

Deutsche Forschungsgemeinschaft

Procedure Guidelines for Good Research Practice



Deutsche Forschungsgemeinschaft

**Procedure Guidelines for
Good Research Practice**

Deutsche Forschungsgemeinschaft

Kennedyallee 40 · 53175 Bonn

Postal address: 53170 Bonn, Germany

Tel.: +49 228 885-1

Fax: + 49 228 885-2777

postmaster@dfg.de

www.dfg.de/en

Contact:

Dr. Kirsten Hüttemann

Research Culture

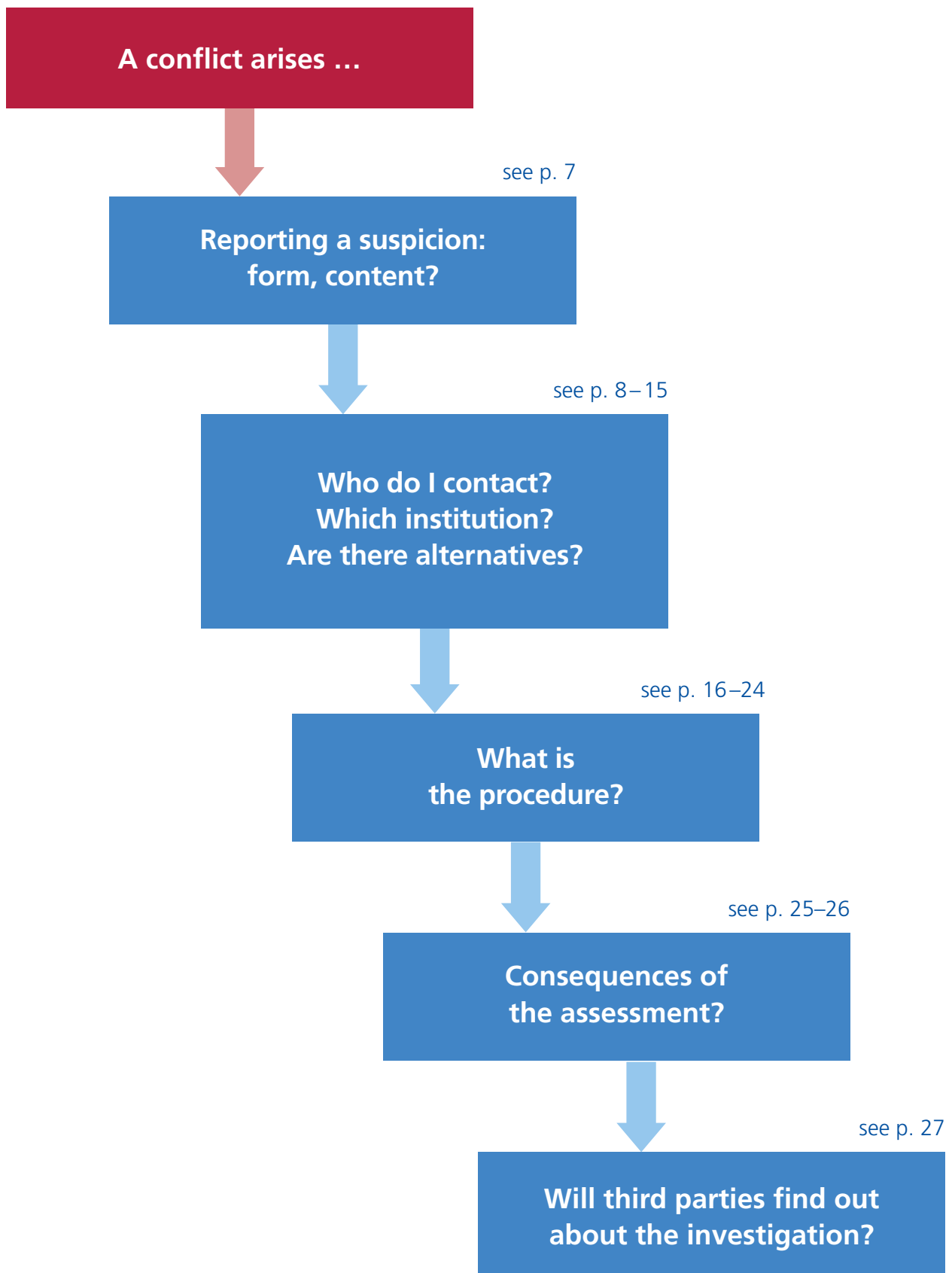
Research Integrity Team

Tel.: +49 228 885-2827

E-mail: kirsten.huettemann@dfg.de

Status: July 2023

Procedure Guidelines in the Event of Conflicts on Connection with Good Research Practice



Introduction

As soon as there are indications of a violation of good research practice or a suspicion of scientific misconduct, questions often arise: How do I act on a suspicion of this kind? Who can I consult? What aspects might I have to consider?

