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The University of Konstanz's Statutes to Ensure Good Scientific Practice

From 26 February 2018

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As per § 3 para. 5 sentence 4 in connection with § 19 para. 1 sentence 2 no. 10 of the Gesetz über die Hochschulen in Baden-Württemberg (Landeshochschulgesetz LHG (state law on higher education)) from 1 January 2005 (published in Gesetzblatt (GBl). 2015, p. 1), last amended on 7 November 2017 (published in GBl. 2017, p. 584), the Senate of the University of Konstanz passed the enclosed Statutes in its meeting on 14 February 2018.

First paragraph: General principles

§ 1 Obligation to ensure good scientific practice

(1) All academic staff members working at the University of Konstanz as well as its students are required to abide by the principle of academic integrity. To that end, the generally accepted guidelines to ensure good scientific practice (§ 3 para. 5 sentences 1 and 2 LHG) must be observed.

(2) Scientific misconduct includes providing false information in research-related contexts, whether intentionally or due to gross negligence, infringing the intellectual property of others or otherwise interfering with their research work. Scientific misconduct includes, above all, the following practices:

1. False information
   a) inventing data;
   b) falsifying data, e.g.
      aa) through selecting, rejecting and omitting unwelcome results without stating this fact,
      bb) through manipulating a chart or picture;
   c) providing incorrect information in an application letter or an application for funding (including incorrect information about the publication organ and forthcoming publications).
2. actively or passively preventing the reproducibility or verifiability of scientific results,
3. Infringement of intellectual property

a) relating to copyrighted work created by another person or to another's essential scientific findings, hypotheses, teachings or research approaches,

aa) using content without authorisation and feigning authorship (plagiarism),

bb) exploiting research approaches and ideas, particularly as a reviewer (intellectual theft),

cc) claiming or accepting scientific authorship or co-authorship without reason,

dd) falsifying contents,

ee) publishing and making research available to third parties without authorisation to do so while the work, research result, hypothesis, teaching or research approach remains unpublished as well as wilfully delaying publication on a reviewer's, publisher's or co-author's part,

b) claiming another's authorship or co-authorship without their consent.

4. Interfering with the research activities of others

sabotaging research activities (including damaging, destroying or manipulating experimental set-ups, equipment, documents, hardware, software, chemicals or other components needed to carry out an experiment).

§ 2 Management and instruction of early career researchers and students

(1) Irrespective of the Rectorate's responsibilities, the departments and other research facilities bear the responsibility for creating suitable organisational structures to ensure that

1. the tasks of management, supervision, quality assurance and conflict management are duly performed within clearly defined spheres of competence and that

2. early career researchers are taught the principles of good scientific practice.

(2) Imparting the values of academic integrity is an integral part of higher education.

Second paragraph: Procedure in case of suspected scientific misconduct

§ Basic principle and responsibilities

The University of Konstanz investigates all concrete suspicions of scientific misconduct. To that end, an ombudsperson and a commission of inquiry tasked with investigating scientific misconduct are appointed.

§ 4 Ombudsperson

(1) Following a recommendation from the Rector, the *Senate* appoints a university teacher to act as ombudsperson as well as a deputy. The term of office is three years each. The ombudsperson's responsibilities in regard to doctoral examination procedures as per § 38 para. 4 LHG remain unaffected.

(2) The ombudsperson works independently and is not under the authority of another.

(3) As a person of trust, the ombudsperson may provide advice and support to those who inform him/her about a suspected case of scientific misconduct.

(4) In agreement with the parties involved, the ombudsperson may attempt an arbitration or settlement procedure.

(5) If the ombudsperson receives information about a potential case of scientific misconduct, he/she investigates the matter exercising professional judgement in evaluating the allegations' plausibility, concreteness and potential impact, possible motives and ways of clearing them up. If the ombudsperson concludes that there is sufficient indication of scientific misconduct, he/she decides to brief the commission of inquiry on the status of the investigation.

(6) If a researcher who must give his/her consent to the publication of joint research results prevents their publication without due reason (obstruction), the ombudsperson may authorise the other parties involved to publish the research after carrying out an attempt at mediation (ombudsperson's arbitration). The fact that the research was published on the authority of the ombudsperson must be included in the publication.

(7) The ombudsperson submits an annual report to the rector.

§ Commission of inquiry on scientific misconduct

(1) The commission of inquiry advises the Rectorate on matters related to ensuring good scientific practice and is tasked with investigating suspicions of scientific misconduct on the part of university members and affiliates. Former members and affiliates are also subject to investigation insofar as their former employment at the University of Konstanz is concerned.

