Code of Good Practice in Research and
Procedures for the Investigation of Misconduct in Research
dated 7 July 2022

[Fundstelle: https://www.uni-wuerzburg.de/amtl_veroeffentlichungen/2022-49]

The English text in this document is intended solely as a convenience to non-German-reading individuals. Any discrepancies or differences that may arise in the translation of the official German version shall not be legally binding.

Art. 25 (3) No. 1 and No. 2 *Bayerisches Hochschulgesetz* (Bavarian Higher Education Act, BayHSchG) as it appears in the publication thereof dated 23 May 2006 (*Bayerisches Gesetz- und Verordnungsblatt* (Bavarian Law and Ordinance Gazette, GVBl) p. S. 245, *Bayerische Rechtssammlung* (Collection of Bavarian Laws, BayRS) 2210-1-1-K), last amended by Section 2 of the Act of 23 December 2021 (GVBl. p. 669) forms the framework for the following

Code of Good Practice in Research and
Procedures for the Investigation of Misconduct in Research

decreed by Julius-Maximilians Universität Würzburg.

Contents

Part 1: Code of Good Practice in Research

Section 1 Applicability

(1) [1]This Code of Good Practice in Research applies to all researchers of the Julius-Maximilians-Universität Würzburg ('the University'). [2]This includes:

1. the University's academic staff,
2. students, as far as they are involved in research at the University,
3. science supporting staff, as far as they are involved in research at the University (e.g. laboratory technicians),
4. visiting researchers,
5. freelancers, as far as they are involved in research at the University,
6. fellows, scholarship holders and grantees, as far as they are involved in research carried out at the University,
7. individuals who are undertaking doctoral research or research for their *Habilitation* projects at the University, as well as
8. external researchers, as far as they participate in research advisory and decision-making bodies of the University.

(2) This Code of Good Practice in Research also applies to former researchers of the University, if allegations of misconduct in research are made against them that relate to their work at the University.

Section 2 General principles

[1]Each researcher of the University must perform his or her work in compliance with the standards of good practice in research. [2]This includes, but is not limited to, performing his or her work according to the discipline-specific professional standards (*lege artis*), observing strict honesty regarding his or her own contributions and the contributions of third parties, rigorously questioning all of his or her findings as well as permitting and encouraging a critical debate in the research community.

Section 3 Professional ethics

(1) [1]Researchers have a responsibility to perform their work in accordance with the fundamental values and norms of academic practice as well as to advocate such values and norms. [2]Education in the principles of good research begins at the earliest possible stage in academic teaching and research training. [3]At all stages of their careers, researchers stay up to date with the standards of good practice in research as well as on the current state of research.

(2) Experienced researchers and junior researchers support each other in their efforts to continue learning and advancing their professional development and maintain a regular dialogue with each other.

(3) The faculties and graduate schools have an obligation to address the standards of good practice in research in an appropriate manner during research training and to make sure that junior researchers and students are aware of the policies and procedures that are in place at the University.

Section 4 Responsibilities of the University Board

(1) [1]The University Board provides an appropriate environment for academic research. [2]This includes establishing clear written procedures and policies for the selection of new hires, the training and development of staff, the fostering of professional development for junior researchers, and the promotion of equal opportunity.

(2) [1]The University Board is responsible for ensuring compliance with, and the communication of, the principles of good practice in research as well as for ensuring that all researchers receive appropriate career support. [2]The University Board guarantees the conditions necessary to enable the University's researchers to comply with legal and ethical standards.

(3) [1]The University Board is responsible for ensuring that an appropriate organisational structure is in place at the University. [2]It ensures that the tasks of leadership, supervision, quality assurance and conflict management are clearly allocated in accordance with the size of individual research work units and that they are suitably communicated to members ('Mitglieder') and affiliate members ('Angehörige').

(4) [1]With regard to the selection of new hires and the training and development of staff, due consideration is given to gender equality and diversity. [2]The relevant processes are transparent and avoid unconscious bias as much as possible, e.g., through self-reflecting and knowledge-generating procedures.

(5) [1]Suitable structures and policies must be established for the supervision and mentoring of junior researchers. [2]Regular career advice, training opportunities and mentoring are offered to the University's academic and non-academic staff.

