

**Rules on the principles
for safeguarding good research practice
at Heinrich Heine University Düsseldorf
dated 30 October 2020**

*Please note: Convenience translation of the official German regulation.
In case of doubt, the German original will be binding.*

Pursuant to § 2 Paragraph 4 of the Higher Education Act of North Rhine-Westphalia (*Hochschulgesetz NRW*) dated 16 September 2014 (p. 547, Gazette of Laws and Ordinances of North-Rhine Westphalia, GV. NRW) last amended on 14 April 2020 (p. 218b, GV. NRW), the Heinrich Heine University Düsseldorf has enacted the following rules:

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ARTICLE I

Preamble

The Heinrich Heine University (HHU) recognises that good research practice is a central task of the university as a whole, involving everything from the organisational responsibility of university management, through the core area of activity of the researchers and research support staff and qualification for academic degrees, to the teaching from the Bachelor (undergraduate) degree level upwards. As a place of research, teaching and support for early career researchers, the university has an institutional responsibility for constructive cooperation in research.

¹ Based on the following considerations, the *Montreal Statement on Research Integrity in Cross-Boundary Research Collaborations* (2013) and the *Singapore Statement on Research Integrity* (2010) of the World Conferences on Research Integrity; the *European Code of Conduct for Research Integrity (revised edition)* of the All European Academies (2017); the *Code of Conduct - Guidelines for Safeguarding Good Research Practice* (2019), the *Memorandum - Proposals for Safeguarding Good Scientific Practice* (2013) and the *Rules of Procedure for Dealing with Research Misconduct* dated 2 July 2019 of the German Research Foundation (*Deutsche Forschungsgemeinschaft, DFG*); the procedural principles of The German Research Ombudsman (*Ombudsman für die Wissenschaft*) dated 1 August 2019; the resolution of the 23rd General Assembly of the German Rectors' Conference (*Hochschulrektorenkonferenz, HRK*) dated 14 November 2017 *Key points on quality assurance in doctoral education with an external employment contract*; the resolution *Collaborative Doctoral Education with Industry - Rules of Good Research Practice* of the German Association of University Professors and Lecturers (*Deutscher Hochschulverband, DHV*) dated 20 January 2016; the position paper of the German Council of Science and Humanities (*Wissenschaftsrat, WR*) *Recommendations for Research Integrity* (2015); the joint position paper of the Combined Faculties Association (*Allgemeiner Fakultätentag*), Faculties Association (*Fakultätentage*) and German Association of University Professors and Lecturers (*DHV*) on the structuring of doctoral procedures dated 21 May 2013; the recommendation of the 14th General Assembly of the German Rectors' Conference (*HRK*) *Good Research Practice at German Higher Education Institutions* dated 14 May 2013; the recommendation of the Executive Board of the German Rectors' Conference for universities entitled to award doctoral degrees dated 23 April 2012 *On quality assurance in doctoral procedures*; the joint position paper of the Combined Faculties Association (*Allgemeiner Fakultätentag*), Faculties Association (*Fakultätentage*) and German Association of University Professors and Lecturers (*DHV*) *Good Academic Practice In the Context of Theses Submitted for a Degree* dated 9 July 2012; the position paper of the German Council of Science and Humanities (*WR*) *Requirements for Quality Assurance in Doctoral Procedures* (2011); the *Rules of Procedure in Cases of Suspected Scientific Misconduct* of the Max Planck Society (*Max-Planck Gesellschaft*) in the version dated 24 November 2000; and the recommendation of the 185th plenary session of the German Rectors' Conference (*HRK*) dated 6 July 1998 on how to handle research misconduct at universities, the Senate of Heinrich Heine University Düsseldorf (HHU) enacted on 13 October 2020 in accordance with § 2 Paragraph 4 and § 22 Paragraph 1 sentence 1 Number 3 of the Higher Education Act of North Rhine-Westphalia (*Hochschulgesetz NRW*) in the amended version dated 12 July 2019 (p. 377, Gazette of Laws and Ordinances of North-Rhine Westphalia, GV. NRW) the following new version of the "*Rules on the principles for safeguarding good research practice*" at the Heinrich Heine University Düsseldorf (HHU).