(2) The jurisdiction of the Examination Boards, the Doctoral Committees and the Habilitation Committees regarding the assessment and punishment of scientific misconduct in relation to student and examination issues and in direct connection with the awarding of academic degrees remains unaffected.

(3) The members of the commission are recommended by the rector and appointed by the Senate for a term of three years. The commission is comprised of three university teachers, one of whom must be qualified to hold judicial office, as well as an academic staff member. There is one deputy each for all members of the commission.

(4) The commission appoints a chairperson and his/her deputy from amongst its members.

(5) The members of the commission are independent and not under the authority of another. They are bound to secrecy. Unless the members of the commission are civil servants, they must be sworn to secrecy by the commission chair; the same applies to external experts consulted during the investigation. The secrecy obligation must be placed on record for future reference.

§ 6 Procedural arrangements of the commission

(1) The public is excluded from meetings of the commission. A simple majority is required to pass resolutions. In case of a tie, the chairperson’s vote is decisive. The ombudsperson as well as a member of the dean’s office of the faculty that the individual suspected of scientific misconduct belongs or belonged to attend the commission meetings in an advisory capacity. The commission can consult other university members or experts if required.

(2) The investigations carried out by the commission are ex officio. It is authorised to take all necessary steps to clear up the matter at hand. To that end, it may request all necessary information and statements, consult expert reviewers familiar with the subject area of the individual(s) under investigation and bring in experts who are well-versed in treating such cases. All University of Konstanz members and facilities are obliged to provide comprehensive support to the commission as it carries out its duties. If expedient, the commission can combine or separate several individual cases brought to its attention which relate to the same matter.

(3) If the responsible Examination Board, Doctoral Committee or Habilitation Committee initiates an investigation into scientific misconduct, the commission puts its own investigation on hold. The same applies if an investigation reveals sufficient evidence of a grave violation of official contractual duties or behaviour that might lead to disciplinary proceedings; in this case, the commission informs the rector without delay.

(4) The identity of the individual who informed the commission of the case of suspected scientific misconduct must not be revealed to the individual under suspicion without the former's consent. This does not apply if the commission is convinced that the individual under suspicion would otherwise be unable to defend him/herself; this is especially important in cases where the credibility of the informant is essential to the investigation. If the informant objects to having his/her identity revealed, he/she will remain anonymous. In this case, the informant’s testimony cannot be used.

(5) The individual under investigation must be given the opportunity to make a statement. On request, he/she may discuss the allegations in an oral hearing and ask a person of trust to attend the hearing with him/her. Sentence 2 also applies to the informant.

(6) Apart from that, §§ 20 and 21 as well as 88 to 93 of the Landesverwaltungsverfahrensgesetz (state law on administrative procedures) and the procedural arrangements of the University of Konstanz apply. The commission can adopt its own rules of procedure with the approval of the Senate.

§ 7 Conclusion of the investigation

(1) The principle of the free appraisal of evidence applies to the commission's investigation of the allegations. It must submit a status report on the inquiry and its results to the Rectorate and may issue recommendations.

The chairperson must communicate the reasons for closing or forwarding the investigation to the Rectorate to the individual under investigation and to the informant in writing. There is no complaints procedure against the decision of the commission.

(2) The Rectorate decides if the status report is made publicly available and, if so, to whom. The status report is not binding. The rector informs the commission of further steps to be taken in relation to cases brought to his/her attention. The university bodies and officials responsible evaluate if and which measures are to be taken to punish scientific misconduct and prevent similar violations in the future.

Third paragraph: Final provisions

§ 8 Supplementary measures, file storage

(1) Once the investigation has been concluded, the chairperson identifies all university members whose valid interests are affected by proven scientific misconduct. He/she advises these university members, especially early career researchers and students involved in a case of scientific misconduct through no fault of their own, on ways of protecting their personal and academic integrity.

(2) The commission's inquiry files are stored for 30 years.

§ 9 Coming into effect

These Statutes come into effect the day after their publication in the “Amtliche Bekanntmachungen” (Official Announcements) of the University of Konstanz. At the same time, the “Guidelines to Ensure Good Scientific Practice and for the Handling of Scientific Misconduct at the University of Konstanz” from 08.12.1998 (Official Announcement No. 8/98) cease to be in force.

Konstanz, 26 February 2018

signed

Professor Ulrich Rüdiger

- Rector -