The next step raises further questions: How might a typical assessment of a suspected case of this nature be conducted? Which institution is actually responsible for carrying out the assessment? And what are the potential consequences of suspicions being followed up on? Is protection available for the person reporting the suspicion?

This guide aims to answer these questions. The procedure in cases of conflict in connection with good research practice is explained and presented on a step-by-step basis.

This guideline is intended as a practical aid to contribute to safeguarding good research practice.

A conflict on issues of good research practice arises ...



What do I have to bear in mind when reporting a suspicion?

Form

There is no specific approach set down for reporting a suspicion in cases of conflict in connection with good research practice. Initial contact is often made by telephone, and the allegation is then set out in detail in writing, either by e-mail or letter.

Content

The complainant making the allegation must provide specific and sufficiently verifiable information about the suspected scientific misconduct. This should ideally include the name of the respondent and their research institution, potentially the name of the complainant providing the information, the names of witnesses, as detailed information as possible regarding the type, place and time of the potential misconduct, references and/or supporting documentation, and where applicable information on funding and/or research projects in which the possible scientific misconduct is alleged to have occurred, as well as other potential evidence. If anything contained in the report is not clear, this can be clarified in a confidential preliminary conversation with the body receiving the information.

Allegations must be reported in good faith. An allegation must not be reported without being verified beforehand and without sufficient knowledge of the facts, see Guideline No. 18 of the DFG Code of Conduct "Guidelines for Safeguarding Good Research Practice", available at:

www.dfg.de/resource/blob/174052/1a235cb138c77e353789263b8730b1df/kodex-gwp-en-data.pdf

Reporting suspicions anonymously

The complainant reporting the suspicion – the complainant – can provide information without giving their name if they wish, i.e. anonymously. In this case, they must be aware that the institution concerned may potentially decline to assess the reported suspicion, since a proper investigation essentially requires the identity of the complainant. An anonymously reported suspicion can only be formally assessed if the complainant makes sufficiently concrete and reliable facts available so that the body receiving and verifying the suspicion can carry out an assessment.

Confidentiality

If the ombudsperson is informed by e-mail, for example, confidentiality must be maintained in the interests of the ombudsman procedure, which is specifically geared towards mediation. For this reason, it is essential to refrain from naming additional addressees in cc.



Which person and which institution can I contact? Are there alternatives?

Who to contact

A violation of good research practice or a suspicion of scientific misconduct can be reported to the following persons or institutions:



➔ the local ombudsperson at your higher education institution or non-university research institution

Higher education institutions and non-university research institutions appoint ombudspersons as a point of contact to deal with matters of good research practice.

The website of the institution should provide specific details of who the ombudsperson is.

For further notes and details on ombudspersons and the procedure involved, see p. 16.

➔ the Ombuds Committee for Research Integrity in Germany

The Ombuds Committee for Research Integrity in Germany is available as a point of contact for anyone with a connection to the German research system. Please use the following link to this institution's head office when making initial contact:

<https://ombudsman-fuer-die-wissenschaft.de/kontakt-2/?lang=en>

For further information and details regarding the Ombuds Committee for Research Integrity in Germany, see p. 17.

➔ the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation)

If an allegation of scientific misconduct is made against a DFG applicant or a grant recipient, or against a DFG reviewer or committee member, the complainant can contact the DFG Head Office directly, or the Research Integrity team (wi@dfg.de), or else use the DFG's electronic incident reporting system (www.eqs.bkms-system.com/en). This link also provides details of specific contact individuals:

www.dfg.de/en/principles-dfg-funding/basics-and-principles-of-funding/good-scientific-practice

See p. 24 for further details regarding the DFG procedure.