Section 5 Responsibilities of the heads of research work units

(1) [1]The heads of research work units (e.g., faculties, institutes, centres, chairs, teaching areas, departments, groups, teams, graduate schools, or coordinated programmes) are responsible for their entire unit with regard to compliance with the principles of good practice in research. [2]Within the scope of the organisational responsibility of the leadership, the responsibility for individual areas may be delegated to individual members of the research work unit, who then ensure compliance with the principles of good practice in research within those areas. [3]Cooperation within research work units must be organised in a way that allows the group as a whole to fulfil its tasks, that ensures the necessary collaboration and coordination, and that ensures that all members of the group are aware of their roles, rights, and duties. [4]In addition, the responsibilities of the leadership include, in particular, ensuring that junior researchers receive appropriate personal supervision and mentoring that is integrated into the overall institutional strategy as well as helping both academic and non-academic staff advance their careers.

(2) [1]The size and the organisation of the research work units must be designed to allow leadership tasks, particularly skills training, research support and supervisory duties, to be performed appropriately. [2]Section 4 (4) applies *mutatis mutandis* to the selection of new hires as well as to the training and development of staff.

(3) [1]Researchers are provided with a balance between support and autonomy that is appropriate for a person at his or her respective career stage, and with his or her level of experience. [2]They have an appropriate status with the corresponding rights of participation. [3]Through gradually increasing autonomy, they are empowered to shape their careers. [4]How much autonomy is given to a particular researcher depends on the job-related or project tasks with which he or she has been entrusted.

(4) Appropriate organisational measures must be taken, both at the level of the individual research work unit and at the leadership level of the scientific institutes of the University, to prevent the abuse of power and the taking advantage of relationships of dependence.

(5) [1]Students and graduates as well as doctoral and postdoctoral researchers must receive appropriate supervision and mentoring for their work within research groups. [2]Each of them must have a designated primary contact person in his or her research group. [3]The supervision and mentoring includes education on good practice in research on the basis, inter alia, of the relevant regulations issued by the University including, but not limited to, this Code of Good Practice in Research.

Section 6 Dimensions of performance and assessment criteria

(1) [1]Quality as a criterion for assessing performance in examinations, the awarding of degrees, promotion, recruitment, appointment and funding takes precedence over quantity. [2]Quantitative indicators may be incorporated into the overall assessment only with appropriate differentiation and reflection.

(2) [1]In addition to scholarly or scientific achievements, other aspects may be taken into consideration, e.g., involvement in teaching, academic self-governance, public relations, or knowledge and technology transfer. [2]Contributions to the general good of society may also be acknowledged. [3]Furthermore, this includes an individual's approach to research, such as an openness to new knowledge and a willingness to take epistemological risks.

(3) Appropriate allowance is made for periods of absence due to personal, family or health reasons or for prolonged training or qualification phases resulting from such periods and for alternative career paths or similar circumstances.

(4) Where provided voluntarily, individual circumstances stated in curricula vitae – as well as the categories specified in the *Allgemeines Gleichbehandlungsgesetz* (General Equal Treatment Act, AGG) – are taken into account when forming an opinion.

(5) Section 4 (4) applies *mutatis mutandis* to the selection of new hires as well as to the training and development of staff.

Section 7 Research design

(1) [1]When planning a project, researchers take into account and acknowledge fully the current state of research. [2]To identify relevant and suitable research questions, they familiarise themselves with the research that has been made available to the public already. [3]The University ensures that the necessary basic framework for this is in place.

(2) [1]Methods to avoid (unconscious) distortions in the interpretation of findings, e.g., the use of blinding in experiments, shall be used where possible. [2]Researchers examine whether and to what extent sex, gender, and other forms of diversity may be of significance to the research project (with regard to methods, the work programme, the subject matter under investigation, objectives etc.). [3]The context in which the research was conducted is taken into consideration when interpreting findings.

Section 8 Cross-phase quality assurance

(1) Researchers carry out each step of the research process according to professional standards (*lege artis*) and ensure continuous quality assurance during the research process, which includes, in particular

1. compliance with discipline-specific standards and established methods,
2. processes such as equipment calibration,
3. the collection, processing, analysis, and documentation of research data,
4. the selection and use of research software as well as software development and programming,

5. the keeping of laboratory notebooks,
6. compliance with legal requirements and professional guidelines,
7. the current state of research.