University management and the heads of research work units bear the organisational responsibility within the scope of their tasks and areas of activity. This includes an appropriate institutional organisational structure, which ensures that the tasks of leadership, supervision, quality assurance and conflict management are clearly allocated according to the size of the individual research work units and suitably communicated to HHU members and affiliates.

The university ensures the necessary framework conditions so that research can be performed based on the identification of relevant and appropriate research questions. HHU advocates an honest research attitude among its members and affiliates. Honesty means in this sense that researchers orientate their actions to the principles of good research practice set out in these rules. A corresponding attitude shall be the subject of academic teaching and research training at the earliest possible stage, and pursued at all subsequent stages of the training and researcher career through regular updates on the changing standards and continuous reflection of one's own role.

HHU obliges its members and affiliates to adhere to the rules of good research practice laid down in these rules, taking the particularities of their respective discipline into account. Each researcher is responsible for ensuring that his or her conduct complies with the standards of good research practice. In particular, the principles include working *lege artis* (i.e. according to the recognised standards in the respective discipline), maintaining strict honesty and transparency with regard to one's own contributions and those of others, consistently questioning all findings, and allowing and fostering a critical discourse within the research community.

Section I: Good Research Practice

§ 1

General principles

(1) Research is every undertaking which is to be regarded in its form and content as a serious and systematic attempt to attain truth and new (and thereby also controversial) knowledge. The honest and transparent handling of data, facts and intellectual property is essential for the verifiability of scientific and academic hypotheses and findings. Honesty in the search for true facts and the sharing of research insights form the foundation of research practice.

(2) Researchers who observe and respect the rules of good research practice are entitled to participate in the scientific/academic discourse. The selection of data and facts to publish, their manner of presentation, interpretation and dissemination are nevertheless fundamental components of the freedom of research. Fundamental incompleteness forms part of any research insight.

(3) Every incidence of research misconduct harms both the self-conception and the credibility of research. Accordingly, research misconduct not only damages the standing of the dishonest person, but in particular also the reputation of the university and of research in general.

(4) The principles of research practice are the same in all research disciplines. Honesty towards oneself and others is paramount. The premise for attainment of the truth in research above all requires a perpetual readiness to question the results obtained. Researchers are moreover responsible for implementing the fundamental values and norms of research into practice and advocating for them. Practicing research implies standards of reliability in a subject and respect for other participating researchers.

(5) Based on these principles, the following fundamental requirements are made of good research practice:

1. Researchers adopt a responsible approach to the constitutionally guaranteed freedom of research. They comply with rights and obligations, particularly those arising from legal requirements and contracts with third parties, and where necessary seek approvals and ethics statements and present these when required.
2. Researchers must take the current state of research into account when planning projects. They must apply scientifically/academically sound and appropriate methods to answer research questions. When developing and applying new methods, they must attach particular importance to quality assurance and the establishment of standards. They must use methods to prevent (implicit) bias in the interpretation of findings wherever possible and be prepared to question the plausibility of all results.
3. Strict honesty and transparency must be maintained with regard to the intellectual property of third parties, particularly partners, superiors, employees, colleagues, competitors and predecessors. All sources consulted must be referenced.

4. The roles and responsibilities of the researchers and research support staff participating in a research project must be clear at each stage of the project.
5. Researchers carry out each step of the research process *lege artis*. This includes a continuous quality assurance during the research process, which specifically takes into account the compliance with subject-specific standards and established methods; processes such as the calibration of instruments, collection, processing and analysis of research data, selection and use of research software, its development and programming; and documentation of the research process, of the accompanying quality assurance measures, data or findings obtained, data analyses conducted and conclusions drawn.
6. Researchers document all information relevant to the achievement of a research result as comprehensibly as is required by and appropriate for the relevant subject area to allow all results to be reviewed and assessed and to retrace and replicate in detail any investigations and evaluations conducted. The documentation for the research process is generally retained for at least ten years following publication. Further stipulations for research documentation are set out in § 8.
7. As a rule, researchers contribute make all results available as part of scientific/academic discourse. This usually takes the form of research publications, which are also products of a researcher's work – similar to the research observation or experiment itself.