➔ Other

In recent years, more and more contact points have been set up for those seeking advice in the event of conflicts concerning good research practice: these include conflict mediators at the respective institution and also the "Network against Abuse of Power in Science" (www.netzwerk-mawi.de/en); in addition, scholarly societies have appointed their own ombudspersons.

Choosing who to contact

The complainant is free to decide which institution to contact in the event of a conflict concerning good research practice or when reporting a suspicion of scientific misconduct.

Those seeking advice on violations of good research practice may particularly consider contacting the local ombudsperson or the Ombuds Committee for Research Integrity in Germany. Contacting a local ombudsperson at the institution concerned sometimes has the advantage of being more straightforward. In addition, the local ombudsperson will have detailed knowledge of the local structures. What is more, it is easier for the local ombudsperson to bring the individuals involved together for a discussion in person.

Since the ombudsperson is obliged to treat the information confidentially, the complainant should not be concerned that their report will become "known" at the institution.

The question of local jurisdiction depends on the institution at which the respondent works. It is advisable to contact the ombudsperson who is employed at the respondent's institution.

If the respondent has since moved on to a different institution and the allegation or conflict is linked to that person's previous institution, the facts of the case may mean it would be better to contact the previous institution. If an institution has provisions that deviate from this principle, the person seeking advice is to be informed of this and referred to the competent institution.

Do not report suspicions to multiple institutions

The complainant should not report their suspicion to several institutions at the same time with a request for an assessment to be conducted. Only if an institution states that it is not competent to pursue the case can the complainant consult another institution.

If the local or nationwide ombudsperson becomes involved in a case, the complainant should not turn to a third institution to assess the matter again. There are no “stages of appeal”.

Withdrawal of the allegation

If the complainant seeking advice or making an allegation withdraws their allegation, the question arises as to whether the respective body should still continue to investigate the reported conflict or potential suspicion. In principle, the ombudsperson’s activity ends if the person seeking advice does not wish the ombudsperson to take further action. One important factor in individual cases will also be the specific nature of the reported concern or suspicion and whether continued investigation of the suspicion can lead to a meaningful outcome if the complainant is no longer involved. In the case of conflicts relating to a supervisory relationship, further mediation by the ombudsperson will not be possible without the complainant’s involvement. This does not apply where there is an allegation of plagiarism, however: here, the assessment can proceed without the involvement of the complainant who has submitted the allegation. If serious scientific misconduct is involved, investigation of a reported case is to be continued.

Protection of the complainant

The person alleged to have perpetrated the misconduct – the respondent – is not the only one who is to be appropriately protected by the institution to which they are affiliated. The complainant also requires the protection of this institution. Ombudspersons and the investigating institution are to take this into account accordingly. Institutions are to make appropriate provisions in their rules of procedure.



Reporting a suspicion to the local ombudsperson – who is the local ombudsperson?

Responsibility

Ombudspersons at higher education institutions and non-HEI research institutions become active in matters that involve a breach of good research practice or suspected scientific misconduct.

They offer advice, support and mediation.

They have no direct responsibility for matters of labour, discipline and finance: here, it may be necessary to refer the complainant to the person in charge of the relevant department at the respective institution. Other competent individuals should also be involved with the consent of the respondent concerned, e.g. a representative of the human resources department, or, in the case of questions regarding DFG proposals, the DFG liaison officer.

Ombudsperson or ombudsperson commission

Higher education institutions and non-university research institutions can decide whether to establish individual ombudspersons or an ombudsperson commission (a group of several ombudspersons).

Making the ombudsperson visible

The DFG expects higher education institutions to provide a visible reference to the individual(s) and the contact details of the local ombudsperson(s) on their website so as to proactively address the issue of safeguarding good research practice. Higher education institutions should also make reference to the ombudsperson in their course catalogue and support the ombudsperson's position and visibility by means of regular presentations or events, possibly involving the DFG liaison officer.

Higher education institutions should specifically provide the name and contact details of the ombudspersons on their homepage.

In the interest of those seeking advice, the Ombuds Committee for Research Integrity in Germany has published an overview of the individual ombudspersons at universities and non-university institutions on the internet.

<https://ombudsman-fuer-die-wissenschaft.de/liste-der-ombudspersonen-2/?!lang=en>

Requirements for the office of ombudsperson

Researchers who already enjoy a good research reputation and have exercised leadership responsibility should be appointed as ombudspersons.

