

**Regulations for safeguarding good scientific practice and dealing with
scientific misconduct at Friedrich-Alexander-Universität Erlangen-Nürnberg
(FAU)**

Dated 10 October 2017, last amended by statute of 9 March 2022

With reference to Section 13 (1)(2) in conjunction with Sections 6 (1)(3)(2) of the Bavarian Higher Education Act (BayHSchG), FAU passes the following regulations:

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Preamble

Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) retains a strong sense of tradition while delivering the minds and ideas of tomorrow and safeguarding academic responsibility. Within the context of its legal mandate and its perception of its own role, FAU is responsible for safeguarding good scientific practice in research and teaching, as well as when supporting young researchers, and is committed to academic integrity at the highest level. By implementing the code of conduct of the German Research Foundation (DFG) *Guidelines for Safeguarding Good Research Practice*, the Regulations for safeguarding good scientific practice and dealing with scientific misconduct at Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) respond to the need to take this responsibility and the significant role of FAU in a knowledge-oriented society into account.

The DFG code of conduct came into effect on 1 August 2019, replacing the white paper on *Safeguarding Good Scientific Practice*. It takes a multidimensional approach and comprises three levels, each of which has a different level of abstraction. The guidelines offer a high level of abstraction, the second level of the explanations have a relatively high level of abstraction and the third level will be made available online as a dynamic document on the DFG website.

The DFG code of conduct comprises 19 guidelines with explanations. These regulations set forth how they shall be implemented within the context of FAU. The content of the third level – research area specific information, case studies and frequently asked questions – will be continually developed and adapted to changing practices in research in cooperation with institutes of higher education (HEIs) and non-higher education institutions (non-HEI institutions), research organisations, the German Research Ombudsman and other stakeholders. All researchers at FAU are therefore called upon to engage with the third level.

Part I: Purpose and scope

Section 1 Purpose

¹Those involved in research at FAU are committed to academic integrity, see Section 6 (1)(3) of the Bavarian Higher Education Act (BayHSchG). ²These regulations are intended to promote good scientific practice and stipulate how scientific misconduct is to be dealt with.

Section 2 Scope

- (1) ¹These regulations shall apply to all FAU members involved in research. ²As well as research staff, this includes students and support staff involved in research. ³These regulations shall also apply to people pursuing a doctoral degree or a habilitation supervised by an FAU professor, even if they are not members of FAU.

- (2) The regulations shall also apply to former members, former doctoral candidates and former habilitation candidates at FAU if they are accused of scientific misconduct concerning their activities at FAU.

Part II:

Good scientific practice and responsibility

Section 3 General rules for good scientific practice

- (1) ¹FAU members are obliged to comply with rules of good scientific practice. ²These rules comprise in particular
1. General principles of academic work such as
 - a) working in accordance with professional standards
 - b) documenting findings
 - c) consistently questioning the integrity of all results
 - d) being strictly honest in view of all contributions from partners, competitors and predecessors as well as recognising the contribution made by others
 - e) joint responsibility of authors and exclusion of honorary authorship
 2. Abiding by special rules for individual disciplines.
- (2) ¹Good scientific practice is only possible if all members of FAU commit to it. ²Each individual scientist and academic is responsible for complying with and advocating the current standards for good scientific practice. ³Experienced researchers and young researchers support each other in a process of continuous mutual learning and ongoing training and maintain a regular dialogue.

Section 4 Duties of the Executive Board

- (1) ¹The Executive Board creates the basic framework for research. ²It is responsible for ensuring adherence to and advocating good scientific practice and for providing appropriate career support to all researchers. ³The Executive Board is supported by the faculties, the research institutions and the bodies established for monitoring scientific misconduct, the ombudsperson and the standing committee for the investigation of scientific misconduct.
- (2) The Executive Board is responsible for establishing an appropriate organisational structure that guarantees conditions enabling researchers to comply with legal and ethical standards and that ensures that tasks of leadership, supervision, quality assurance and conflict management can be allocated specifically according to the size of individual

research work units and suitably communicated to members and employees.

