

# Official Announcements

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**Content:**

**Directive  
to Safeguard  
Sound Scientific Practice  
of the  
University of Siegen  
of  
21<sup>st</sup> December 2015**

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to Safeguard  
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of the  
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On the basis of § 2 section 4 of the Law on the Universities of North Rhine-Westphalia (Hochschulgesetz-HG) of 16 September 2014 (GV NRW p 547), the University of Siegen has issued the following directive:

## **Preamble**

Due to its legal mandate, the University of Siegen considers itself particularly committed to research, teaching and the promotion of young researchers. In all three areas, it pursues the assurance of scientific quality standards as a central task and guideline of its fellows and members, in particular integrity in thought and action, as well as scientific integrity. On the basis of this obligation and to implement its responsibility, the University of Siegen stipulates with this order a code of good scientific practice on the one hand, and on the other it specifies the procedure for dealing with allegations of scientific misconduct.

The freedom of science is protected by Article 5 of the Grundgesetz (German Basic Law). Each scientist bears the responsibility for his/her own actions, and for scientifically adequate and sufficient self-control.

## **Section I:**

### **Rules of Good Scientific Practice**

#### **§ 1**

##### **Aspects and Rules of Good Scientific Practice**

- (1) The leadership of the university, as well as each school and institution, and the leaders of working groups, are responsible for proper organization, which ensures that the tasks of direction, supervision, conflict management, and quality assurance are clearly assigned and actually performed.
- (2) Originality and quality always take precedence over quantity as performance and evaluation criteria for examinations, academic degrees, promotions, recruitments, appointments, as well as performance and burden-based resource allocation in research.
- (3) Authors of scientific publications always bear mutual responsibility for content. A so-called "honorary authorship" is unacceptable
- (4) Research results must be published within a reasonable time frame
- (5) It is assumed that the fellows and members of the university observe the rules of good scientific practice. As such, particular attention should be paid to:
  - a) work lege artis, including its ethical and legal requirements,
  - b) to document research in such a way, that the results can be verified by independent bodies, if need be,
  - c) to doubt all results consistently and to dispel or discuss any remaining doubts before publication,
  - d) strict honesty with regard to the contributions of other persons; the use of preparatory work by others is to be marked unequivocally,
  - e) preservation of confidentiality and disclosure of bias.
- (6) Primary data used as a basis for publications must be kept for ten years on durable and secure data carriers by the scientific institution in which they were created, insofar as this is necessary for the purpose of verifiability (see DFG proposals for securing good scientific practice in 2013, Recommendation No. 7).

#### **§ 2**

##### **Support of the Junior Scientific Staff**

- (1) Special attention must be given to the training and promotion of junior scientific staff. Promoting young scientists is one of the central tasks of university teachers. Postdoctoral researchers, doctoral candidates and advanced students receive appropriate scientific support. The university also designs offers for the development of interdisciplinary competencies, doctoral and career counseling, mentoring and coaching.
- (2) Anyone who heads a working group bears responsibility for providing adequate care for postdoctoral researchers, doctoral students and advanced students. For each of them, there must be at least one primary caregiver in the workgroup who also teaches her or him the basic rules for ensuring good scientific practice at the University of Siegen.

- (3) The responsible supervisor or responsible supervisors must support the completion of qualification work within a reasonable period of time.
- (4) A supervisory agreement is concluded with doctoral students, which sets out the basic requirements for supervisors and doctoral candidates resulting from the supervision relationship. The supervisory agreement should also include measures to support further career planning.
- (5) The ombudspersons (§ 5) serve as contacts for problems and conflicts within the framework of the supervision relationship, as well.
- (6) Students are taught the principles of scientific work and good scientific practice already in the introductory study courses with reference to the regulations of this order. The schools and scientific institutions are called upon to appropriately and regularly address the principles of scientific work, good scientific practice and the dangers as well as the consequences of scientific misconduct.