(2) [1]When research findings are made publicly available (in the form of publications or through other communication channels), the quality assurance mechanisms used are always explained. [2]The above applies, in particular, when new methods are being developed.

(3) [1]If researchers have made their findings publicly available and subsequently become aware of inconsistencies or errors in them, they make the necessary corrections. [2]If the inconsistencies or errors constitute grounds for retracting or correcting a publication, the researchers will promptly request the publisher, infrastructure provider, etc., to retract or correct the publication and make a corresponding announcement. [3]The same applies when researchers are made aware of such inconsistencies or errors by third parties.

(4) [1]The origin of the data, organisms, materials and software used in the research process is disclosed and the reuse clearly indicated. [2]In that context, the original sources are cited. [3]The nature and the scope of research data generated during the research process is described. [4]Research data is handled in accordance with the requirements of the relevant discipline. [5]The source code of publicly available software must be persistent, citable and documented.

(5) Depending on the particular discipline, it is an essential part of quality assurance that results or findings can be replicated or confirmed by other researchers (e.g., with the aid of a detailed description of materials and methods).

Section 9 Stakeholders, responsibilities and roles

(1) [1]The roles and responsibilities of the researchers participating in a research project must be clear at each stage of the project. [2]This includes the possibility to assign responsibilities for specific periods of time and/or specific matters only.

(2) [1]The participants in a research project engage in regular dialogue. [2]They define their roles and responsibilities in a suitable way and at a suitable point in time and adapt them where necessary. [3]Adaptations are likely to be needed, for example, if the focus of a participant's work changes.

(3) Decisions on the exploitation and communication to third parties of ideas and methods developed, and findings generated, jointly by the members of a research group or team are agreed among the members of that research group or team in advance.

Section 10 Legal and ethical frameworks, usage rights

(1) [1]Researchers adopt a responsible approach to the constitutionally guaranteed freedom of research. [2]They comply with rights and obligations, particularly those arising from legal requirements and contracts with third parties, seek authorization and ethical consent where necessary, and present these documents when required. [3]With regard to research projects, the potential consequences of the research should be evaluated in detail and the ethical aspects should be assessed.

(2) [1]Researchers maintain a continual awareness of the risks associated with the misuse of research results. [2]Their responsibility is not limited to compliance with legal requirements but also includes an obligation to use their knowledge, experience and skills such that risks can be recognised, assessed and evaluated. [3]They pay particular attention to the aspects associated with security-relevant research (dual use).

(3) [1]Where possible and practicable, researchers reach documented agreements on usage rights at the earliest possible point in a research project. [2]Unless otherwise regulated by law, the use of data is the particular right of the researcher who collects them. [3]During a research project, those entitled to use the data decide whether third parties should have access to them (subject to data protection regulations).

Section 11 Methods and standards

(1) [1]To answer research questions, researchers use academically sound and appropriate methods. [2]Where necessary, the specific expertise required for the application of a method shall be ensured by suitable cooperative arrangements.

(2) When developing and applying new methods, researchers attach particular importance to quality assurance and the establishment of standards.

Section 12 Documentation

(1) [1]Researchers document all information relevant to the production of a research result as clearly as is required by and is appropriate for the relevant discipline to allow the result to be reviewed and assessed. [2]This includes, in particular, recording the research data used or generated as well as information about the methodological, evaluation and analytical steps taken and, if relevant, the development of the hypothesis, ensuring that citations are clear and, as far as possible, enabling third parties to access this information. [3]Where research software is being developed, the source code is documented in an appropriate manner.

(2) [1]In general, the documentation also includes individual results that do not support the research hypothesis. [2]The selection of results is not permitted. [3]If the documentation does not satisfy these requirements, the constraints and the reasons for them are clearly explained.

(3) [1]Where discipline-specific recommendations exist for review and assessment, the documentation is created in accordance with those guidelines. [2]If the documentation does not satisfy these requirements, the constraints and the reasons for them are clearly explained.