- (3) ¹The Executive Board shall create clear processes and principles for staff selection, for professional development and for supporting young researchers and equal opportunities and shall set these down in writing. ²Equal opportunities and diversity shall be taken into consideration when selecting personnel and deciding on professional development measures. ³The relevant processes shall be transparent and avoid unconscious bias as far as possible. ⁴Suitable supervision structures and concepts shall be established for young researchers.

Section 5 Duties of the faculties and research work units

- (1) The faculties shall ensure that standards of good scientific practice are advocated at all times in all degree programmes and when supervising doctoral candidates.
- (2) ¹Whilst faculties are responsible in the last instance, those in charge of research work units must take appropriate organisational measures to ensure that leadership, supervisory and quality control tasks, including the clarification of standards of good scientific practice within the work unit, are assigned to specific individuals and that all members are aware of their roles, rights and obligations and that these are fulfilled by those responsible. ²The head of a research work unit is responsible for the entire unit.
- (3) The leadership role includes ensuring adequate individual supervision of young researchers, integrated in the overall institutional policy, as well as career development for researchers and research support staff.
- (4) The size and the organisation of the unit are designed to allow leadership tasks, particularly skills training, research support and supervisory duties, to be performed appropriately.
- (5) ¹Researchers and research support staff benefit from a balance of support and personal responsibility appropriate to their career level. ²They are given adequate status with corresponding rights of participation. ³Through gradually increasing autonomy, they are empowered to shape their career.
- (6) ¹Suitable organisatory measures shall be introduced at both the level of the individual research work unit as well as the managerial level of research institutions to combat the abuse of power or positions of dependency. ²In cases of abuse of power pursuant to sentence 1 as well as conflicts of any other nature that stem from employment or involvement in research at FAU and that are detrimental to the working climate, the currently valid version of the FAU Guidelines for the Processes of the Commission for Research Conflict Management shall apply.

- (7) ¹Adequate supervision shall be provided to students, graduates, and doctoral candidates within the context of their work in research work units. ²Each of them shall be appointed one primary point of contact within the research work unit. ³The faculties shall ensure that the standards for good scientific practice are an integral component in the training of young researchers.
- (8) ¹Individuals with doctoral degrees, doctoral candidates, graduates and students involved in research projects are entitled to regular academic advice and support from supervisors or those in charge of research work units. ²In turn, they are obliged to work responsibly and cooperate well with colleagues. ³The numbers of those involved in the scientific project from each individual category shall be documented in accordance with standard practice in the relevant subject area.
- (9) ¹The duty to supervise young researchers includes actively encouraging them to complete work required for the qualification within a reasonable time frame. ²It is recommended that supervision agreements are concluded defining the specific conditions and the rights and duties of supervisors and doctoral or habilitation candidates.

Section 6 Dimensions of performance and assessment criteria

- (1) ¹Performance at FAU is assessed primarily on the basis of qualitative measures. ²Quantitative indicators may be incorporated into the overall assessment only with appropriate differentiation and reflection.
- (2) ¹A multidimensional approach is taken when assessing the performance of researchers at FAU. ²As well as research (RESEARCH) and training (EDUCATION), consideration is paid to aspects of organisation and management of oneself and others (PEOPLE) as well as a commitment to industry, science, society and politics (OUTREACH) and public relations. ³Consideration is also paid to the researcher's attitude towards research, such as an openness to new findings and a willingness to take risks.
- (3) If stated voluntarily, appropriate allowance is made for individual circumstances included in the researcher's CV, as well as the categories stated in the General Equal Treatment Act.

Section 7 Cross-phase quality assurance

- (1) ¹Researchers at FAU carry out each step of the research process *lege artis*. ²Continuous quality assurance during the research process includes, in particular, the following aspects:

- Compliance with subject-specific standards and established methods
 - Processes such as equipment calibration
 - The collection, processing and analysis of research data
 - The selection and use of research software, including software development and programming
 - Keeping laboratory notebooks.
- (2) ¹Whenever researchers at FAU make their findings publicly available, they shall explain the quality assurance mechanisms used with reference to their particular subject in order to ensure that results can be replicated or confirmed by other researchers. ²This shall apply in particular whenever new methods are developed.
- (3) ¹If researchers at FAU have made their findings publicly available and subsequently become aware of inconsistencies or errors in them, they shall make the necessary corrections. ²If the inconsistencies or errors constitute grounds for retracting a publication, the researchers will promptly request the publisher, infrastructure provider, etc. to correct or retract the publication and make a corresponding announcement. ³The same shall apply if researchers are made aware of such inconsistencies or errors by third parties.
- (4) ¹The origin of the data, organisms, materials and software used in the research process shall be disclosed and the reuse of data clearly indicated; original sources shall be cited. ² The nature and the scope of research data generated during the research process shall be described. ³Research data shall be handled in accordance with the requirements of the relevant subject area. ⁴The source code of publicly available software must be persistent, citable and documented.