Personal and professional independence are important and promising criteria for the right selection of an ombudsperson. In order to avoid conflicts of interest, ombudspersons may not be members of a governing body of a research institution, such as the rectorate, presidium, university council, executive board or dean's office.

Smaller institutions might benefit from appointing external ombudspersons in order to address concerns of possible conflict of interest on the part of the investigating body.

Support for ombudsman work

Local ombudspersons should receive the necessary support from the higher education institutions and research institutions in carrying out their tasks. In addition to providing details of the ombudspersons on the website and in the course catalogue, this also includes supporting and promoting acceptance of the ombudspersons' work. In order to ensure the ombudsman system works efficiently, institutions should organise ways of providing relief for ombudspersons.

DFG support for ombudsperson work

The DFG offers workshops for ombudspersons on the subject of "Role perception, mediation and conflict management". Researchers usually take on the position of an ombudsperson without preparation. This workshop offers a discussion of overall conditions, a look at the fields of action and training in conflict management so as to make this group of people more familiar with their tasks and promote dialogue among ombudspersons. For details, see:

www.dfg.de/en/principles-dfg-funding/basics-and-principles-of-funding/good-scientific-practice/training-events

Distinction from the DFG liaison officer

All higher education institutions that are members of the DFG appoint a university teacher from among their members to serve as a DFG liaison officer. The liaison officer acts as an on-site DFG contact for applicants. Their tasks include advising on the various funding opportunities offered by the DFG when submitting proposals. It is also possible to contact the liaison officer if questions arise in the course of proposal processing by the DFG Head Office or after the DFG statutory bodies have made their decision.

Ombudspersons are still occasionally referred to as confidants, although the term ombudsperson has become generally established. In order to avoid confusion with the DFG liaison officer, it is recommended that the term "ombudsperson" should be used in the regulations on good research practice. Guideline 6 of the DFG Code of Conduct only uses the word "ombudsperson".



Reporting a suspicion to the Ombuds Committee for Research Integrity in Germany – what is the Ombuds Committee for Research Integrity in Germany?

Task

The Ombuds Committee for Research Integrity in Germany can be contacted directly by all researchers, irrespective of their affiliation with the DFG. It provides advice and support on issues of good research practice and on the violation of good research practice due to scientific dishonesty.

Personnel

The Ombuds Committee for Research Integrity in Germany is made up of researchers from the humanities and social sciences, life sciences, natural sciences and engineering sciences.

Distinction from local ombudspersons

A person seeking advice can consult the ombudsperson at their own institution (local ombudsperson) or the Ombuds Committee for Research Integrity in Germany (nationwide statutory body).

It is not possible for the same matter to be dealt with by the local ombudsperson and also by the Ombuds Committee for Research Integrity in Germany. What is more, the nationwide Ombuds Committee for Research Integrity in Germany is not a review body for decisions taken by the local ombudsperson.

Contact

The Ombuds Committee for Research Integrity in Germany has a head office which anyone seeking advice can contact directly. You will find the contact details here:

<https://ombudsman-fuer-die-wissenschaft.de/kontakt-2/?lang=en>

Networking with local ombudspersons

In order to promote good networking, the Ombuds Committee for Research Integrity in Germany is available to advise local ombudspersons on questions such as how to proceed in individual cases or how to weigh up legal aspects.

In addition, the Ombuds Committee for Research Integrity in Germany regularly hosts a conference especially for ombudspersons that provides another forum for close dialogue on current topics and issues:

<https://ombudsman-fuer-die-wissenschaft.de/category/symposium-en/?lang=en>

Origins

The Ombuds Committee for Research Integrity in Germany was first established in 1999 as an independent body called the Ombudsman der Deutschen Forschungsgemeinschaft by the DFG Senate, in accordance with number 16 of the DFG's "Guidelines for Safeguarding Good Research Practice".

In 2010, the DFG Senate renamed this statutory body the German Research Ombudsman in order to distinguish the procedure of the national ombudsman system more clearly from the DFG's "Rules of Procedure for Dealing with Scientific Misconduct", both for those seeking advice and those involved in the procedure. The name was changed again in 2023 to the Ombuds Committee for Research Integrity in Germany. The statutory body now acts as a legally independent institution.

Annual report

The Ombuds Committee for Research Integrity in Germany reports annually on its work.