(4) [1]The documentation and research results must not be manipulated. [2]They must be protected from manipulation as effectively as possible.

Section 13 Providing public access to research results

(1) [1]As a rule, researchers make all results available as part of scientific/academic discourse. [2]They decide autonomously – with due regard for the conventions of the relevant discipline – whether, how and where to make their results available to the public, and whether, in their particular case, there are any reasons not to make the results available to the public. [3]That decision must not depend on third parties.

(2) [1]When research results are published, they are described clearly and in full. [2]Where possible and reasonable, this includes making the research data, materials and information on which the results are based, as well as the methods and software used, available and fully explaining the work processes. [3]Software programmed by the researchers themselves is made publicly available along with the source code. [4]Researchers provide full and correct information about their own preliminary work and that of others.

(3) [1]In the interest of transparency and to enable research to be referred to and reused by others, researchers, whenever it is possible and reasonable, make the research data and principal materials on which a publication is based available in recognised archives and repositories in accordance with the FAIR principles (Findable, Accessible, Interoperable, Reusable). [2]Restrictions may apply to public availability due to the existence of conflicting personal rights or data protection regulations as well as in the case of patent applications. [3]If self-developed research software is to be made available to third parties, it is to be licenced appropriately.

(4) [1]Splitting research into inappropriately small publications must be avoided. [2]Researchers limit the repetition of content from publications of which they were (co-) authors to that which is necessary to enable the reader to understand the context. [3]They cite results of theirs that have previously been made publicly available (e.g., at conferences) unless, in exceptional cases, this is deemed unnecessary by the general conventions of the discipline. [4]Republishing an unchanged or largely unchanged contribution is only permitted if the previous publication is disclosed explicitly.

Section 14 Archiving

[1]Research data and results made publicly available as well as the central materials on which they are based, the documentation, and any research software used must be backed up and retained, by adequate means and for a period of usually ten (10) years, according to the standards of the relevant discipline if this is necessary to allow verification of the work. [2]The archiving period begins on the date when the results are made publicly available. [3]Where justifiable reasons exist for not archiving particular data, researchers must explain those reasons. [4]The University ensures that the infrastructure necessary to enable archiving is in place.

Section 15 Authorship

(1) [1]An author is an individual who has made a genuine, identifiable contribution to the content of a research publication of text, data, or software. [2]All authors agree on the final version of the work to be published. [3]Unless explicitly stated otherwise, they share responsibility for the publication.

(2) [1]What constitutes a genuine and identifiable contribution must be evaluated on a case-by-case basis and depends on the discipline in question. [2]An identifiable, genuine contribution is deemed to exist particularly in cases in which a researcher – in a research-relevant way – takes part in

1. the development and conceptual design of the research project, or
2. the gathering, collection, acquisition or provision of data, software, or sources, or
3. the analysis/evaluation or interpretation of data, sources, and conclusions drawn from them, or
4. the drafting of the manuscript.

(3) [1]Honorary authorship, where no genuine and identifiable contribution has been made, is not permitted. [2]Neither a leadership or supervisory function, nor the provision or raising of funds alone, constitutes co-authorship.

(4) As far as possible, authors seek to ensure that their contributions are identified by publishers or infrastructure providers such that they can be correctly cited by users.

(5) [1]Collaborating researchers agree on authorship of a publication. [2]The decision as to the order in which authors are named is made in good time, normally no later than when the manuscript is drafted, and in accordance with clear criteria that reflect the practices within the relevant disciplines. [3]Researchers are not permitted to refuse to give their consent to the publication of the results without sufficient grounds. [4]Refusal of consent must be justified with verifiable criticism of data, methods, or results.

(6) If a contribution is not sufficient to justify authorship, the individual's support may be properly acknowledged in footnotes, a foreword, or an acknowledgement.

(7) If researchers are named as (co-)authors of a publication without their consent and do not wish to give their consent retroactively, they are expected to expressly voice their objections to being attributed authorship of the work to the first or last named authors, or the corresponding authors (who are normally the main authors), and/or the journal or publisher in question without delay.

