

Rules for Ensuring Good Scientific Practice and Avoiding Scientific Misconduct at the University of Rostock

of 15 January 2019

Published in "[Amtliche Bekanntmachungen der Universität Rostock](#)":
2019, Nr. 2

In accordance with § 2 paragraph 1 of the State University Act in the version announced on 25 January 2011 (GVOBl. M-V page 18) as last amended by Article 3 of the Law of 11 July 2016 (GVOBl. M-V page 550, 557) the University of Rostock enacts the following rules for ensuring good scientific practice and avoiding scientific misconduct at the University of Rostock as statutes:

Preamble

The University of Rostock laid down these regulations with wholehearted conviction and in high responsibility of the university lecturers for freedom and responsibility of research and teaching. Deans, university teachers, every scientific working group or research project leader has to behave scientifically correct in consideration of the role model effect. The duty of care for junior researchers and students who have to develop a high degree of sensitivity and sense of responsibility towards possible scientific misconduct in the own environment has been also called for here. These are also essential characteristics of academic education. This basically includes a strengthening of measures that altogether prevent scientific misconduct. The high relevance of avoiding scientific misconduct in universities, as clearly and explicitly articulated by universities, the German Rectors' Conference and the German Research Community, results into rules for ensuring good scientific practice that need to be brought to life by the university's scientists.

§ 1

Rules of good scientific practice

(1) Scientific work is based on basic principles that equally apply for all disciplines. Truthfulness is the paramount principle for themselves and others. The rules of good scientific practices include:

- To work according to acknowledged rules (lege artis),
- To document research results,
- To publish research results,
- To permanently critically scrutinize the own results,
- To behave honestly regarding the contributions of third persons in the research field,
- To avoid and prevent scientific misconduct ,
- To respect the rules mentioned hereafter.

(2) Furthermore, the rules of good scientific practice include the subject-specific principles of scientific working developed by the single faculties and scientific disciplines.

§ 2

Promoting and safeguarding good scientific practice

(1) All scientific employees and students of the University of Rostock are obliged to ensure compliance with the good scientific practice according to § 1. The faculties and other scientific institutions of the university have to familiarize the students and junior scientists with the rules of good scientific practice and to warn them of scientific misconduct.

(2) The university commits itself to establish the organisational and personal structures for safeguarding scientific integrity and for preventing scientific misconduct and to continuously enhance them in accordance with scientific progress. Appropriate measures shall be taken or intensified in addition to measures aiming at detecting and punishing scientific misconduct to altogether prevent scientific misconduct.

(3) Good scientific practice can only be implemented if all university members collaborate. The compliance and communication of related decisive rules is, in first instance, the responsibility of the individual scientists. The faculties and scientific institutions administrate the tasks assigned to them regarding education, promotion of young researchers and the organisation of research and academic life. Thus, they are responsible for establishing the organizational-institutional preconditions for safe-guarding good scientific practice via their individual and collective bodies.

(4) The faculties and scientific institutions can elaborate subject-related principles of scientific work for their relevant fields and make them known in an appropriate manner.

(5) Particular attention is given to the education and promotion of young researchers. The rules of good scientific practice shall be an integral part of the education of young academic. Junior scientists who start their work at the university shall be as much obliged to adhere to these rules as the managers of the single scientific organizational bodies.

(6) It is recommended to establish scientific work groups for implementing research tasks, where possible. The collaboration in such work groups shall be organized in a way that the results achieved via a specific division of work are communicated to each other, are subject to a critical discourse and can be integrated into a joint state of knowledge.

(7) The principles of scientific work and the rules of good scientific conduct shall be taught to the students at the beginning of their studies. Students shall be raised to follow the ethical standards of honesty and responsibility in science. The opportunity of scientific misconduct shall be appropriately thematised.

(8) Authors of scientific publications are responsible for their contents. Authors are only those persons who have made a significant contribution to a scientific publication. In case several persons are involved into a publication, a co-authorship is only justified if the conditions of an authorship under the copyright law are met. With this definition of authorship, an authorship is not established by, taken separately

- the mere contribution to a research project,
- the general chairmanship of the institute or institution where the research is implemented,
- the provision of financial resources, equipment, human resources and other resources,
- the merely technical contribution to the data collection,
- the provision or use of test material or data sets and
- the mere reading of the manuscript without any substantial contribution to its content does not constitute authorship. A so-called honorary authorship is inadmissible.