Section 8 Stakeholders, responsibilities and roles

¹The roles and responsibilities of the researchers and research support staff participating in a research project must be clear at each stage of the project. ²Those involved in a research project shall define their roles and responsibilities in a suitable way and adapt them where necessary.

Section 9 Research design

- (1) ¹Researchers at FAU shall take into account the current state of research when planning a project, and shall adapt it in view of the usual practices in their subject. ²To identify relevant and suitable research questions, researchers shall familiarise themselves with existing research in the public domain. ³FAU shall ensure that the necessary framework for this is in place.

- (2) ¹Methods aimed at avoiding (unconscious) distortions when interpreting results shall be used, for example the use of blinding in experiments. ²Researchers at FAU shall examine whether and to what extent gender and diversity aspects may be of significance to the research project (with regard to methods, work programme, objectives, etc.). ³The aspects stipulated in sentence 2 shall be taken into consideration when interpreting findings.

Section 10 Legal and ethical frameworks, usage rights

- (1) ¹Researchers at FAU shall adopt a responsible approach to the constitutionally guaranteed freedom of research. ²They shall comply with rights and obligations, particularly those arising from legal requirements and contracts with third parties. ³They shall seek permission and ethics statements and present these when required.
- (2) ¹Researchers at FAU shall be aware at all times of risks associated with the potential misuse of research findings. ²Their responsibility is not limited to compliance with legal requirements but also includes an obligation to use their knowledge, experience and skills in order to allow risks to be recognised, assessed and evaluated. ³They shall pay particular attention to the aspects associated with security-relevant research (dual use) according to the currently valid version of the Statute for Establishing an Ethics Committee for Security-Relevant Research (Kommission für Ethik sicherheitsrelevanter Forschung – KEF) at Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU).
- (3) Where possible and practicable, researchers at FAU shall conclude documented agreements on usage rights to the results arising from the research at the earliest possible point in a research project.

Section 11 Methods and standards

¹To answer research questions, researchers at FAU shall use scientifically sound and appropriate methods in line with standard practices in their subject. ²When developing and applying new methods, they shall attach particular importance to quality assurance and the establishment of standards.

Section 12 Documentation

- (1) ¹Researchers at FAU shall document all information relevant to the production of a research result as clearly as is required by and is appropriate for the relevant subject area to allow the result to be reviewed, assessed and if applicable replicated. ²An important aspect of this is to record all research data used or generated, the methodological, evaluation and analytical steps taken, and, if relevant, the development of the hypothesis,

to ensure that citations are clear, and, as far as possible, to enable third parties to access this information. ³Where research software is developed, the source code shall be documented. ⁴As a rule, the documentation shall also include individual results that do not support the research hypothesis. ⁵Researchers shall refrain from selecting results in this context. ⁶If the documentation does not satisfy these requirements, the constraints and the reasons for them shall be clearly explained.

- (2) Where subject-specific recommendations exist for review and assessment, researchers shall create documentation in accordance with these guidelines.
- (3) Documentation and research results must not be manipulated; they shall be protected as effectively as possible against manipulation.

Section 13 Providing public access to research results

- (1) ¹As a rule, researchers at FAU shall make all results available as part of scientific/academic discourse. ² Researchers shall decide autonomously – with due regard for the conventions of the relevant subject area – whether the individual case merits deviating from this principle and choosing not to make results publicly available. ³Restrictions to making research findings publicly available apply in particular in the context of patent applications, commissioned research for third parties, on the basis of non-disclosure agreements or due to data protection concerns. ⁴In these cases, the decision as to whether or not to make research results publicly available may depend on third parties.
- (2) ¹If research results are to be made publicly available, FAU researchers shall whenever possible and following standard practice in their research field make the research data, principal materials and procedures on which a publication is based as well as the research software used available in recognised archives and repositories in the interest of transparency and to enable research to be referred to and reused by others. ²The researchers shall act in accordance with FAIR principles ('Findable, Accessible, Interoperable, Re-Usable').
- (3) ¹The source code shall be released for self-programmed research software that is to be made publicly available. ²If research software is to be made available to third parties, a suitable licence shall be provided.
- (4) The researchers shall record their own previous work and that of others clearly and comprehensively.
- (5) ¹FAU researchers shall 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.

