grounds for either terminating the procedure or for transferring it to the executive board of the university.

f) The decision of the investigatory commission is final and no further internal complaints procedure may be pursued in this regard.

g) If an investigation finds that scientific misconduct has taken place, the central ombudsperson shall subsequently advise any persons who are or were involved in the case, and/or who through no fault of their own have been affected by the misconduct directly, on how to safeguard their own personal and scientific integrity. The report on the outcome of the procedure shall be submitted to the relevant dean's office and to the executive board of the university. The last clause in Section 4, however, still applies.

h) Records of the formal investigation must be kept for 30 years. Persons named in connection with a case of scientific misconduct who were not themselves responsible for the misconduct are entitled to a written statement of their innocence from the central ombudsperson at any time during the 30-year period upon request.

## 5. Sanctions

a) The departmental ombudsperson shall inform the executive board of the university when the matter is passed to the investigatory commission under Section 4.1.f. The investigatory commission shall inform the executive board of the findings of its investigation. If a departmental ombudsperson deems scientific misconduct to have taken place, but decides to terminate the procedure, the executive board and, where applicable, the responsible dean's office shall be informed in cases where there may be a need for further measures to be taken. The executive board and, where applicable, the dean's office shall assess whether further measures must be taken to safeguard scientific standards and the rights of those who are directly or indirectly affected by the misconduct, and if so, which measures are appropriate. The last clause in Section 4, however, still applies.

b) If a student is deemed culpable of scientific misconduct, the applicable university administrative proceedings shall be instigated. In this case, the ombudsperson shall determine the appropriate measures to be taken that nevertheless allow the student to still complete their degree.

c) Possible academic consequences must be considered at the departmental level, such as the revocation of an academic degree or withdrawal of the person's authorization to teach. Especially in cases of severe scientific misconduct, the deans' offices shall consult with the executive board of the university to determine whether and to what extent other researchers (e.g., former, current, and potential partners in joint research projects, co-authors), academic institutions, academic journals and publishers (in the case of a publication), funding and scientific bodies, professional associations, government ministries, and the general public should be informed.

d) Irrespective of the procedures named above, the executive board of the university (which must, pursuant to the last clause of Section 4, be informed immediately at every stage of the procedure),

and where applicable the relevant deans' offices, shall at all phases of the investigative procedure instigate the necessary measures as required by university regulations and under civil service law, disciplinary law, labor law, and civil and/or criminal law.

#### 6. Entry into force

This statute shall enter into force on the day after its publication in the official bulletin of Freie Universität Berlin (*FU-Mitteilungen, Amtsblatt der Freien Universität Berlin*).

With its entry into force, the Code of Honor for Safeguarding Good Scientific Practice of June 16, 1999, amended on April 17, 2002 (*FU-Mitteilungen* No. 29/2002) shall lapse.