## **Section II:**

### **Dealing with Scientific Misconduct**

#### **§ 3**

#### **Scientific Misconduct**

- (1) Scientific misconduct occurs when, in a scientific context, deliberate or grossly negligent misstatements are made, intellectual property of others is violated or their research activities are otherwise impaired. The circumstances of the individual case are the deciding factor.
- (2) Scientific misconduct constitutes particularly:
  - a) False statements, especially:
    - the fabrication of data
    - the falsification of data, for example, by selecting and rejecting unwanted results without proper disclosure, or manipulating an illustration or figure;
    - giving incorrect information in a letter of application or a grant application (including misrepresentation of the publication organ and publications in print).
  - b) Infringement of intellectual property, in particular in relation to copyrighted works created by others or other's material scientific knowledge, hypotheses, teaching or research approaches:
    - unauthorized use under presumption of authorship (plagiarism)
    - the exploitation of research approaches and ideas, in particular as a reviewer (theft of ideas),
    - the presumption or unfounded acceptance of scientific authorship or co-authorship,
    - falsification of content,
    - unauthorized publication and unauthorized disclosure to third parties as long as the work, knowledge, hypothesis, teaching, or research approach has not yet been published.
  - c) Utilization of the (co-) authorship of another without his consent.
  - d) Sabotage of research activities (including damaging, destroying or manipulating experimental setups, equipment, documentation, hardware, software, chemicals or other items needed by another to conduct an experiment).
  - e) Elimination of primary data insofar as it violates legal or recognized disciplinary principles of scientific work.
- (3) A co-responsibility for misconduct may arise from
  - active participation in the misconduct of others,
  - knowledge of misconduct by others
  - co-authorship of counterfeit publications
  - gross negligence of the duty to supervise

#### **§ 4**

#### **Violations of the Principles of Good Scientific Practice**

- (1) The University investigates every specific suspicion of scientific misconduct of its current or former members and relatives or against them, under the condition that the work and services were rendered, or have arisen, at the University of Siegen, unless another scientific institution is responsible. It preserves the personal rights of all involved in the respective procedure. If in a specific case intentional or grossly negligent breaches of scientific standards are detected that

meet the requirements of scientific misconduct, the university will take appropriate measures against the person or persons responsible.

- (2) The disclosure of the name of the informing person is subject to the consent of the informing person, provided that the legitimate interest of the informing person in maintaining confidentiality is recognized. This also applies to parties concerned with the proceedings.
- (3) Scientists who give a specific indication of suspected scientific misconduct (so-called whistleblowers) must not suffer any disadvantages for their own scientific and professional advancement. Ombudspersons as well as all other bodies and committees that investigate the suspicion of scientific misconduct must make every effort to protect informing persons. The advice must be made in good faith. A careless handling of allegations of scientific misconduct, let alone the detection of the intention to provide incorrect allegations, can be a form of scientific misconduct.
- (4) The university publishes at an appropriate place on the internet the names and contact details of the ombudspersons as well as the members of the Commission of Inquiry.

## **§ 5**

### **Ombudspersons**

- (1) At the suggestion of the respective school, the Senate elects one professor from each of the four faculties as ombudsperson for a term of four years. The ombudspersons should have experience training young scientists and be familiar with the implementation of research projects - also in an international context. You should not hold a senior position in school or university administration. Re-election is possible.
- (2) The ombudspersons are contact persons in connection with allegations of scientific misconduct. At the same time, they form the ombudsman body (§ 6). The ombudspersons have the task of mediating between the parties, as far as possible and as long as objectively justified. The ombudsperson, who is called on a case by case basis, advises the provider of information about the particular assumed scientific misconduct and, addresses concrete clues on their own accord by picking up relevant information.
- (3) If, in the course of the mediation efforts, the allegations cannot be dispelled and there is a concrete suspicion of scientific misconduct, the ombudsperson informs the ombudsman committee and submits the procedure to the ombudsman board for decision.

## **§ 6**

### **Examination by the Ombudsman Board**

- (1) According to § 5 paragraph 1, the ombudspersons form the ombudsman board. The ombudsman board immediately checks the allegations in a preliminary investigation with regard to their specificity and significance, to possible motives and to the possibilities of their removal. The ombudsman board is under obligation to investigate the facts further in case of a concrete initial suspicion. The person or persons suspected of wrongdoing will be informed of the incriminating facts and evidence, and afforded the opportunity to comment within a reasonable period of time, determined by the ombudsman board.
- (2) After completion of the preliminary investigation, the ombudsman board then takes one of the following decisions:
  - a) The preliminary investigation will be terminated because the suspicion has not been adequately confirmed or has proven unfounded.
  - b) The preliminary investigation will be terminated because the procedure has given rise to the possibility of clearing up the allegations involving the informant and the person concerned, and there is no longer any need to intervene because of scientific misconduct.
  - c) The preliminary investigation will be discontinued due to scientific misconduct of a less severe nature; the ombudsman body may make the cessation conditional upon requirements
  - d) The procedure is referred to the investigative commission according to § 7; In this case, the documents will be forwarded to the chairperson of the commission of inquiry together with a statement.
- (3) The ombudsman's board documents allegations of scientific misconduct and the results of its preliminary investigation. In case of termination of the preliminary investigation procedure, the ombudsman board notifies the informant about its decision. The informant may, within two weeks of notification of the reasons, appeal in writing to the chairman of the commission of inquiry,

stating the reasons, against the decision to terminate the preliminary investigation. The commission decides on the objection.