Among other things, these annual reports contain anonymised examples of cases, so they can be very helpful to local ombudspersons in handling their own cases. For details, see (only in German):

<https://ombudsman-fuer-die-wissenschaft.de/2030/jahresberichte-des-ombudsman/?lang=en>



Reporting a suspicion to the DFG

Responsibility

If an allegation of scientific misconduct is made against applicants, grant recipients, reviewers or committee members, the DFG conducts its own procedure to assess the allegation

Contact

In the event of suspected misconduct, you can contact the DFG Head Office, in particular the Research Integrity team at

www.dfg.de/en/principles-dfg-funding/basics-and-principles-of-funding/good-scientific-practice

or send an e-mail to the mailbox wi@dfg.de.



What is the procedure?

Procedure conducted by the (local) ombudsperson

When does the ombudsperson become active?

An ombudsperson always becomes active when a substantiated suspicion is reported to them.

If no concrete information is provided, it is up to the ombudsperson to decide whether “rumours” or “reported accusations” are sufficiently important to warrant an investigation or a conversation with the complainant who provided the information.

The institution’s regulations should specify whether or not the ombudsperson is to follow up anonymous reports or suspicions.

Procedural principles

The principles governing the ombudsperson procedure include confidentiality, fairness and transparency for the individuals involved. The person who is the subject of the suspicion – the respondent – is explicitly presumed innocent unless proven otherwise.

Every higher education institution and non-university research institution is to set down these principles governing the activities of the ombudsperson in its regulations on good research practice.

The ombudsperson is to handle reported suspicions confidentially; in particular, a suspicion may not be communicated to the superior of the respondent.

Conflict resolution / termination of the procedure

The ombudsperson sees their task primarily in clarifying and resolving a conflict over issues of good research practice. If the ombudsperson is able to resolve the reported conflict, i.e. if a balance of interests is achieved while maintaining the standards of good research practice, the procedure is terminated.

Further referral of the procedure

If the ombudsperson believes the suspicion of scientific misconduct is substantiated, they refer the case to the commission authorised to investigate allegations of scientific misconduct.

The ombudsperson should also refer a case to the commission for the investigation of scientific misconduct if they are unable to arrive at a clear judgement on the question of whether the suspicion has been substantiated.

The ombudsperson cannot determine scientific misconduct themselves; this decision rests solely with the commission authorised to investigate allegations of scientific misconduct.



What is the procedure?

Procedure conducted by the Ombuds Committee for Research Integrity in Germany

When does the Ombuds Committee for Research Integrity in Germany become active?

The Ombuds Committee for Research Integrity in Germany advises on general questions regarding good research practice as well as on questions regarding specific cases of conflict in this area. Its main tasks also include confidential mediation in concrete cases of conflict in connection with ombudsman procedures, but only insofar as these conflicts have arisen from misconduct that can still be corrected.

Procedural principles

The work of the Ombuds Committee for Research Integrity in Germany is based on the principles of confidentiality, impartiality and fairness towards all parties involved. These procedural principles are set out in dedicated guidelines, see:

<https://ombudsman-fuer-die-wissenschaft.de/4154/procedural-principles-of-the-research-ombudsman/?lang=en>

Conflict resolution / termination of the procedure

The Ombuds Committee for Research Integrity in Germany sees its task primarily in clarifying or resolving a conflict relating to issues of good research practice. It mediates in such conflicts where there still appears to be a possibility of correction. Inquiries that concern severe cases of scientific misconduct are referred to the institution affected by the misconduct (with the consent of the complainant).

Further referral of the procedure

If the Ombuds Committee for Research Integrity in Germany believes the suspicion of scientific misconduct is substantiated, it can suggest that a formal investigation be conducted by the commission authorised to investigate allegations of scientific misconduct.

The Ombuds Committee for Research Integrity in Germany cannot determine scientific misconduct itself; this decision rests solely with the authorised commission or the DFG, as a result of their own procedures.