(9) Performance and assessment criteria for examinations, awarding of academic degrees, promotions, recruitment, appointments and fund allocations must be determined in a way that originality and quality always prevail quantity as assessment criteria.

(10) A person responsible for a research project must ensure that the original data that serve as basis for the publication are stored in institutional and subject-specific repositories for at least ten years after project completion, where possible, and that they are accessible for controlling bodies via the organizational unit as far as needed for verification purposes. Additional retention obligations due to legal regulations and measures for protecting personal data remain unaffected by this.

§ 3 Scientific misconduct

(1) Scientific misconduct is a behavior in a science-relevant context that infringes legal provisions or written or unwritten rules, the observance of which is considered as indispensable in general, in a certain scientific subject or in a scientific discipline. Scientific misconduct regularly exists where false statements are made, the intellectual property rights of others are infringed or research work is impaired in any other way in a science-relevant context. Decisive in each case are the circumstances of the individual case.

(2) A scientific misconduct according to these statutes comes into question in cases of intentional acts or gross negligence, particularly in the following cases:

1. Creation or use of false declarations by:
 - a) fabricating data or research results;
 - b) falsifying data or research results, for example, by selecting desirable results and rejecting undesirable results without disclosing them, as well as by manipulating representations or illustrations;
 - c) incorrect information in an application letter, in the context of a reporting obligation or a grant application, including false statements on the publication medium or on publications being printed;
 - d) fraud of third-party funding providers regarding decision-relevant aspects (including the violation of the prohibition of double-financing, i.e. applying for funding from the same or another funding provider for the same subject of funding).
2. Infringement of the intellectual property regarding a protected work created by another person or significant scientific findings, hypotheses, teaching or research approaches made by someone else through:
 - a) the incorporation of other persons' texts, ideas and data without clearly identifying the author (plagiarism);
 - b) the exploitation of research approaches, methods and ideas without the authorized person's consent, particularly as reviewer (theft of ideas);
 - c) the pretension or unsubstantiated acceptance of a scientific authorship or co-authorship or the utilization of the (co-)authorship of a person without his/her consent
 - d) the falsification of the content;
 - e) the unauthorized publication and the unauthorized sharing with third parties as long as the work, finding, hypothesis, teaching or research approach have not been published yet.
3. Impairment or sabotage of research activities of others, particularly by damaging, destroying or manipulating working equipment, such as devices, experimental arrangements, data, documents, literature, archive and source materials, hardware and software, consumables (e.g. chemicals) or other items needed by a person for implementing a research project.
4. Removal of primary data, in the event that legal regulations or discipline-related recognized principles of scientific work are infringed
5. Violation of the documentation and retention obligation of primary data
6. Untruthful, defamatory statements which are suitable for lastingly damaging the scientific reputation or scientific work of a person.

(3) Scientific misconduct can, amongst others, also result from an active involvement into scientific misconduct of third parties, the shared knowledge on falsifications of others, gross negligence of supervisory duties or a co-authorship in a falsification-affected publication.

(4) In case persons who are suspected to have committed scientific misconduct were members of the University of Rostock at the relevant time, the provisions of these statutes even apply in case they are no longer members of the university.

§ 4

Persecution of scientific misconduct

(1) The University of Rostock will pursue any concrete suspicion of scientific misconduct inside the university. For this purpose, it appoints six ombudspersons for prevention and mediation and establishes an investigative commission for further investigating allegations of scientific misconduct. A management is appointed for the ombudsteam and the investigative commission.

(2) The handling of scientific misconduct specified in the following in the §§ 6, 8 and 9 does not replace or prevent any other internal or external procedures provided by law or statutes (for instance, labour or civil service law procedures, civil or criminal law procedures and procedures defined by examination, promotion and habilitation regulations). These are

initiated and implemented by the bodies and boards in charge, if applicable. Ombudspersons and members of the investigative commission can be called in to attend meetings of the competent bodies in an advisory capacity. For simultaneously pending proceedings that are generally related to the same accusations, the ombudspersons or the investigative commission shall halt the own procedure, particularly if significant evidence for the own proceeding can be expected. The ombudsperson or the investigative commission shall be informed about the initiation, proceeding status and proceeding results of the other proceeding. After a final court decision in the other proceeding determined that scientific misconduct has occurred or not occurred, the ombudspersons or the investigative commission shall close the own proceeding.