²Researchers shall avoid splitting research over inappropriately small publications.

Section 14 Authorship

(1) ¹Only those individuals who have made a genuine, identifiable contribution to the content of a research publication of text, data or software shall be considered (co)authors. ²An identifiable, genuine contribution is deemed to exist particularly in instances in which a researcher takes part – in a research-relevant way – in

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

(2) ¹(Co)authorship cannot be claimed merely on the basis of a person's position as the current or former head of an academic working group or as a supervisor. ²Honorary authorship is not permitted. ³The following contributions are not sufficient to claim (co)authorship:

1. Purely organisational responsibility for acquiring funding
2. Providing standard material for investigation
3. Instructing staff in standard methods
4. Purely technical assistance in collecting data
5. Purely technical support, for example merely providing equipment and animals for testing
6. Merely reading over the draft publication without making a substantial contribution to the contents.

⁴If a contribution is not sufficient to justify authorship, due recognition for the support given can be included in footnotes, in the preface or in the acknowledgement.

(3) ¹Researchers shall agree who shall be the author of the research results. ²The decision as to the order in which authors are named shall be 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 subject areas. ³All authors shall agree on the final version of the publication and shall be jointly responsible for the publication unless explicitly stated otherwise. ⁴Researchers may not refuse to give their consent to publication of the results without sufficient grounds. ⁵Refusal of consent must be justified with verifiable criticism of data, methods or results.

(4) The above provisions shall apply accordingly to publishers of academic editions.

Section 15 Publication medium

¹Authors at FAU shall select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse. ²Researchers at FAU who assume the role of editor shall carefully select the publication medium for which they will carry out this activity. ³In addition to publication in books and journals, authors may also consider academic repositories, data and software repositories, and blogs. ⁴A new or unknown publication medium shall be evaluated to assess its seriousness. ⁵A key criterion to selecting a publication medium is whether it has established guidelines on good scientific practice. ⁶The scientific/academic quality of a contribution does not depend on the medium in which it is published.

Section 16 Confidentiality and neutrality of review processes

- (1) ¹Fair behaviour and scientific/academic objectivity are the basis for the legitimacy of any judgement-forming process. ²FAU researchers who evaluate submitted manuscripts, funding proposals or personal qualifications are obliged to maintain strict confidentiality with regard to this process. ³The confidentiality of third-party material to which a reviewer or committee member gains access precludes sharing the material with others or making personal use of it.
- (2) FAU researchers shall immediately disclose 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 shall disclose all facts that could indicate a potential conflict of interest.
- (3) The duty of confidentiality and disclosure of facts that could indicate a potential conflict of interest shall also apply to members of research advisory and decision-making bodies.

Section 17 Archiving, handling research data

- (1) ¹Authors shall generally archive research data on which publications are based on permanent and secure data carriers for a period of ten years at the institution where the data were produced or in cross-location repositories. The archiving period begins on the date when the results are made publicly available; in justified cases, shorter archiving periods may be appropriate. ²The Executive Board shall ensure that the infrastructure necessary to enable archiving pursuant to sentence 1 is in place. ³Where justifiable reasons exist for not archiving particular data or for only archiving data for a shorter period of time, the researchers shall document these reasons. The currently valid version of the Guidelines for handling digital research data at Friedrich-Alexander-Universität Erlangen-Nürnberg (Research Data Policy) shall apply to handling digital research data.

- (2) ¹If the author changes employer, the research data shall remain at FAU, where they were produced. ²FAU shall take precautions to ensure that research data are forwarded appropriately and access rights clarified. ³Research data shall be saved in an appropriate manner and protected from unauthorised access. ⁴Unless there are significant reasons to the contrary, such as data protection rules, authors shall be given the opportunity to create a copy of the data before leaving the department.

