Official Note
of the Hochschule Geisenheim University

Publication Number: 02/2014 Published on: 13. 03. 2014

Legal note: This English translation of the Statute of Safeguarding Good Scientific Practice and Avoiding Scientific Misconduct is provided for your convenience only and is not legally binding. In case of discrepancy the original German version: "Satzung zur Sicherung guter wissenschaftlicher Praxis und Verfahrensregeln für den Umgang mit wissenschaftlichem Fehlverhalten" shall prevail.

According to § 1 of the statute of the Hochschule Geisenheim University regulating the promulgation of statutes dated 23rd January 2013 (StAnz. 10/2013 of 04.03.2013, P. 394/395) the following statute of **Safeguarding Good Scientific Practice and Avoiding Scientific Misconduct** is published herewith.

Based on § 36 para. 1 of the Hessian Higher Education Act (*Hessisches Hochschulgesetz*) (HHG) in the version of 14th December 2009 (GVBl. I S. 666), last amended by art. 11 of the law of 27th May 2013 (GVBl. I S. 218) the Senate of the Hochschule Geisenheim University has adopted the following statute for safeguarding good scientific practice and avoiding scientific misconduct on 08.03.2013.
The President's Council of the Hochschule Geisenheim University has approved the Senate resolution in the revised version of 04.02.2014 on 13.03.2014.

Preamble

Taking into consideration the recommendations of the German Research Foundation (*Deutsche Forschungsgemeinschaft*) dated January 1998 ensuring good scientific practice and with view to

- that responsible research is a fundamental precondition for a future-oriented development of science,
- that in addition to the personal responsibility of every scientist according to § 12 para. 1 HHG, the duty of universities persists in the regularly evaluation of its tasks in particular in teaching, research, international cooperation, knowledge and technology transfer, training and management,
- that the Hochschule Geisenheim University fulfills its responsibilities, according to its commitments arising from § 3 para. 1 and 3 HHG, being a place of development of sciences as well as ensuring the right to education through research, teaching, studies and training as well as being promoter of knowledge and technology transfer,
- that the Hochschule Geisenheim University, who has an institutional responsibility of promoting young scientists according to § 4 para. 1 HHG, has to take all measures appropriate for avoiding scientific misconduct, the Senate of the Hochschule Geisenheim University decides for all scientifically working members and associates of the university the following

Principles and Rules of Procedure

§ 1 General principles

(1) Science, being a systematic and methodological process of exploring and explaining nature and culture, and bearing possible consequences for humans and their natural, technical and social livelihood, requires responsibility and reliability of all involved in research.

(2) A good scientific practice includes:

- to work *lege artis*;
- to consistently question all results oneself;
- to maintain strict honesty with regard to contributions of partners, competitors and predecessors;
- a comprehensive description of the method used (e. g. experimental setup, monitoring technique, evaluation type);
- a complete documentation of all data collected during the research process and relevant for publication;
- to store collected data for a period of 10 years;
- a verifiable presentation of research results;
- the proof of all relevant sources of information used;
- the proper naming of all employees involved in the research process.

(3) Originality and quality are always to be given priority over quantity in terms of performance and evaluation criteria for exams, awarding academic degrees, promotion, recruitment, professional appointments and allocating funds at the Hochschule Geisenheim University.

(4) Science and its progress lives and depends on the constant renewal by younger generations. Efforts for ensuring good scientific practice must be taken already during the course of studies by familiarizing students with ethical principles of science and research.

(5) The persons involved in the education of students at the Hochschule Geisenheim University are committed to familiarize the students as early as possible with the principles of scientific work and good scientific practice. Their task is to work towards honesty and liability in science and to convey sensitivity with regard to the possibility of scientific misconduct in particular also with regard to violation of literary property rights of others. This particularly applies for young academics in doctoral, postdoctoral and habilitation stadium.

(6) Young scientists are entitled to regular scientific support and advice carried out in a responsible and cooperative manner by the supervisors and the head of the institute or the head of the working group. This includes the responsibility for an adequate organization, which ensures that the tasks of leadership, conflict management and quality assurance are clearly assigned and appropriately perceived.