Section 16 Publication medium

(1) [1]Authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse. [2]Researchers who assume the role of editor carefully select for which publication medium they carry out this activity. [3]The scientific/academic quality of a contribution does not depend on the medium in which it is published. [4]In addition to publication in books and journals, authors may also consider academic repositories, data and software repositories, and blogs.

(2) [1]A new or unknown publication medium must be evaluated to assess its reputability. [2]A key criterion to selecting a publication medium is whether it has established its own guidelines on good practice in research.

Section 17 Confidentiality and neutrality of review processes and discussions

(1) [1]Researchers who evaluate submitted manuscripts, funding proposals, personal qualifications, etc., are obliged to maintain strict confidentiality with regard to that process. [2]The confidentiality of third-party material to which a reviewer or committee member gains access precludes sharing the material with third parties or making personal use of it.

(2) Researchers immediately report to the responsible body any potential or apparent conflicts of interest, bias or favouritism relating to the research project being reviewed or the person or matter being discussed, and disclose all facts that could give rise to an apprehension of bias.

(3) The duty of confidentiality and disclosure of facts that could give rise to an apprehension of bias also applies to members of research advisory and decision-making bodies.

Part 2: Circumstances constituting misconduct in research and procedures for handling suspicions of misconduct

Section 18 Misconduct in research

(1) Non-compliance with the principles of good practice in research constitutes misconduct in research if, in a research-relevant context, a researcher, deliberately or through gross negligence,

1. Makes false statements in particular by
   a) fabricating data and/or research results
   b) falsifying data and/or research results, in particular by
      i. failure to acknowledge, and/or removal of, data and/or findings generated in the course of research activities without disclosure,
      ii. manipulation of representations, illustrations, diagrams, etc.,
   c) presenting an image, and a statement corresponding to it, in an incongruous manner,
   d) false statements in letters of application or funding applications (including incorrect information provided on the publication medium or pending publications) if these relate to research,
   e) false statements about the scientific or scholarly achievements of applicants to a selection committee if these relate to research,
   f) claiming another person's (co-)authorship without his or her consent or retroactive consent even if that person has not voiced an express objection within the meaning of Section 15 (7),
   g) insufficient disclosure of sources of funding for the research or other circumstances that may compromise the independence of the research.

2. Infringes upon intellectual property rights with regard to the copyrighted work or research findings, hypotheses, teaching or research methods of others in particular by
   a) using content created by others without properly acknowledging the source (plagiarism),
   b) exploitation of research methods and ideas (intellectual theft),
   c) unauthorised making available to third parties of data, theories and findings,
   d) claiming or wrongfully accepting academic authorship or co-authorship, in particular if he or she has not made a genuine and identifiable contribution to the research content of the publication,

e) falsification of content,
f) unauthorised publication or making available to third parties of works, findings, hypotheses, teaching or research methods not yet published.

or

3. Compromises the research activities of others, in particular by
   a) sabotaging the research of others (e.g., by damaging, destroying or manipulating experiment designs, equipment, documents, hardware, software, chemicals, or other objects or materials required by others to carry out research, or through the unjustified denial of access to research infrastructure and materials),
   b) falsifying or removing, without authorisation, research data or research documents,
   c) falsifying or removing, without authorisation, records of research data,
   d) making knowingly false or malicious allegations of misconduct in research.

(2) In cases of wilful misconduct or gross negligence, misconduct in research is also deemed to have occurred when a person

1. has co-authored a publication that contains false statements or research achievements of others that have been appropriated without authorisation within the meaning of (1),

2. has neglected the supervisory duties described in Section 5 hereof if the person to be supervised has objectively committed misconduct in research within the meaning of (1) and such misconduct would have been prevented or significantly impeded if he or she had provided the necessary and reasonable supervision.

(3) In addition, misconduct in research within the meaning of (1) is deemed to have occurred when a person wilfully participates (in the form of abetting (‘Anstiftung’, Section 26 German Criminal Code) or aiding (‘Beihilfe’, Section 27 German Criminal Code)) in misconduct wilfully engaged in by others.