The Ombuds Committee for Research Integrity in Germany is not an investigative body for determining scientific misconduct that cannot be corrected. In accordance with self-governance in research, the verification of allegations regarding serious and uncorrectable scientific misconduct is the responsibility of the competent (local) commission at the institution concerned or the DFG. In the case of a well-founded initial suspicion of scientific misconduct that cannot be corrected where the matter has a connection with the DFG, the Ombuds Committee for Research Integrity in Germany refers the matter to the DFG's Committee of Inquiry on Allegations of Scientific Misconduct. If there is no connection with the DFG and there is a well-founded initial suspicion, the Ombuds Committee for Research Integrity in Germany will recommend that a formal investigation procedure is carried out at the institution concerned.

The Ombuds Committee for Research Integrity in Germany cannot become involved if legal clarification of the same matter has already been initiated. If a legal dispute begins in the course of an ombudsman procedure, the Ombuds Committee for Research Integrity in Germany stops its fact-finding investigation or terminates the procedure.



What is the procedure?

What happens next

Termination of the ombudsman procedure

If the local ombudsperson or the Ombuds Committee for Research Integrity in Germany resolves the conflict and succeeds in mediation or resolution, the procedure is terminated.

The ombudsperson's activity likewise comes to an end if the ombudsperson is unable to resolve a conflict.

Referral of the ombudsperson procedure to the commission authorised to investigate allegations of scientific misconduct

In the event of a well-founded initial suspicion of scientific misconduct, the local ombudsperson refers the matter to the commission authorised to investigate allegations of scientific misconduct at their institution for further investigation.

In the event of a well-founded initial suspicion of scientific misconduct, the national Ombuds Committee for Research Integrity in Germany confidentially refers a DFG-related matter brought before it to the Research Integrity team responsible at the DFG Head Office. If the matter is not related to the DFG, the Ombuds Committee for Research Integrity in Germany may suggest that a formal investigation procedure be conducted at other research institutions involved.



What is the procedure?

Procedures conducted by commissions authorised to investigate allegations of scientific misconduct

Establishment

Commissions are established as ad hoc groups, permanent commissions or a mixture of these two forms; they may have a permanent chairperson, for example, with other members being appointed on a case-by-case basis from inside or outside the institution.

It is recommended that a permanent commission be established so that in acute cases of suspected scientific misconduct, the commission is able to deal with the matter promptly.

Membership

The scientific members of a commission should have control over the procedure and constitute the majority.

However, the involvement of external experts can serve to provide an objective view of the situation; this will be indispensable at smaller institutions.

Procedural principles

The commission's procedure respects the following principles: consultation of all parties concerned, confidentiality, presumption of innocence and avoidance of conflict of interest.

Relationship to other university statutory bodies/commissions

It should be clearly established how the commission authorised to investigate allegations of scientific misconduct relates to the bodies responsible for the award and withdrawal of academic titles (examination boards, doctoral committees, faculties). In the interest of good research practice, it is recommended that these competent bodies observe the principles of the procedures for dealing with scientific misconduct in cases of the withdrawal of a research title, and that members of the "self-regulation in science and the humanities" commission can be consulted in an advisory capacity at meetings of the competent bodies.



What is the procedure?

What is the subject of the assessment carried out by commissions authorised to investigate allegations of scientific misconduct?

Scientific misconduct

In model statutes issued on 10 May 2022 (www.hrk.de/positionen/beschluss/detail/mustersatzung-zur-sicherung-guter-wissenschaftlicher-praxis-und-zum-umgang-mit-verdachtsfaellen-wisse) the German Rectors' Conference (HRK) published a catalogue of actions classified as scientific misconduct:

- (1) Scientific misconduct occurs when a person working in research at a higher education institution intentionally or with gross negligence makes misrepresentations in a context relevant to research, claims others' research achievements as their own without justification or interferes with others' research. The particular circumstances pursuant to paragraphs 5 to 8 remain unaffected.
- (2) **Misrepresentations** are deemed to occur if individuals
 - a) fabricate data and/or research results,
 - b) falsify data and/or research results, in particular by suppressing and/or eliminating data and/or results obtained in the research process without disclosing this, or by manipulating a representation or illustration/figure,
 - c) present an image and a statement corresponding to it in an incongruous manner,
 - d) make inaccurate statements in a funding proposal or within the scope of the reporting obligation to the extent that they relate to research,
 - e) claim another person's (co-)authorship without consent.
- (3) An **unjustified appropriation** of others' research achievements is deemed to occur in the following cases:
 - a) use of others' content without indicating the source (plagiarism),
 - b) use of others' research approaches, research results and research ideas (idea theft),
 - c) sharing of others' scientific data, theories and findings with third parties without authorisation,