(7) It must be ensured that younger members of institutes and working groups are not tempted to dishonest methods despite fair competition as a consequence of excessive demands. The respective part of the total project of the involved persons should be clearly defined and specifiable.

(8) As an essential part of quality assurance, scientific papers and studies, that form the basis of a publication, must be recorded in details and stored on non-ageing and secure data carriers in the institute or the working group of their origin respectively in a follow-up working group for at least ten years. Even in research areas, for which no special legal norms stipulate a method of data backup, original data describing individual working steps and results for example must be stored on suitable data carriers and kept for 10 years. In the event of projects that include a statistical analysis of research results or evaluation of spectra, information as to the approach and the appropriate procedure to apply are to be gathered before project beginning.

(9) The loss of original data from a laboratory violates the basic rules of scientific care and

justifies the suspicion of dishonest and grossly negligent behaviour.

§ 2 Authorship

(1) A person can be named as co-author of a research paper or scientific publication, if he/she has contributed significantly to

- conceiving the issue,
- conceiving the research plan,
- carry out the research project,
- the analysis or the interpretation of the results or
- preparing the draft or to the critical revision of the manuscript with regard to content.

(2) The co-author must have consented to the publication as well as should share responsibility for its content. Mere participation in data collection and compilation, provision or procurement of funds, contribution of important analysis material, training of co-authors in certain methods, supervision of the department in which the research project has been carried out or mere reading of the manuscript without active shaping of its content does not justify a co-authorship. Such contributions can be mentioned in a footnote. A so called “honorary authorship” is incompatible with the principles of a good scientific practice.

(3) The release of a manuscript for publication must be given by all co-authors.

(4) Should unpublished observations of other persons be cited in the manuscript or findings of other institutions be used then it is – subject to other recognised professional scientific procedures – mandatory to obtain the written consent of the parties involved.

(5) If one accepts to be named as co-author, he/she assumes the responsibility that the co-authorised publication meets scientific standards.

(6) If a co-author feels passed over, he/she may contact the ombudsperson (§ 5). In addition to this, the ombudsperson can be addressed in all cases of suspected scientific misconduct (§ 3 and § 4).

§ 3 Scientific Misconduct

(1) Scientific misconduct is given when, in a scientific context, intentially or with gross negligence, scientists provide false information, violate intellectual property of others or affect their research activities otherwise. This applies mutatis mutandis to technical staff. Decisive are the individual circumstances in each case.

(2) A potentially serious case of scientific misconduct is particularly given in the following cases:

1. False information

- fabricating data
- falsifying data, for example, or by selecting and rejecting undesired results without disclosure, or by manipulating an illustration or an image; or providing incorrect information in an application letter or in an application for funding (including incorrect information regarding the publishing body and publications in press)

2. Violation of intellectual property
with respect to the copyright-protected work of another person or the important scientific findings, hypotheses, teachings or research approaches of others by:

- unauthorised use under the pretension of authorship (plagiarism),
- the exploitation of research approaches and ideas of others without indication of source,
- the use of research approaches and ideas of others, in particular as reviewer (theft of ideas),
- the pretension or unsubstantiated adoption of scientific authorship or co-authorship,
- falsifying content,
- unauthorised publication and unauthorised provision of access to third parties as long as the work, the finding, the hypothesis, the teaching or research approach has not yet been published.

3. Claiming co-authorship of another person without his/her prior consent.

4. Sabotage of research activity (including damaging, destroying or manipulating experimental designs, equipment, documents, hardware, software, chemicals or other items required by others to carry out experiments).

5. Disposal of primary data, insofar as this violates legal provisions or the mutually accepted principles of scientific practice within a discipline. As far as professional associations have also defined special subject-oriented ethic rules, these may also be implemented.

§ 4 Co-responsibility for scientific misconduct

(1) A co-responsibility for scientific misconduct may result from:

- active participation in the misconduct of others;
- knowledge of falsification carried out by others;
- co-authorship of publications proven to be falsified;
- gross negligence of supervisory responsibilities.