Part III: Scientific misconduct

Section 18 Scientific misconduct by researchers

- (1) ¹Scientific misconduct shall be deemed to have taken place if, in a context of academic importance and acting either with intent or gross negligence, researchers have made incorrect statements, have appropriated research achievements of others without authorisation or have damaged the research of third parties. ²Each case shall be assessed on the basis of the individual circumstances.

- (2) The following is a non-exhaustive list of instances of scientific misconduct:

1. Giving incorrect information by:

- a) fabricating data and/or research findings
- b) falsifying data and/or research findings, in particular
 - aa) by suppressing and/or removing data gained during the research process and/or results without disclosing them
 - bb) by manipulating an image or figure
 - cc) by selecting and rejecting undesirable research findings without disclosing that this has been done
- c) presenting the image and the text relating to it in a misleading fashion
- d) making false statements relating to scientific/academic matters in a letter of application, a funding application or within the context of reporting duties (including false statements regarding the publication medium and publications awaiting publication)
- e) claiming (co)authorship from someone else without their agreement
- f) giving inaccurate information on the academic performance of applicants in a selection or review committee
- g) failing to disclose any conflicts of interest

2. Unauthorised appropriation of the research achievements of others by

- a) taking over content from third parties without quoting sources (plagiarism)
- b) exploiting research approaches and ideas (theft of ideas)

- c) unauthorised transfer of data, theories and findings to third parties
- d) assuming or accepting without reason authorship or co-authorship, especially if no genuine, traceable contribution has been made to the scientific/academic content of the publication
- e) falsification or fabrication of content
- f) publishing and/or making contents available to third parties without authorisation before the work, the findings, the hypothesis, the teachings or the research approach has been published

3. Jeopardising the research of others, in particular by:

- a) sabotaging the research (including damaging, destroying or manipulating the design for an experiment, equipment, documentation, hardware, software, chemicals or other materials required by others to conduct the experiment)
- b) falsifying or eliminating research data or research documents without authorisation
- c) falsifying or eliminating documentation of research data without authorisation

4. Refusing to participate in or deliberately delaying efforts to clarify any instances of scientific misconduct, e.g. within the framework of ombudsman proceedings as set forth in Section 25 or a formal investigation as set forth in Section 27.

(3) ¹Anyone who shares responsibility for breaches committed by others shall also be considered to have breached standards of good scientific practice. ²Scientific misconduct shall be deemed to have taken place, provided the researcher acted with intent or gross negligence, in the following instances:

- 1. Coauthorship of a publication containing false statements or research achievements appropriated without authorisation as detailed in paragraph 1
- 2. Neglecting supervision duties if another researcher has objectively met the requirements for scientific misconduct as set forth in paragraph 1 and this could have been prevented or greatly hindered if the supervisor had acted in accordance with their reasonable supervision duties.

(4) Scientific misconduct shall also be considered to have taken place if researchers aid or abet others to wilfully breach standards of good scientific practice.

Section 19 Scientific misconduct in review procedures

(1) Reviewers shall be considered to have committed scientific misconduct if they, either wilfully or with intent,

- 1. Use data, theories or findings they have learnt of during a review procedure for

their own scientific/academic purposes without authorisation

2. Transfer applications or data, theories or findings contained therein to third parties within the context of their activities as a reviewer without authorisation, thereby compromising the confidentiality of the review procedure
 3. Transfer confidential written and/or verbal content obtained from FAU committees during the review procedure to third parties
 4. Fail to disclose facts or circumstances that may be considered to constitute a potential conflict of interest during the review procedure.
- (2) Reviewers shall also be considered to have committed scientific misconduct if during the review procedure they fail to disclose facts indicating that another person is guilty of scientific misconduct in order to gain a benefit either for themselves or others.