Section 19 Investigation of alleged or suspected misconduct in research

(1) [1]The University investigates every reasonable suspicion of misconduct in research at the University. [2]For this purpose, it appoints ombudspersons (Section 20) and a Standing Commission for the Investigation of Scientific Misconduct ('the Commission'; Section 21). [3]Should the Commission come to the conclusion that misconduct in research has occurred, the University Board determines whether actions will have to be taken to ensure compliance with the University's standards for good practice in research and protect the rights of all parties affected, either directly or indirectly, and takes such actions within the framework of the possibilities available to it. [4]When it does so, it takes into account any actions the respondent may have taken to minimise the damage caused by the misconduct.

(2) [1]The procedure before the Commission does not replace or prejudice any other legal or statutory proceedings (e.g., academic procedures, legal proceedings relating to employment or civil service, civil or criminal proceedings). [2]These are instituted by the competent bodies wherever appropriate.

Section 20 Ombudspersons

(1) [1]At the Senate's proposal, the University Board appoints experienced researchers (ombudspersons) with experience in a leadership role as well as a deputy from each of the fields of mathematics and the natural sciences, the medical sciences as well as the social sciences and humanities to act as points of contact for the members and affiliate members of the University. [2]The deputy substitutes for the ombudsperson whenever the ombudsperson is temporarily absent or there is an apprehension of bias on the part of the ombudsperson.

(2) [1]As impartial and competent points of contact, the ombudspersons provide advice to the University Board and the University's researchers on issues relating to good practice in research and when there is suspicion of misconduct in research. [2]The ombudspersons act to prevent misconduct in research, identify circumstances that raise suspicions of misconduct in research, provide advice to researchers on issues relating to good practice in research and find solutions to conflicts. [3]Members and affiliate members of the University have the right to choose between turning to a local ombudsperson and turning to the Research Ombudsman of the DFG (German Research Foundation).

(3) [1]The ombudspersons are independent and not bound by instructions in the performance of their duties. [2]In the performance of their duties, they are committed to the principle of confidentiality. [3]With regard to the apprehension of bias, the provisions of the *Bayerisches Verwaltungsverfahrensgesetz* (Bavarian Act on Administrative Proceedings, BayVwVfG) apply to them.

(4) [1]The position of an ombudsperson is incompatible with a seat on a central governing body of the University (including, but not limited to, the University Board, the Senate and the University Council) and incompatible with the position of Dean. [2]The ombudspersons are appointed for a three (3) year term and can be re-appointed once.

(5) The University ensures sufficient visibility and independence of, and support for, the work of the ombudspersons.

Section 21 The Commission

(1) [1]The Senate of the University appoints a Standing Commission for the Investigation of Scientific Misconduct ('the Commission'). [2]The Commission comprises of five (5) experienced researchers with experience in a leadership role held as their main position and shall have a balanced gender composition. [3]One (1) member of the Commission should hold the qualification for judicial office ('Befähigung zum Richteramt'). [4]The ombudspersons or, respectively, their deputies serve in an advisory capacity to the Commission.

(2) [1]Membership of the Commission is incompatible with a seat on a central governing body of the University (including, but not limited to, the University Board, the Senate and the University Council) and incompatible with the position of Dean. [2]The members of the Commission are appointed for a three (3) year term and can be re-appointed once.

(3) [1]The members of the Commission elect from their midst a chairperson and a deputy chairperson. [2]For the Commission to be a quorum, all members must have been duly summoned and a majority of members must be present and entitled to vote. [3]The Commission makes its decisions by a majority of votes of those members present; secret ballots, proxy votes, and abstention from voting is not permitted. [4]In the event of a tied vote, the chairperson has the casting vote.

(4) The Commission prepares the decision-making process of the responsible committees of the University, provides advice to the University Board and the University's researchers on issues relating to good practice in research, and in cases of suspected misconduct in research.

(5) [1]The Commission deliberates orally in closed session. [2]It evaluates the evidence at its discretion and conviction in order to determine whether misconduct in research has occurred.

(6) [1]The members of the Commission are independent and not bound by instructions in the performance of their duties. [2]With regard to the apprehension of bias, the provisions of the *Bayerisches Verwaltungsverfahrensgesetz* (Bavarian Act on Administrative Proceedings, BayVwVfG) apply to them.