- d) 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) falsifying scientific content generated by others,
 - f) publishing an unpublished research work, finding, hypothesis, teaching or research approach, or otherwise making it available to third parties, without authorisation.
- (4) **Interference with others' research** is deemed to occur in particular in the following cases:
- a) sabotage of 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) falsification or removal of research data or research documents without authorisation,
 - c) falsification or removal of the documentation of research data without authorisation.
- (5) Scientific misconduct on the part of persons active in research at the higher education institution also results from the following, in the case of intent or gross negligence:
- a) **co-authorship** of a publication that contains false information or unjustifiably appropriated third-party research achievements,
 - b) **neglect of supervisory obligations** if another person has committed scientific misconduct as defined in paragraphs 1 to 4 and this would have been prevented or substantially impeded by necessary and reasonable supervision.
- (6) Scientific misconduct further results from the intentional **participation** (in the sense of instigation or aiding and abetting) in intentional misconduct on the part of others defined as an offence under these statutes.
- (7) Scientific misconduct on the part of **reviewers or committee members** at the higher education institution is deemed to occur if they intentionally or with gross negligence
- a) use scientific data, theories or findings of which they have gained knowledge in the course of their activities as reviewers or committee members for their own research purposes without authorisation,
 - b) share, without authorisation, proposals, or data, theories or findings contained therein, with third parties in the course of their activities as reviewers or committee members, in violation of the confidentiality of the review process,
 - c) 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 reviewers or committee members.

- (8) Scientific misconduct is also deemed to occur if **a reviewer or committee member** of the higher education institution, in the course of their activities, fail to disclose, against their better judgement, facts that establish another person's scientific misconduct as defined in paragraphs 1 to 5 with the intention of obtaining an advantage for themselves or for the other person.



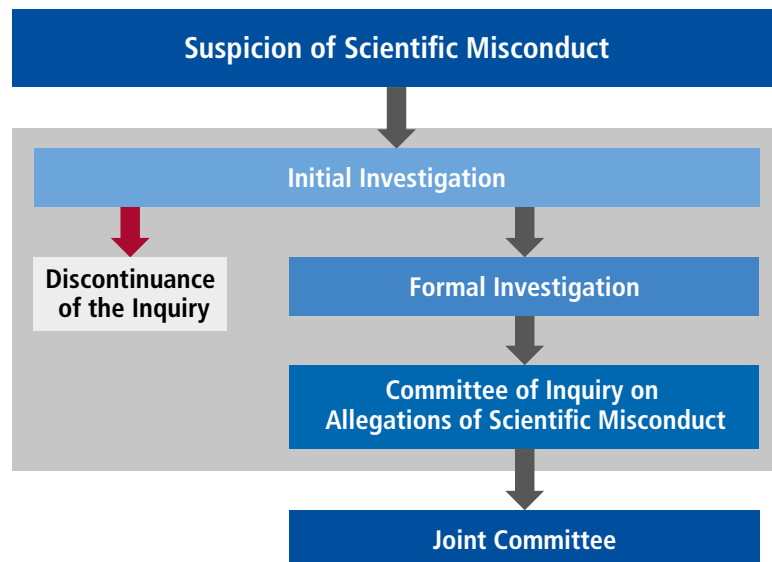
What is the procedure?

Procedure conducted by the DFG to investigate allegations of scientific misconduct

Process

Based on its own Rules of Procedure, the DFG conducts (www.dfg.de/formulare/80_01, only in German) a two-stage procedure to investigate allegations of scientific misconduct.

This two-stage procedure consists of a non-formal stage, the so-called initial investigation conducted by the DFG Head Office, and a formal stage involving the DFG Committee of Inquiry on Allegations of Scientific Misconduct.



Committee of Inquiry on Allegations of Scientific Misconduct

The Committee of Inquiry on Allegations of Scientific Misconduct, a subcommittee of the DFG's Joint Committee, is made up of eight scientific members and is chaired by the Secretary General of the DFG. The eight members represent the humanities and social sciences, natural sciences, life sciences, and engineering sciences. The Committee of Inquiry may in individual cases appoint up to two reviewers on the subject matter in question as additional Committee members in an advisory capacity.

If a majority of the Committee of Inquiry finds that scientific 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 DFG's Joint Committee. Otherwise, the procedure shall be discontinued.