Part IV

Quality management and internal monitoring

Section 20 Internal University bodies for monitoring scientific misconduct

- (1) In order to investigate claims of scientific misconduct, FAU shall appoint the following internal University bodies for monitoring scientific misconduct:
1. Ombudsperson (and deputy)
 2. Standing committee for the investigation of scientific misconduct
- (2) ¹The ombudsperson and the committee shall prepare the findings submitted by the responsible committees of the University and advise the Executive Board of the University and FAU researchers in questions relating to the safeguarding of good academic practice. ²The ombudsperson, their deputy and the members of the committee shall carry out their duties independently and are not bound by instructions.
- (3) ¹A Vice President or a Dean may not accept the office of ombudsperson or be appointed a member of the committee. ²Members of the central steering committee of their organisational unit may not be appointed as an ombudsperson.

Section 21 Ombudsperson

- (1) ¹The ombudsperson and their deputy shall be active professors and shall be appointed by the Senate for a period of five years at the suggestion of the President. ²They may be reappointed for one further term of office.

- (2) The names of the ombudsperson and their deputy shall be published on the FAU website after appointment.
- (3) The Executive Board shall guarantee that the ombudsperson and their deputy shall receive the full assistance and acceptance of all organisational units at FAU whilst carrying out their duties.

Section 22 Committee for the investigation of scientific misconduct

- (1) The standing committee for the investigation of scientific misconduct shall consist of three professors with significant research experience and one deputy for each member.
- (2) ¹The members of the committee and their deputies shall be appointed by the Senate for a period of three years at the suggestion of the President. ²They may be reappointed for one further term of office.
- (3) ¹The committee shall appoint one of their members to the position of chairperson. ²The chairperson shall be elected on an annual basis. ³They may be reappointed for one further term of office.
- (4) The ombudsperson and their deputy shall have an advisory role in the committee.
- (5) ¹The members of the committee together with the ombudsperson and their deputy are intended to represent the faculties of FAU. ²One of the members of the committee, the ombudsperson, or their deputy should be entitled to exercise the office of a judge.

Part V

Procedure in event of suspected scientific misconduct

Section 23 Duty of clarification

- (1) FAU shall investigate all instances when there are specific grounds to suspect scientific misconduct, no matter the standing of the person involved.
- (2) ¹The relevant examining committees of the faculties shall be solely responsible for investigating misconduct relating to course or examination achievements that count towards degree programmes or other courses of study pursuant to Section 56 (6) BayHSchG. ²The currently valid version of the general doctoral regulations of Friedrich-Alexander-Universität Erlangen-Nürnberg and the relevant faculty doctoral regulations

shall apply with respect to investigating scientific misconduct before researchers have completed their doctoral procedure.

- (3) If an investigation confirms that scientific misconduct has taken place, measures appropriate for the individual case shall be taken in accordance with available legal remedies (see Appendix: Possible consequences of scientific misconduct).

Section 24 Procedural principles

- (1) ¹All bodies investigating potential scientific misconduct shall take appropriate action to protect both the complainant and the respondent. ²The respondent should not experience any disadvantage resulting from the investigation of the allegation until such time as scientific misconduct has been formally established. ³The presumption of innocence shall apply. ⁴In order to protect the persons reporting the suspected misconduct, those affected by the allegations and the reviewers responsible for investigating the case, all proceedings concerning suspected scientific misconduct at FAU shall be conducted in utmost confidentiality. All affected parties shall continue to maintain strict confidentiality concerning the matter even after the case has been closed, subject to statutory rights to inspect files or other legal disclosure obligations. ⁵Notwithstanding the above, if there is good reason to suspect scientific misconduct has been committed, it may be reported to the President and the relevant committees at FAU in order to avoid any damage to FAU. ⁶The confidentiality of the process shall be limited if the complainant makes their suspicion public.
- (2) ¹The disclosure of a specific reason to suspect scientific misconduct shall not disadvantage the research or professional career prospects of the complainant; this shall also apply in the event that the scientific misconduct is not confirmed. ²Particularly in the case of young researchers, the disclosure should not lead to delays in the complainant's own qualification phase and no disadvantage should arise with respect to working conditions. ³The affected academic institution is responsible for ensuring that this is the case. ⁴The information disclosed by the complainant must be provided in good faith. ⁵Knowingly false or malicious allegations may themselves constitute misconduct.
- (3) ¹If the complainant is known by name, the body responsible for the investigation shall treat the name with confidentiality and shall not disclose it to third parties without the complainant's consent. ²This shall not apply only if there are statutory provisions to the contrary or if the respondent(s) will not be able to defend themselves appropriately if the name is not disclosed.
- (4) The formal investigation pursuant to Section 27 shall be governed by the provisions of the Bavarian Administrative Procedures Act (BayVwVfG) and Section 30 of the University Constitution, unless stipulated otherwise in these regulations.