Section 22 General procedural provisions

(1) [1]Suspicions of misconduct in research are dealt with in a fair and confidential manner. [2]In particular, the investigating body keeps the complainant´s name, if it knows his or her identity, confidential and does not disclose it to third parties without the complainant´s consent. [3]However, this does not apply if there is a legal obligation to disclose the complainant´s name or if the respondent cannot otherwise properly defend himself or herself because, as an exception, the case concerns the identity of the complainant. [4]The complainant is informed promptly if his or her name is to be disclosed. [5]The complainant may choose to withdraw the allegation due to the impending disclosure. [6]The complainant is protected even if the allegations of misconduct in research remain unproven unless it has been proven that the complainant has made the allegations against his or her better judgement.

(2) [1]The confidentiality of the procedure is limited if the complainant makes his or her suspicion public. [2]The investigating body decides on a case-by-case basis how it will deal with a breach of confidentiality on the part of the complainant.

(3) [1]The complainant must have justified and concrete reasons to suspect that a violation of the standards of good research practice may have occurred. [2]Making knowingly false or malicious allegations may itself constitute misconduct in research, Section 18 (1) No. 3 d. [3]If the complainant is unable to verify the facts himself or herself, or if there is uncertainty with regard to the interpretation of the code of good practice in research in relation to a particular set of circumstances, the complainant should consult the ombudspersons or the Research Ombudsperson of the DFG to clarify the suspicion. [4]Allegations made anonymously can only be investigated if the complainant provides the investigating body with solid and sufficiently concrete facts.

(4) [1]Reporting a justified suspicion of misconduct in research must not lead to disadvantages for the complainant regarding his or her own academic or professional career. [2]Particularly in the case of junior researchers, the reporting of suspicions of misconduct in research should not lead to delays in the complainant´s own qualification phase or disadvantages regarding the writing of a final, doctoral, or *Habilitation* theses. [3]The same applies to working conditions and possible contract extensions.

(5) [1]The presumption of innocence applies to its full extent. [2]The respondent should not experience any disadvantage resulting from the investigation of the allegations until such misconduct in research has been formally established. [3]The respondent is presented with the facts and evidence supporting the allegations of misconduct in research. [4]Both the respondent and the complainant must be given the opportunity to comment.

(6) [1]The Commission has the right to take all steps necessary or expedient to establish the facts and circumstances of the case. [2]For this purpose, the Commission may obtain all necessary information, opinions and representations and, in each individual case, call upon experts of the discipline in question and/or the University’s Women’s Representative, advising all parties involved of the confidential nature of the investigation.

Section 23 The ombuds procedure

(1) [1]Acting as a trusted third party, the ombudspersons provide advice to persons who report suspicion of misconduct in research to them and, on their own initiative, follow up any suspicions of misconduct in research that come to their attention or are brought to their attention by third parties. [2]Individuals against whom allegations of misconduct in research have been made also have the right to contact an ombudsperson to discuss the issue or obtain advice.

(2) [1]As a rule, any reasonable suspicion of misconduct in research is reported to an ombudsperson, or his or her deputy, without delay. [2]Said suspicions should be reported in writing. [3]If suspicion is reported orally, a written report must be prepared, identifying the nature of the suspected misconduct as well as the evidence related to the allegation.

(3) [1]The objective of the advice provided by the ombudspersons is to help resolve conflicts in an informal and impartial manner, and find a solution that is acceptable for all parties involved. [2]The ombudsperson determines the plausibility, concreteness and significance of the allegations made, and determines whether there is any way to dispel them. [3]If necessary, cases of suspected misconduct in research are forwarded to the Standing Commission for the Investigation of Scientific Misconduct ('the Commission').

(4) [1]Subject to the protection of the protectable interests of the respondent and the complainant, the ombudspersons have the right to obtain all information, opinions and representations necessary to establish the facts and circumstances of the case, and, in each individual case, call upon experts of the discipline in question. [2]Unless explicitly requested otherwise, the ombudspersons may consult with each other and with their deputies for advice.

Section 24 Preliminary investigation

(1) [1]Whenever the ombudspersons find that there are reasonable suspicions of misconduct in research, they file a request for the institution of a preliminary investigation with the Commission and forward the allegations of misconduct in research to it. [2]Whenever reasonable suspicions of misconduct in research come to the attention of the Commission – whether or not these have been reported to an ombudsperson – the Commission institutes a preliminary investigation.