(3) In case an ombudsperson or the investigative commission reasonably suspect scientific misconduct which has resulted into the awarding of an academic degree, the suspicious case must be forwarded to the body in charge according to the respective examination, promotion or habilitation regulations.

(4) In case an investigation procedure of the ombudsperson or an investigative commission resulted into a substantiated suspicion of disciplinary relevant behaviour or an infringement of employment contract obligations, the rector shall be informed immediately.

(5) The work of the ombudspersons and of the investigative commission is subject to utmost discretion to protect the informant and the person affected by the suspicion. Persons who indicate a suspected scientific misconduct must not experience any disadvantages for the own scientific and professional career where worthiness of protection applies.

§ 4a Bias

(1) In cases scientific misconduct is persecuted, the regulations of §§ 20 and 21 of the Administrative Procedure Act on exclusion and bias of parties involved into the proceeding applies. A bias of an ombudsperson or an investigative commission member may apply particularly if he or she and the affected person who is accused of scientific misconduct belong to the same faculty or cooperate or cooperated in joint research projects. Persons who are biased must no longer take part in the procedure for assessing scientific misconduct.

(2) In case an ombudsperson or member of the investigative commission considers himself or herself as biased or in case of doubts if the preconditions of paragraph 1 apply, this has to be immediately communicated to the chair of the ombudsteam or the investigative commission. The apprehension of bias can also be communicated to other parties involved into the proceeding. A duty of examination applies for the chairpersons of both bodies.

(3) The ombudsperson of the ombudsteam decides if a case of bias according to paragraph 1 applies, in case of members of the investigative commission the investigative commission after previous hearing and debate. Debate and decision are taken in the absence of the person concerned.

§ 5 Ombudspersons

(1) The Academic Senate elects six ombudspersons for investigating suspicious cases of scientific misconduct in total from the departments (a) humanities and social sciences, (b) engineering sciences, (c) natural sciences and (d) medicine. These ombudspersons are appointed by the rector.

(2) Professors with experience in research and teaching and academic staff members come into question as ombudspersons. They must not hold any management functions in self-administration bodies of the university; ombudspersons must not simultaneously be members of the investigative commission. Four professors and two academic staff members with PhD are appointed. The term of office is three years and starts with the date of appointment; re-elections and re-appointments are possible. The ombudspersons must be announced to the members of the university in an appropriate way.

(3) The ombudspersons advise those who inform about a suspected scientific misconduct as well as persons who are suspected to have committed scientific misconduct. Furthermore, they take up concrete hints on scientific misconduct themselves when receiving related information in some other way. Every university member is entitled to personally talk to the ombudsperson in a short time-span and after one month latest.

(4) Furthermore, the ombudspersons are in charge of pre-investigating suspicious cases and of mediation attempts between the informant and the person affected by the suspicion of misconduct. They implement the pre-investigation procedure according to § 6.

(5) The ombudspersons mutually represent each other and jointly form the ombudsteam. This serves for mutual information and for discussing individual cases and shall contribute to ensuring an ideally consistent practice in handling the rules of good scientific practice and related breaches of rules. Furthermore, the ombudsteam advises the rectorate and the deanery regarding fundamental questions of good scientific practice and may make related recommendations.

(6) In case an ombudsperson is biased or prevented from attending, his or her tasks will be assigned to one of the other ombudspersons.

(7) The ombudsteam elects a chairperson and his/her deputy from among its members.

(8) The Academic Senate may deselect an ombudsperson with a two-thirds majority of the members for severe reasons.

§ 6

Preliminary investigation procedure

(1) As a rule, the ombudsperson in charge has to be informed in case of a suspected scientific misconduct. This information must be provided in writing and by enclosing proofs for the suspicion, where possible. In case of oral information, a written note on the suspicion and related proofs must be issued.

(2) The ombudsperson shall immediately take the steps she deems appropriate and necessary in order to clarify the facts in more detail and as discreetly as possible. The person affected by the suspicion shall be given the opportunity to make a statement as early as possible. It has to be pointed out that he or she is free to comment on the suspicion and to involve legal assistance appointed by him or her. A reasonable deadline, after two weeks minimum, must be set for providing this statement. The name of the affected person must not be mentioned in the stage of proceeding without his/her consent.