§ 5 Ombudsperson and his/her duties

(1) Following a proposal of the President's Council of the Hochschule Geisenheim University, the Senate appoints an experienced scientist (active in research or teaching) as ombudsperson (arbitrator) as well as a deputy as contact person for members and former members of the Hochschule Geisenheim University respective its predecessor institutions, who should put forward the allegations of scientific misconduct.

(2) The Senate appoints the ombudsperson and his/her deputy with the majority of its members in separate ballots at the beginning of the relevant summer semester for a term of three years starting from the following winter semester. Reappointment is possible.

(3) The ombudsperson is represented by his/her deputy if he/she is prevented from being present or in case of bias. Only personalities are to be appointed to ombudspersons who are not obliged to take appropriate action themselves on the basis of information they receive such as the head of a department or the leader of a working group or a supervisor.

(4) Every member of the Hochschule Geisenheim University has the right to talk personally to the ombudsperson within a short period of time.

(5) Names, addresses and office hours of the appointed ombudspersons shall be published in the notes of the Hochschule Geisenheim University and on its website.

(6) The ombudsperson advices as confidant all those who inform him/her of a suspected scientific misconduct and gather by himself/herself relevant information (possibly via third party) concerning scientific misconduct. He/she questions the allegations considering plausibility as to concreteness and relevance as well as to possible motives and with regard to possibilities for eliminating the allegations.

(7) He/she requests the preliminary examination procedure in the standing committee according to § 7 paragraph 3.

(8) He/she takes care of the involved and informing persons after the conclusion of a formal investigation according to § 11 paragraph 5.

(9) He/she is committed to document actions taken considering protection of the personal rights of informing and affected persons.

(10) He/she is committed to treat information about the involved persons and the acquired findings absolutely confidential until proven culpable misconduct.

§ 6 Appointment of the Standing Committee

(1) The Hochschule Geisenheim University appoints a Standing Committee of 5 members, which consists of three members of the group of the professors and two members of the group of the academic staff. Scientists holding a doctoral degree can be appointed. Members of the Committee are appointed for three years; reappointment is possible.

(2) The President proposes appropriate persons within the meaning of paragraph 1 to the Senate. The Senate elects with the majority of its votes the individual members of the Committee and their deputies. Re-election is possible.

(3) The ombudsperson is a member of the Standing Committee with advisory vote.

§ 7 Duties of the Standing Committee

(1) The Standing Committee is responsible for investigating allegations of scientific misconduct. For this purpose, the chair of the Standing Committee shall conduct the preliminary investigation procedure and the Standing Committee itself the formal investigation procedure.

(2) The Standing Committee may dismiss the charge of scientific misconduct or make suggestions as to the sanctions to be imposed in case of proven misconduct.

(3) The Committee shall act upon request of the ombudsperson.

§ 8 Chair and action of the Standing Committee

(1) The Standing Committee appoints a chairperson and a deputy from within its ranks. The chair – or in case he/she is prevented from being present, his/her deputy – invites the members of the Standing Committee to the meetings of which he/she takes the chair and carries out its decisions.

(2) The Standing Committee is quorate if at least three of its members or deputy members are present. The Standing Committee shall decide by simple majority. The key meeting results shall be recorded.

(3) The Committee may, in its sole discretion, call in experts on the field of the to be assessed scientific issue as well as experts in dealing with such cases as further members with advisory vote.

§ 9 Reporting suspected cases, response and preliminary investigation procedure

(1) If scientific misconduct is suspected, the ombudsperson, if necessary also a member of the Standing Committee, shall be informed immediately.

(2) The suspicion shall be reported in writing, in case of an oral report, a written note is to be made regarding the suspicion and the supporting facts and evidence.

(3) The ombudsperson forwards the allegations of scientific misconduct, while ensuring the confidentiality for the protection of complainant and affected persons, to the appointed Standing Committee for investigation.

(4) The person affected of the scientific misconduct shall be informed immediately by the Committee, stating the incriminating facts and evidences and giving him/her the opportunity to respond to the allegations. Paragraph 2 applies accordingly. The deadline for comments is two weeks. At this stage, the identity of the complainants is not revealed to the parties affected without their consent.

