

# Rules of Procedure

## for Dealing with Scientific Misconduct

(adopted by the Joint Committee on 26 October 2001 and amended by the Joint Committee on 5 July 2011, 30 June 2015, 3 July 2018 and 2 July 2019)



## Preamble

Observance of the rules of good scientific practice is the basis of trustworthy research. The Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) therefore sets forth rules of procedure for dealing with cases of suspected research misconduct within its area of responsibility. In doing so, the DFG also assumes accountability for the funds entrusted to it.

### I. Scope

The Rules of Procedure for Dealing with Scientific Misconduct govern the DFG's procedure in cases of suspected misconduct committed within the context of the DFG's statutory mandate by

1. grant applicants,
2. grant recipients,
3. individuals with a high level of scientific/academic responsibility in funding proposals submitted by higher education institutions or non-university institutions,
4. reviewers in DFG review processes and
5. members of DFG committees or bodies supported by the DFG (in administering funding instruments) who participate in advisory, review, evaluation and decision-making procedures.

### II. Scientific Misconduct

#### 1. Scientific misconduct by individuals as per Section I. items 1. to 3.

(1) According to Section I. items 1. to 3., scientific misconduct shall be deemed to occur in particular if, in a research-relevant context, individuals intentionally or with gross negligence

1. make misrepresentations,
2. claim others' research achievements as their own without justification, or
3. interfere with others' research.

Scientific misconduct within the meaning of sentence 1 shall include in particular

1. misrepresentation

- a) by fabricating data and/or research findings,
  - b) by falsifying data and/or research findings, in particular
    - i. by suppressing and/or eliminating data and/or results obtained in the research process without disclosing this,
    - ii. by manipulating a representation or illustration/figure,
  - c) by presenting an image and a statement corresponding to it in an incongruous manner,
  - d) by making inaccurate statements in a grant proposal or within the scope of the reporting obligation (including false statements regarding the publication medium and publications in print) to the extent that they relate to research,
  - e) by claiming another person's (co-)authorship without consent,
2. unjustified appropriation of others' research achievements
- a) by using others' content without indicating the source (plagiarism),
  - b) by using others' research approaches and ideas (idea theft),
  - c) by sharing, without authorisation, others' data, theories and findings with third parties,
  - d) by claiming, or assuming without justification, authorship or co-authorship, in particular if no genuine, identifiable contribution was made to the research content of the publication,
  - e) by falsifying content generated by others,
  - f) by publishing an unpublished work, finding, hypothesis, teaching or research approach, or otherwise making it available to third parties, without authorisation,
3. interference with others' research, in particular
- a) sabotaging research activities (such as damaging, destroying or manipulating experimental setups, instrumentation, documentation, hardware, software, chemicals or other items required by others for research purposes),
  - b) falsifying or removing, without authorisation, research data or research documents,

c) falsifying or removing, without authorisation, the documentation of research data.

(2) In cases of intent or gross negligence, research misconduct also results from

1. co-authorship of a publication that contains false information or unjustifiably appropriated third-party research achievements as defined in Section II. 1. (1),
2. neglect of supervisory obligations if another person has committed scientific misconduct as defined in Section II. 1. (1) and this would have been prevented or substantially impeded by necessary and reasonable supervision.

(3) Scientific misconduct as defined in Section II. 1. (1) also results from the intentional participation (in the form of instigation or abetment) in the intentional misconduct of others.

## **2. Scientific misconduct by individuals as per Section I. items 4. and 5.**

(1) According to Section I. items 4. or 5., scientific misconduct shall be deemed to occur if the individuals intentionally or with gross negligence

1. use data, theories or findings of which they have gained knowledge in the course of their activities as per Section I. items 4. or 5. for their own research purposes without authorisation,
2. share, without authorisation, proposals, or data, theories or findings contained therein, with third parties in the course of their activities as per Section I. items 4. or 5., in violation of the confidentiality of the review process,
3. share, without authorisation, confidential written and/or oral information from DFG bodies or from bodies supported by the DFG (in administering funding instruments) with third parties in the course of their activities as per Section I. items 4. or 5.,
4. fail to disclose, within the scope of their activities as per Section I. items 4. or 5., any facts or circumstances that may suggest a potential conflict of interest, as required according to DFG guidelines or guidelines for funding instruments administered by the DFG.

(2) Scientific misconduct shall also be deemed to occur if individuals, in the course of their activities as per Section I. items 4. or 5., fail to disclose, against their better judgment, facts that establish another person's scientific misconduct as defined in Section II. 1. (1) and (2), with the intention of obtaining an advantage for themselves or for the other person.

### III. Procedure in Cases of Suspected Scientific Misconduct

The procedure in cases of suspected scientific misconduct shall uphold the principles of fairness and confidentiality. The principle of the presumption of innocence shall apply.

#### 1. Preliminary inquiry

##### a) Within the DFG Head Office

(1) If employees of the Head Office become aware as part of their duties of any specific indications of possible research misconduct, they must immediately notify the DFG's Research Integrity Office, which is in charge of the preliminary inquiry.

(2) Once the indications of possible scientific misconduct have been sufficiently substantiated, possibly anonymously and generally in writing, the individual suspected of misconduct (hereinafter referred to as "respondent") shall be notified of the incriminating facts and evidence, and given the opportunity to respond with a written statement. The statement must generally be submitted within four weeks. This time limit may be extended depending on the circumstances of the individual case.

(3) The Research Integrity Office may seek expert opinions at any stage of the procedure.

(4) The name of the person who raised the allegation (hereinafter referred to as "complainant") will not be disclosed without his or her consent at this stage of the procedure.