The Joint Committee may decide to take action, depending on the nature and severity of the misconduct found. Notes on this can be found on p. 26.



Measures taken by higher education institutions and non-university institutions

Higher education institutions and non-university institutions as employers have at their disposal a comprehensive catalogue of measures and consequences they can impose in response to proven cases of scientific misconduct.

The HRK model statutes (*Mustersatzung zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit Verdachtsfällen wissenschaftlichen Fehlverhaltens* – “Model statutes for safeguarding good research practice and for dealing with suspected cases of scientific misconduct” of 10 May 2022) state the following in paragraph 27:

If the university management considers scientific misconduct to be proven, it may impose the following sanctions and/or take the following measures alternatively or cumulatively as is considered appropriate:

Measures

- Issue a written reprimand
- Call on the accused person to retract or correct incriminated publications or refrain from publishing incriminated manuscripts
- Withdraw funding decisions or withdraw funding contracts, insofar as the decision was made by the higher education institution or the contract was concluded by the higher education institution, including the reclaiming of funds, where applicable
- Disqualify the accused person from serving as a reviewer or committee member at the higher education institution for a fixed term [duration]

Consequences under labour law

- Against employees of the higher education institution: warning notice under labour law, ordinary termination of contract, contract cancellation, extraordinary termination of contract

Disciplinary consequences

- Against officials of the higher education institution: initiation of disciplinary proceedings under civil service law with the measures provided for therein, including interim measures

Consequences under criminal law

- Report a criminal offence to the police or the public prosecutor's office or report an administrative offence to the competent authority

Consequences under civil law

- Assertion of claims under civil law – also by way of interim legal protection – in particular for damages, restitution or removal/injunctive relief

Consequences under public law

- Assertion of any claims under public law, also by way of interim legal protection

Academic consequences

- Initiation of proceedings for the withdrawal of an academic degree or proposal that such proceedings be initiated
- With regard to supplementary measures by non-university institutions, the regulations of the Max Planck Society are mentioned here as an example:

www.mpg.de/199493/regelnWissPraxis.pdf

Measures taken by the DFG

After conducting a hearing on the recommendation of the Committee of Inquiry on Allegations of Scientific Misconduct, the DFG Joint Committee may impose one or more of the following sanctions, depending on the nature and severity of the scientific misconduct:

- issuing a written reprimand to those involved;
- 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;
- revoke funding decisions (full or partial termination of the grant contract, demanding repayment of funds spent);
- 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;
- exclusion from serving as a reviewer for a period of one to eight years, depending on the severity of the scientific misconduct;
- exclude those concerned from membership of DFG statutory bodies and committees for a period of one to eight years, depending on the severity of the scientific misconduct;
- 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.



Conclusion of a procedure

Publication of the decision

The HRK model statutes (*Mustersatzung zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit Verdachtsfällen wissenschaftlichen Fehlverhaltens – “Model statutes for safeguarding good research practice and for dealing with suspected cases of scientific misconduct” of 10 May 2022*) state the following in paragraph 26 for higher education institutions:

The decision and the main reasons for the decision shall be communicated in writing to the complainant and the respondent after the meeting. The parties shall only have remedies granted by law against the decision.

The decision shall also be communicated to the research organisations concerned and to third parties who have a justified interest in the decision. Whether and in what way this is the case shall be decided by the higher education management at its due discretion. The latter also decides whether and in what way the public is to be informed. Notifications under this paragraph may be accompanied by a statement of reasons.

Draft wordings to this effect should also be provided for non-university institutions, see the regulations of the Max Planck Society:

www.mpg.de/199493/regelnWissPraxis.pdf

The DFG’s Rules of Procedure

The DFG’s Rules of Procedure provide for the following:

the main reasons that led to the discontinuance of the inquiry or the decision of the Joint Committee shall be communicated to the respondent, any complainants and any other individuals with a vested interest in the decision. The decision as to whether the Joint Committee’s finding should be published to serve a legitimate public interest shall be considered individually in each case.



Deutsche Forschungsgemeinschaft

Kennedyallee 40 · 53175 Bonn

Postal address: 53170 Bonn, Germany

Tel.: +49 228 885-1

Fax: +49 228 885-2777

postmaster@dfg.de

www.dfg.de/en