- (5) The provisions of the Bavarian Administrative Procedures Act governing possible partiality shall apply to the ombudsperson and their deputy and the members of the committee for the investigation of academic misconduct.

Section 25 Ombudsman proceedings

- (1) ¹The ombudsman proceedings are aimed at settling disputes through talks informally and objectively. ²The ombudsperson shall advise those who report a specific instance of suspected scientific misconduct in confidence and follow up on specific leads brought to their attention, possibly by third parties. ³Alternatively, complainants can turn to the German Research Ombudsman from the DFG.
- (2) In the first instance, the ombudsperson shall check whether it is plausible that any allegations of scientific misconduct supported by sufficient evidence are accurate, specific and significant, as well as looking into any reasons the person reporting the scientific misconduct may have to report the misconduct other than purely scientific reasons.
- (3) Whilst protecting the interests of the affected parties, the ombudsperson shall be entitled to gather all information and statements required in order to clarify the issue and to approach experts from the relevant subject area if so required in any individual case.
- (4) ¹After checking all information and statements submitted, the ombudsperson may give their recommendation for resolving the conflict. ²This shall be put in writing as a written agreement including a deadline for implementation. ³This shall also apply if initial inquiries uncover a suspected incident of scientific misconduct as defined in Sections 18 and 19 of these regulations which can be resolved by a recommendation given by the ombudsperson. ⁴In the event that the agreement is not implemented and in all other instances when there is due reason to suspect scientific misconduct, the ombudsperson shall call on the standing committee for the investigation of scientific misconduct to take action.

Section 26 Initial investigation

- (1) If the ombudsperson determines that there are reasonable grounds to suspect scientific misconduct, an initial investigation shall be launched by the committee upon request.
- (2) ¹The committee shall give the person accused of scientific misconduct and the complainant the opportunity to submit a written statement. ²The statement shall be submitted within a period of two weeks. The deadline may be extended if necessary. ³The complainant's name shall not be disclosed to the respondent at this stage in the investigation without the complainant's consent.

- (3) ¹After receiving the statements from the respondent and the complainant or after the deadline has expired, the committee shall come to a decision within a period of four weeks about whether the preliminary investigation should be closed as there are no specific grounds to suspect scientific misconduct or if allegations of scientific misconduct prove to have been entirely unfounded. ²If the failure to comply with good scientific practice was unintentional, a written reprimand may be issued and the preliminary investigation closed. ³A formal investigation shall be initiated in all other instances where there is specific reason to suspect scientific misconduct. ⁴The respondent, the complainant and the President shall be informed in writing of the decision and the reasons for it. ⁵The President shall only be given details of the case at this stage in the event that Section 24 (1)(5) applies.

Section 27 Formal investigation

- (1) ¹The researcher accused of scientific misconduct shall be given another opportunity to state their version of the facts in an appropriate manner once the formal investigation has been started. ²The statement shall be submitted within a period of four weeks. The deadline may be extended once if necessary. ³The researcher accused of scientific misconduct shall be given the opportunity to have an oral hearing, if so requested. ⁴They shall be entitled to seek assistance from a person they trust. ⁵The committee may prevent anyone accused of scientific misconduct from providing assistance.
- (2) ¹The committee shall conduct an oral hearing not open to the public. ²It shall freely appraise all evidence to determine whether or not scientific misconduct has been committed. ³It may extend the ongoing formal investigation if further allegations of scientific misconduct are raised against the academic in question. ⁴The committee may at its own discretion consult reviewers specialising in the subject area which is to be investigated and/or experts in dealing with cases of scientific misconduct, either including them in the committee in an advisory capacity or asking them to share their expert knowledge. ⁵In addition, the committee may invite a research associate who holds a doctoral degree and has experience in research to attend their consultations.
- (3) ¹The committee shall come to a decision within a period of six months after the formal investigation is launched. ²If the committee believes that scientific misconduct has indeed taken place, they shall submit the draft report to the affected person and shall give them the opportunity to submit a written statement within a period of four weeks. ³If new facts are submitted which are of considerable relevance to the decision, the committee shall examine those parts of the report which are affected.
- (4) ¹If the committee does not believe that there is proof of scientific misconduct, the case shall be closed. ²The decision to close the case may not be appealed. ³The President shall be informed in writing of the decision to close the case.
- (5) ¹If the committee believes that scientific misconduct has been proven, it shall submit a