##### b) Discontinuance

(1) After the statement has been reviewed or the deadline has expired, the Research Integrity Office in charge of the preliminary inquiry shall promptly decide whether the investigation should be discontinued for lack of reasonable suspicion of scientific misconduct or due to insignificance, and both parties will be notified accordingly. Before making the decision, the Research Integrity Office may request a statement from the German Research Ombudsman.

(2) If there is no reasonable suspicion of scientific misconduct, the Research Integrity Office will discontinue the procedure.

(3) Discontinuance on the grounds of insignificance may be appropriate if less severe research misconduct has been established and the respondent has contributed significantly to clarifying the matter. This is especially the case if the respondent has voluntarily offered to take action as per section III. 3. c), in particular to publish an erratum, or if he or she has already taken action to remedy any damage that has occurred. Discontinuance on the grounds of insignificance shall require the approval of the Committee of Inquiry on Allegations of Scientific Misconduct (see Section III. 3. a)). Its approval shall be presumed if the Committee of Inquiry on Allegations of Scientific Misconduct has not objected to the planned discontinuance within two weeks.

(4) The decision on discontinuance will be communicated to the complainant(s) first. If the complainants disagree with the discontinuance of the inquiry, they have the right to remonstrate with the DFG Head Office within two weeks. Remonstrations must be based on new facts. The Research Integrity Office will then review the decision.

(5) The respondent shall be notified of the decision that concludes the preliminary inquiry.

c) Referral for formal investigation

(1) If the preliminary inquiry cannot be discontinued, the case is referred for formal investigation to the Committee of Inquiry on Allegations of Scientific Misconduct.

(2) If the case is referred for formal investigation, the complainant shall be advised to keep the decision strictly confidential.

2. Investigations by third parties

(1) If the allegation of scientific misconduct is being examined simultaneously by a university or non-university ombudsman and/or through university or non-university proceedings, the DFG investigation shall be initiated according to Section III. 1. a) and usually suspended until the other procedure has concluded.

(2) If the suspicion of scientific misconduct by individuals as per Section I. items 1. to 5. is confirmed in an investigation conducted by the German Research Ombudsman, said committee shall refer the procedure to the DFG Head Office.

(3) Decisions in procedures according to (1) and (2) have no binding effect on the substance of the investigation conducted by the DFG.

### 3. Formal investigation

#### a) Committee of Inquiry on Allegations of Scientific Misconduct

(1) The Committee of Inquiry on Allegations of Scientific Misconduct is in charge of the formal investigation. It consists of eight members representing the four major academic disciplines (humanities and social sciences, natural sciences, life sciences, and engineering sciences). Members are elected by the Joint Committee of the DFG for a term of four years. An additional term is possible. The Committee of Inquiry shall be convened by the Secretary General of the DFG. It is chaired by the Secretary General, who has no vote. If the Secretary General is unable to attend, a head of department who is qualified as a judge shall act as his or her deputy.

(2) The Committee of Inquiry may in individual cases appoint up to two subject-matter experts as additional Committee members in an advisory capacity. The Committee of Inquiry may request a statement from the German Research Ombudsman.

(3) The voting members of the Committee have equal votes.

(4) The DFG Guidelines for Avoiding Conflicts of Interest apply accordingly.

#### b) Procedure

(1) The Committee of Inquiry on Allegations of Scientific Misconduct shall deliberate in private. Any Committee member whose participation would suggest a potential conflict of interest shall not participate in deliberations regarding the case in question.

(2) The researcher accused of scientific misconduct shall be given the opportunity to make a statement in an appropriate manner. He or she must be heard orally upon his or her request and may involve a trusted person as counsel. This also applies to others to be heard in the case.

(3) The name of the complainant is confidential. It shall be disclosed only in cases where there is a legal requirement to do so, or if the respondent would otherwise

be unable to defend himself or herself properly because, as an exception, the identity of the complainant is essential.

(4) The Committee shall freely assess the evidence to determine whether scientific misconduct has occurred and what sanctions shall be imposed as per Section III. 3. c).

(5) If a majority of the Committee of Inquiry finds that misconduct has been sufficiently proven and a sanction is appropriate, it shall submit the results of its investigation and a recommendation for action to the Joint Committee of the DFG. Otherwise the procedure shall be discontinued.

c) Sanctions

The Joint Committee may refer the Committee report back to the Committee of Inquiry on Allegations of Scientific Misconduct for further investigation of facts or impose one or more of the following sanctions, depending on the nature and severity of the misconduct found:

- i. issuing a written reprimand to those involved,
- ii. exclusion from the right to apply for DFG funds for a period of one to eight years, depending on the severity of the scientific misconduct,
- iii. revoking funding decisions (full or partial termination of the grant contract, demanding repayment of funds spent),
- iv. demanding that those concerned either retract the discredited publications or correct the falsified data (in particular by publishing an erratum), or appropriately indicate the DFG's retraction of funding in the discredited publications,
- v. exclusion from serving as a reviewer for a period of one to eight years, depending on the severity of the scientific misconduct,
- vi. exclusion from membership in DFG bodies and committees for a period of one to eight years, depending on the severity of the scientific misconduct,



- vii. denying voting rights and eligibility in elections for DFG bodies and committees for a period of one to eight years, depending on the severity of the scientific misconduct.
- d) Conclusion of the procedure
- (1) The main reasons that led to the discontinuance of the inquiry or the decision of the Joint Committee shall be communicated to the respondent, the complainant(s) and any other individuals with a justified interest in the decision.
  - (2) A reference to the decision of the Joint Committee shall be included in the respondent's file.
  - (3) The decision of the Joint Committee marks the end of the DFG procedure in cases of suspected research misconduct.
  - (4) The Joint Committee shall decide whether to publicise its decision on the grounds of legitimate interest.