Researchers must comply with the discipline-related and subject-specific principles of research work.

(6) In cases of doubt regarding the standards of good research practice and particularly subject-specific principles, the standards published by the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) shall be taken as the basis.

§ 2

Prevention and avoidance of research misconduct

(1) With regard to safeguarding good research practice, suitable measures must be taken to prevent research misconduct from occurring. This includes clarifying roles and responsibilities in the research process; establishing an open, honest, trustworthy and transparent communication culture within research work units; and setting adequate quality standards for supervision. In particular, however, it is essential that the fundamentals of good research practice are taught at the earliest possible stage in academic teaching and research training, and that researchers at all career levels regularly refresh their knowledge of the standards of good research practice and the state of research.

(2) The faculties are therefore called upon to review and, where necessary, adapt the study, examination, doctoral and *Habilitation* regulations applicable in their departments with regard to their compliance with research quality standards and the avoidance of research misconduct based on these rules. Rules regarding attempts at deception and other violations of the orderly performance of qualifying work must be formulated in a precise and transparent manner, as must rules on the legal consequences of such attempts at deception and violations. The study programmes are called upon to anchor the

principles of good research practice in their curricula in a comprehensible and transparent manner, and to address them in dedicated modules.

(3) The faculties are moreover called upon to provide administrative support and further professionalise the ombudsperson services as required, for example by supporting the participation in further and advanced training on the ombudsperson services and/or establishing offices. The latter shall help to build up an institutional memory, ensure continuity and professionalism, and enable the better coordination of ombudsperson services. The faculties ensure a clear division of responsibilities or distinct areas of responsibility as well as uniform procedures in suspected cases of research misconduct. This particularly also applies for inquiry proceedings.

(4) The assessment of academic and scientific achievements follows the principle of achievement, whereby it is sensitive to aspects of fairness and the personal circumstances under which achievements were accomplished. The prevention of research misconduct also involves taking a multidimensional approach in the assessment of researchers' performance. Further criteria beside the scientific/academic achievements include involvement in teaching, academic self-governance and the knowledge and technology transfer as well as other achievements demonstrating a willingness to take risks and an openness to new findings. HHU is committed to equal opportunity and diversity in the selection and development of staff.

§ 3

Early career researchers, researchers and research support staff

(1) HHU teaching staff and supervisors act responsibly in the knowledge that they are also perceived as role models in their mediation of the fundamental principles of good research practice. As teachers, they uphold the fundamental principles of good research practice and call upon others to also observe these principles. They foster a critical discourse and raise awareness, also with regard to the possibility of research misconduct.

(2) Supervisors of empirical doctoral research are obliged to conduct a plausibility check of the data, to review the preparation process, and to provide the doctoral researchers they supervise with feedback on the methodology and data quality at an early stage. To avoid providing incentives for the manipulation of data, doctoral researchers must be made aware in an appropriate manner (e.g. a supervision agreement) that refuting a hypothesis can also lead to the awarding of a doctorate if proof is provided of independent research work. This does not relieve doctoral researchers of their responsibility to uphold research standards in their work.

(3) HHU meets its responsibility towards its early career researchers, researchers and research support staff by facilitating a continuous discourse on the principles of scientific/academic work and good research practice, and supporting participation in corresponding advanced training offers. HHU's researchers regularly refresh their knowledge of the standards of good research practice and the state of research, and support each other across all career levels in this ongoing learning and training process. The faculties offer early career researchers counselling highlighting career tracks and pathways as well as further training opportunities.