(2) [1]The Commission promptly gives the respondent the opportunity to respond to the allegations, presenting him or her with the facts and evidence supporting the allegations. [2]Normally, the respondent is given two (2) weeks to respond to the allegations. The Commission may extend this period.

(3) Within a period of usually four (4) weeks after the respondent has responded to the allegations, or if the period for response has expired, the Commission makes a decision as to whether the preliminary investigation will have to be ended on the grounds that the suspicions were not confirmed sufficiently, or, respectively, the allegations can be dismissed as trivial – in each of these cases, the primary reasons for the Commission's decision are communicated both to the respondent and to the complainant – or whether the allegations will have to become part of a formal investigation.

(4) [1]Allegations may only be dismissed as trivial if the misconduct in question has been found to be minor in nature and the respondent has made a substantial contribution to the resolution of the matter. [2]In particular, the respondent is considered to have made a contribution to the resolution of the matter if he himself or she herself offers to take actions to remedy the damage caused by the misconduct or has taken such actions already.

(5) If the outcome of the preliminary investigation is that the allegations should be dismissed and the complainant does not agree with the dismissal, he or she has the right to be heard by the Commission within a period of two (2) weeks; in such a case the Commission shall re-examine its decision.

(6) If it is not appropriate to dismiss the allegations, they are taken through to a formal investigation.

(7) The decision taken at the end of the preliminary investigation is communicated to the respondent, along with the reasons for the decision, in written form, or, if the respondent has given his or her consent, in electronic form.

Section 25 Formal investigation

(1) The chairperson of the Commission notifies the University Board when a formal investigation is instituted.

(2) [1]The Commission investigates the matter of its own motion. [2]It has the discretion to bring in experts in the academic subject matter in question and/or experts in handling such cases as additional members in an advisory capacity. [3]In addition, the Commission may obtain opinions and representations from any member of the University as well as other parties involved in the matter and may summon said individuals to give oral evidence. [4]In addition, the Commission may obtain an opinion or representation from the Research Ombudsman of the DFG.

(3) [1]Upon his or her request, the respondent must be heard orally. [2]He or she has the right to have a support person present during that hearing; any and all other persons that are heard orally also have the right to have a support person present during hearings. [3]Minutes must be taken of the oral hearing.

(4) [1]Where the Commission believes that the allegations of misconduct in research remained unproven, or where the allegations can be dismissed as trivial within the meaning of Section 24 (4), the Commission may dismiss the allegations. [2]Where the Commission believes that the allegations of misconduct have been proven, it forwards the findings of its investigation to the University Board, along with a recommendation on how to proceed including a recommendation regarding the protection of third-party rights, for decision and further action. [3]What actions are recommended to the University Board depends on the circumstances of the case in question; any attempts the respondent may have made to remedy the damage caused by the misconduct as far as possible must be taken into account.

(5) [1]The responsible bodies initiate actions under employment, civil service, civil, criminal or regulatory law, and/or actions within the academic community, depending on the circumstances of the case. [2]Actions within the academic community that may be taken include, but are not limited to, the revocation of academic degrees or the revocation of the venia legendi.

(6) The primary reasons for the Commission's decision to dismiss the allegations or refer the case to the University Board must be promptly notified to the respondent, the complainant and the University Board, and those notifications must be in writing.

(7) There is no right of internal appeal against the decision taken by the Commission.

(8) [1]At the end of the formal investigation, the ombudspersons identify all individuals and research organisations that are, or were, involved in the case. [2]In this context, it is determined whether and to what extent those individuals and organisations should or must be notified. [3]The ombudspersons provide individuals and organisations, in particular junior researchers and students who became involved in research misconduct cases through no fault of their own, with advice on how to protect or restore their personal and professional reputation.

(9) The files on the formal investigation are retained for a period of thirty (30) years.

Part 3: Final provisions

Section 26 Entry into force

[1]This Code of Good Practice in Research and Procedures for the Investigation of Misconduct in Research enters into force one day after their publication. [2]They supersede the Code of Good Practice in Research and Procedures for the Investigation of Misconduct in Research dated 25 July 2000.