(5) On receipt of the statement of the person affected, respectively after the deadline has elapsed, the Committee decides within two weeks whether the preliminary investigation – after communication of the reasons to the persons affected and the complainants – shall be concluded because the suspicion has not been confirmed or rather the alleged misconduct has been completely cleared up, or whether a formal investigation shall be initiated.

(6) Should the complainants disagree with the termination of the investigation procedure, they have two weeks' time to raise objections to the Committee, which will check its decision once again.

§ 10 Formal investigation procedure

(1) The President's Council of the Hochschule Geisenheim University shall be notified by the chair of the Standing Committee of the initiation of a formal investigation procedure.

(2) Oral proceedings of the Committee are not public. The Committee shall freely evaluate the evidence and check whether scientific misconduct has occurred in compliance with the rules of absolute confidentiality until culpable misconduct has been proven. In case members of the Committee might be prejudiced, the ombudsperson determines alternates from among the appointed deputies.

(3) The persons, the working group or the institute affected by a possible misconduct shall be given an appropriate opportunity to respond conveniently to the allegations. The persons affected shall be heard on their request; for that purpose they may be assisted by a trusted person. This also applies to other persons to be heard.

(4) The identity of the complainants may be revealed if otherwise the person affected cannot defend himself/herself properly because for instance the credibility and the motives of the complainants with regard to a possible misconduct are to be examined.

§ 11 Decision of the Committee

(1) Should the Committee consider that a scientific misconduct has not been proven, the investigation procedure is concluded.

(2) Should the Committee consider that a scientific misconduct has been proven, it presents the results of its investigations in writing to the President for decision and further action. The Committee formulates a proposal for further procedure as well as with regard to the protection of the rights of others. Otherwise the investigation procedure is suspended.

(3) The affected persons and the complainants are to be notified immediately in writing of the main reasons that led to the suspension of the investigation procedure or the forwarding to the President.

(4) An internal appeals' procedure against the decision of the Committee is not possible.

(5) The ombudsperson identifies all the persons who are (were) involved in a case of scientific misconduct at the end of a formal investigation procedure. He/she advices all those, particularly junior scientists and students, who were involved in a case of scientific misconduct through no fault of their own, in matters of the protection of their personal and academic integrity.

(6) The records of the formal investigation procedure are to be stored for 30 years. The persons mentioned in connection with a case of scientific misconduct are entitled to have the ombudsperson issuing them, upon request, an official letter (for their discharge) about the duration of the retention period.

§ 12 Subsequent procedure

(1) In case a scientific misconduct has been detected, the management of the Hochschule Geisenheim University examines whether subsequent measures such as civil service and disciplinary legal consequences should be taken for ensuring scientific standards as well as the rights of all directly or indirectly affected persons.

(2) The avengement of scientific misconduct depends on the circumstances of the individual case.

(3) The institutes and working groups shall examine in cooperation with the management of the Hochschule Geisenheim University, whether and to what extent other scientists (former and current cooperation partners, co-authors), academic institutions, scientific journals and publishers (in case of a publication), conveyors and scientific organizations, professional associations, ministries and the public are to be notified.

(4) Consequences under criminal law for scientific misconduct are to be considered if it is suspected that at the same time elements of an offence in terms of the criminal code or other criminal law provisions or a misdemeanor are given.

(5) Whether and to what extent a charge is to be brought by the Hochschule Geisenheim University in such a case is to be checked dutifully by its President.

(6) The respectively responsible institutions and bodies of other institutions initiate, case dependent, the appropriate measures according to employment, civil, criminal or administrative law.

§ 13 Supplementary provisions

Notwithstanding § 5 para. 2, the tenures of the first elections begin with the determination of the election results.

§ 14 Entry into force

This amendment shall enter into force one day following its publication in the official notes of the Hochschule Geisenheim University.

Geisenheim, the 13. 03. 2014

signed
Prof. Dr. Hans Reiner Schultz
President of the Hochschule Geisenheim University

Entered into force: 14. 03. 2014