report to the President stating the essential reasons and recommending how to proceed. ²The President shall examine the recommendations made by the committee, submit the case to the relevant university committees or institutions and shall take steps to ensure that the appropriate measures are taken (see Appendix: Possible consequences of scientific misconduct). ³The Executive Board of the University shall decide whether all or part of the report and recommendations should be published.

- (6) The committee shall inform the respondent(s) and the complainant(s) of the essence of the decision pursuant to paragraphs 4 and 5.
- (7) ¹The relevant committees of the faculties, in particular the doctoral affairs committees, shall come to a decision once the formal investigation by the committee for the investigation of scientific misconduct has been completed. Section 23 RPromO shall not be affected. ²The relevant committees shall consult the committee for the investigation of scientific misconduct or individual members thereof when coming to a decision.
- (8) ¹The files relating to the preliminary investigation and the formal investigation shall be kept by FAU for 30 years after the case has been closed. ²The files may only be accessed in this period by members of the committee for the investigation of scientific misconduct unless other rights of access are stipulated by law. ³The committee shall make a unanimous decision concerning the transfer of information.

Part VI: Final provisions

Section 28 Legal validity and transitory provisions

- (1) ¹These regulations shall come into effect on the day after their publication. ²At the same time, the FAU Guidelines on Good Scientific Practice dated 13 May 2002 shall cease to apply.
- (2) The members of the standing committee for the investigation of alleged scientific misconduct and the ombudsperson and their deputy appointed in accordance with the guidelines on good scientific practice in office at the time these regulations come into effect shall remain in office until the end of their regular term of office.
- (3) Any investigations into allegations of scientific misconduct not yet completed at the time these regulations come into effect shall be conducted in accordance with the terms of these regulations.

Appendix: Possible consequences of scientific misconduct

The following is a non-exhaustive overview of possible consequences or penalties incurred for scientific misconduct. The following may be considered:

1. Disciplinary action under employment law

- a) For civil servants: disciplinary measures
- b) For employees: warning, termination with notice, termination without notice, rescinding the employment contract

2. Academic consequences:

Academic consequences such as revoking academic titles may only be enforced by FAU if the title was awarded to the accused by FAU. If the academic title was awarded by another university, this university shall be informed of the scientific misconduct if it had any bearing on the awarding of an academic qualification. In particular, a person guilty of scientific misconduct may have their doctoral title revoked pursuant to Section 23 RPromO or lose their authorisation to teach.

3. Consequences under civil law:

- a) A ban on entering the premises may be issued
- b) An action may be brought to recover property, for example any academic material or the like which has been taken
- c) Claims for removal and injunction based on copyright law, personality rights, patent law or competition law;
- d) Repayment claims, e.g. for scholarships, third party funding or the like;
- e) Claims for compensation for any damages suffered by FAU or third parties relating to personal injury, material damage or the like.

4. Consequences under criminal law:

Consequences under criminal law shall always be considered when it is suspected that scientific misconduct simultaneously constitutes a crime under the German Penal Code (Strafgesetzbuch, StGB) or pursuant to other criminal provisions or administrative offences. The President shall be responsible for forwarding the case to the investigative authorities.

5. Withdrawing academic publications:

Academic publications containing errors as a result of scientific misconduct shall be withdrawn if they have not yet been published and corrected if they have been published (withdrawal or correction/erratum). If applicable, cooperation partners shall be informed in a suitable manner. As a rule, the author and publisher involved are obliged to ensure that the above steps are taken. If they fail to do so, the President shall initiate suitable measures available to him or her. The President shall inform other affected research, funding or academic institutions or organisations in the event of scientific misconduct. Professional associations may also be informed in particularly

justified cases. The President may be obliged to inform affected third parties and the public if necessary either in the general public interest or in order to protect third parties, safeguard trust in academic integrity and prevent subsequent damage.