- (4) The ombudsman board does not meet in public. Without prejudice to the implementation of suitable measures to clarify the facts, the members are obliged to maintain secrecy. The confidentiality obligation applies beyond the term of office. The ombudsman board may periodically inform the rectorate in anonymous form about its activities.
- (5) The disclosure of the name of the informer - even to parties to the proceedings - requires the consent of the informant, provided that a legitimate interest of the informer in maintaining confidentiality is recognizable.

## **§ 7**

### **Commission of Inquiry**

- (1) For formal clarification of allegations of scientific misconduct, the Senate sets up a commission.
- (2) This commission consists of:
  1. five professors, one of whom is a qualified judge
  2. two academic staff members
  3. one graduate student
  4. and one staff member from engineering and administration

The Faculties I – IV must be represented with at least one member each in group according to 1.

- (3) The members of the commission are elected by the Senate. In the event of bias, the commission may appoint a deputy for the biased member. Only persons who are members of the university can be selected. The term of office of the members of the body is four years, the term of office of the student member is two years. Re-election is possible.
- (4) The members of the commission shall elect the chairperson from among the members referred to in section 2 (1)
- (5) The Commission does not meet in public. Without prejudice to the implementation of suitable measures to clarify the facts, the members are obliged to maintain secrecy. The confidentiality obligation applies beyond the term of office. The commission is entitled to take all steps necessary to clarify the facts. For this purpose, it can obtain all necessary information and comments. It is entitled, according to its means, to consult legal and scientific experts (including external consultants) as well as ombudspersons for its deliberations. These experts are also bound to secrecy in the matter.
- (6) The disclosure of the name of the informer - even to parties to the proceedings – requires, without prejudice to paragraph 7, the informer's consent, provided that a legitimate interest in maintaining confidentiality is apparent.
- (7) The commission is obliged to immediately inform those who are being charged with scientific misconduct that investigations are being carried out against them. Incriminating data and, if necessary, evidence must be given to the parties concerned. The person concerned and the informing person are to be heard orally at their request; For this, they can consult a person of their confidence as support.

## **§ 8**

### **Decision of the Commission of Inquiry**

- (1) After completion of the investigation, the commission then makes one of the following decisions:
  - a) The preliminary investigation will be terminated because the suspicion has not been adequately confirmed or has proven unfounded.
  - b) The preliminary investigation will be terminated because the procedure has given rise to the possibility of clearing up the allegations involving the informant and the person concerned, and there is no longer any need to intervene because of scientific misconduct.
  - c) The preliminary investigation will be discontinued due to scientific misconduct of a less severe nature; the ombudsman board may make the cessation subject to requirements.
  - d) If the commission finds that misconduct has been proven, it establishes the case of scientific misconduct and submits the result of its investigation together with a proposal for a decision

containing the measures deemed necessary (sanctions) to the rector. In addition to employment or service law, the introduction of academic, civil or criminal consequences may also be considered here.

- (2) The main reasons which led to the termination of the procedure or to the establishment of misconduct and the forwarding to the rector are to be reported immediately in writing to the accused person as well as to the informing person. There is no internal appeal procedure against the commission's decision.

## **§ 9**

### **Cessation of the Proceedings**

- (1) If § 8 (1) (d) applies, the rector checks the proposals of the commission of inquiry for the further course of action and makes a decision on one or more measures.
- (2) The person concerned and the informing person shall be notified of the rector's decision, including the applicable reasons. The ombudsman board as well as the commission of inquiry shall also be informed. The information of other bodies and/or the publication of the decision will be determined on a case-by-case basis, if a legitimate interest exists.
- (3) The records of the formal inquiry shall be kept for 30 years

## **§ 10**

### **Coming into Effect and Publication**

- (1) These regulations come into effect on the day following their publication in the official communications of the University of Siegen. At the same time, the principles and procedural guidelines for securing good scientific practice at the University of Siegen of 2 January 2002 (Official Bulletin 2/2002) cease to be in force.
- (2) For cases of scientific misconduct that were already pending before the effective date of this order, the provisions of the principles and procedures for ensuring good scientific practice at the University of Siegen of 2 January 2002 (Official Bulletin 2/2002) continue to be applicable.

Issued on the basis of the decision of the Senate of the University of Siegen of 18 November 2015

Siegen, the 21<sup>st</sup> of December 2015

The Rector

signed

(University Professor Dr. Holger Burckhart)