(3) The ombudsperson shall examine the levelled accusations according to plausibility criteria for concreteness, significance and possible motives. Where possible, an amicable agreement between the involved parties shall be reached. If the suspicions prove to be founded, the ombudsperson shall inform the ombudsteam which forwards the allegations confidentially to the investigative commission for further investigation according to § 8, enclosing a written report on the results of the pre-investigation procedure. Additional bodies must be informed according to §4, section 3 and 4, if applicable. Furthermore, the ombudsperson is obliged to maintain confidentiality.

(4) The pre-investigation procedure must be stopped in case the suspicion of scientific misconduct is ruled out, insufficient evidence was found or any alleged misconduct was not completely clarified. In case a preliminary investigation procedure is terminated, the informant shall be informed first giving details about the main reasons. In case he or she disagrees to the termination of the preliminary investigation procedure, this person is entitled to initiate a review of the decision on the termination of the preliminary investigation procedure within two weeks after the announcement. After the deadline expired unused or after the investigative commission has taken its final decision on terminating the preliminary investigation procedure, the person affected by the suspicion has to be informed in the same way.

(5) The pre-investigation procedure must not take longer than six months.

§ 7

Investigative commission

(1) The university establishes an investigative commission for advising the rectorate regarding matters of good scientific practice and integrity and for investigating cases suspicious of scientific misconduct. It may give itself rules of procedure. For the purpose of advising the rectorate in matters relating to the safeguarding of good scientific practice and integrity and for investigating suspected cases of academic misconduct, the university shall establish an investigating commission. This commission may adopt rules of procedure.

- (2) The investigative commission is composed of:
 1. Four professors and two academic staff members with PhD. One of the professors each belongs to one of the departments (a), (b), (c) and (d) according to § 5 section 1 an; one of the staff members with a doctorate shall belong to the humanities and social sciences, the other to the natural and technical sciences.
 2. A member of the university that is qualified to hold the position of a judge.
- (3) The members of the investigative commission are elected by the Academic Senate and appointed by the rector. The term of office is three years and starts with the date of appointment, re- elections and re-appointments are possible. Professors with experience in teaching and research or staff members who hold a doctorate come into question as investigative commission members according to paragraph 2 number 1. They must not hold any management positions in self-administration bodies of the university and must not be ombudspersons.
- (4) The ombudspersons belong to the investigative commission as permanent guests with advisory function. Furthermore, the commission is entitled to call in members of the university and other expert persons who take part in the meetings in an advisory capacity.
- (5) The commission is independent and not subject to any instructions.
- (6) The investigative commission meets whenever necessary and does not meet in public. It decides by simple majority of the attending members. The members are subject to the official duty of confidentiality and shall be put by the chairperson under a particular obligation of confidentiality. The same applies for the persons involved as experts. This obligation shall be recorded in the files.
- (7) The investigative commission elects a chairperson and its deputy among its members.
- (8) The Academic Senate may deselect the investigative commission or investigative commission members with a two-thirds majority of the members for severe reasons.

§ 8

Formal investigation procedure

- (1) After the forwarding of the procedure by the ombudsteam, the investigative commission examines whether there are actually sufficient grounds for suspicion to open the formal investigation procedure. It can further investigate the situation to prepare the decision and especially ask the person affected by the suspicion and the informant to provide supplementary details. The investigative commission decides if the procedure shall be closed without formal investigation or if a formal investigation shall be initiated. The commission informs the rectorate about the initiation of a formal investigation procedure in writing.
- (2) The investigative commission further clarifies the situation regarding the communicated allegations and investigates in free evidence-taking, if scientific misconduct applies. Where appropriate, the investigating commission may combine and also separate several cases before it which concern the same facts. In case additional suspicion of scientific misconduct of the same group of persons occur in the context of the investigation procedure, the investigative commission may expand the subject matter in agreement with the ombudsteam or forward it to the ombudsperson in charge for implementing another pre-investigation procedure. The rectorate and the affected parties must be immediately informed about this. Members and institutions of the university must assist the investigative commission in carrying out its tasks and in particular give access to files. Furthermore, the regulations of the State Administration Procedure Law, the §§ 20, 21 and 24 as well as 88 to 93 in particular, apply accordingly.
- (3) The person affected by the suspicion must be given an opportunity to make a statement within an appropriate period of time. In this respect it has to be pointed out that he or she is free to comment on the suspicion and to involve legal assistance appointed by him or her at any time. The affected person can also be heard orally upon her or his request. Where a third person shall be heard, this person also has the right to an oral hearing and to involve legal assistance.

(4) The identity of the informant must not be disclosed towards the person affected by the suspicion of scientific misconduct without the informant's consent. However, where the person affected by the suspicion needs to know the informant for proper defense and the interest in the confidentiality does not prevail when carefully assessing all interests, the name shall be announced. This might apply if the credibility and motives of the informant are of substantial importance regarding the allegation of scientific misconduct. The decision on that, as well as on the scope of a requested access to the files, is taken by the investigative commission in its own responsibility.

(5) The investigative commission has to present a progress report about the investigation and its results to the rectorate and inform the ombudspersons. The report contains an assessment on if scientific misconduct applies and may include suggestions regarding the further proceeding of the rectorate.

(6) The rectorate will check the progress report. The results of the progress report are legally binding, provided there are no legal errors. The rectorate decides on the basis of the report about closing the proceeding or identifies scientific misconduct. The rectorate shall inform the person affected by the suspicion and the informant about the main reasons for the decision. The period between presenting the report to the rectorate and this information shall not be longer than three weeks.

(7) In case the suspicion of scientific misconduct affects the rector of the university, the progress report will be presented to the council's steering committee.

(8) The university internal investigation procedure shall be closed with the progress report of the investigative commission and the subsequent decision of the rectorate. There are no internal legal remedies against the progress report. The total procedure must not last longer than 12 months. After the formal investigation procedure was completed, the investigative commission identifies all persons who were or have been involved into the case. It advises the informant and other persons that have been involved into the scientific misconduct processes without own fault on how to safeguard their personal and academic integrity. In particular, it will propose to the rectorate how to compensate any damages suffered.

(9) The files of the formal investigation will be stored by the University of Rostock for 30 years. The right of access to files of the persons involved into the proceeding is determined by the legal proceedings.

§ 9

Proceeding after a scientific misconduct was determined

(1) The decision on the measures deriving from the progress report of the investigative commission shall be taken by the rectorate after checking the report. The investigative commission and the ombudsteam will be informed about the further proceeding. The rectorate decides if and to whom the progress report shall be announced.

(2) If scientific misconduct was identified, the rectorate and the university bodies in charge to which the progress report was announced decide at its obligatory discretion and on their own responsibility if and what measures shall be taken in the individual case to sanction the scientific misconduct, to correct it and to prevent similar misconduct in the future. The following measures in particular may be taken for this purpose:

1. In case of culpable scientific misconduct, a reprimand can be issued and the withdrawal or revocation of papers for achieving an academic degree, monographs or other publications can be recommended. It will be up to the editor of the relevant publication medium to decide if the opportunity of re-submission will be given.
2. In case the underlying original files are missing although the period of ten years as specified in § 2 paragraph 10 has not expired, a falsification cannot be precluded. Accordingly, the request to withdraw or revoke the relevant publication shall be issued in case of culpable violation of documentation and storage obligations.
3. In case a deliberate falsification, manipulation or invention of data, a request to withdraw or revoke the related publication must be issued and a disqualification related to the academic degree obtained with these falsified data may occur.
4. In case false results have been published, the public has to be informed accordingly.
5. Persons affected by scientific misconduct, such as other scientists, scientific institutions, scientific journals, publishing houses or other publication media, funding institutions an science organisations, professional bodies or ministries, must be informed.

(3) Additional legal measures, such as according to disciplinary law, labour law, criminal law, civil law or academic examination right, shall remain unaffected.

§ 10 Reporting system

(4) Once a year, the ombudsteam provides a report on the suspicious cases that have been processed during the previous office year. The chairperson of the investigative commission reports to the Academic Senate on the status of the procedures implemented by the investigative commission, as well as on the procedures reported by the ombudsperson. These reports must not include any personal data.

§ 11 Entry into force, expiry

(1) These statutes shall enter into force on the day following their publication in the Official Announcements of the University of Rostock. Simultaneously, the Rules for ensuring good scientific practice and for avoiding scientific misconduct at the University of Rostock dated 11 December 2015 (Official Announcement No. 45/2015) shall expire.

(2) In case there are pending preliminary assessments or formal investigations at the time of entry into force, these procedures will be implemented according to the Rules for ensuring good scientific practice and for avoiding scientific misconduct at the University of Rostock dated 11 December 2015.

Issued on the basis of the decision of the Academic Senate of the University of Rostock dated 9 January 2019.

Rostock, 15th January 2019

The Rector
of the University of Rostock
Professor Dr. Wolfgang D. Schareck