(4) The ongoing clarification of roles and responsibilities within research projects requires all participating researchers and research support staff to also engage in a regular exchange and to define their roles and responsibilities in a goal-oriented manner, adapt them where necessary. Adaptations are likely to be needed if the focus of a participant's work changes.

§ 4

Principles for writing research and academic theses

(1) Originality and independence are in principle the most important quality criteria for any research or academic work. These criteria are increasingly stringent depending on the type and level of academic or scientific qualification sought. The quality of a scientific or academic thesis is also evaluated by an author's ability to re-express the thought processes and the contents of previous work of others by one's own linguistic expression utilizing his or her own knowledge. It is only through this process substantiated with quotations and references that an author makes the thoughts and results of others his or her own in a scientifically/academically legitimate manner. The quality of research is also demonstrated by the originality of the research question, independence of the research design, originality of the measurement methodology, degree of difficulty of data collection, critical analysis and evaluation of existing findings or collected data, and ability to integrate the results obtained into the scientific/academic context in a differentiated manner.

(2) Before this backdrop, interactions between the authors of scientific and academic theses and third parties, who contribute full or partial texts to a scientific or academic thesis that the authors subsequently pass off as their own work with the consent of these ghostwriters, also constitute a violation of the rules of good research practice. All scientific or academic theses require correct and careful research, quotation and referencing. References to third-party publications – be it through the adoption of third-party texts, diagrams or thoughts and ideas – must be unequivocally recognisable to the reader. It must be consistently clear to the reader which elements of intellectual property have been taken over from other or third-party works. Common knowledge traditionally passed on in a specialist discipline may be paraphrased without the need for quotation or referencing. It is up to the respective discipline to determine what it considers common knowledge.

(3) In scientific or academic theses, all (external) factors, which – from the standpoint of an objective third party – could raise doubt about the achievement of an entirely autonomous scientific/academic evaluation by the author, must be disclosed. Support given for a dissertation in the form of scholarships, third-party funding or other economic advantages must be clearly indicated.

(4) Based on these principles, the following requirements are made of scientific or academic theses:

1. The work, ideas and thoughts of others must be respected through appropriate forms of text composition and/or the use of quotations.
2. The verbatim adoption of third-party texts must be indicated with a uniform and common citation system (e.g. quotation marks). This typically involves the adoption of third-party thoughts and ideas.

3. Insofar as there is no verbatim adoption of a text from another source but the text is more or less clearly paraphrased or summarised, this source must also be clearly indicated.
4. Care must be taken when quoting, paraphrasing or summarising to ensure that opinions and/or statements are not attributed to authors or sources that they did not express or make at all or in the form quoted.
5. An author's own translations of foreign-language texts must be indicated as such and the original source provided. A rough translation or linguistic revision in the target language must be identified as such. Existing translations must be mentioned if they have been used as the basis or source for one's own translation.
6. The use of one's own texts that have already been published does not constitute a violation of the rules of good research practice as such. However, the use of previous work and results must be verified and identified in a suitable manner. Examination regulations may exclude such double use, however, if the aim is to honour the first-time development of a new idea in a scientific or academic thesis (e.g. an inaugural dissertation).

(5) The responsibility for adhering to the basic rules of research practice primarily lies with the author of the scientific or academic thesis. However, the supervisors and/or examiners also have a responsibility. Both parties' commitment to this responsibility must be documented in an appropriate manner (e.g. in a supervision agreement). The supervisor is tasked with informing the examinees of the fundamental rules of research practice before they begin their work and to explain these as necessary. The supervisors and examiners are also tasked with consistently investigating any doubts about the adherence to the fundamental rules of research practice in scientific and academic theses. Insofar as permitted by the examination regulations and general examination legislation, supervisory tasks may be delegated (in part). In contrast, the ultimate responsibility of the examiners themselves is highly personal and cannot be delegated. Examiners may seek advice on specific questions, though, to enable them to competently assess sub-areas of research work (e.g. during interdisciplinary projects).

§ 5

Principles for quality assurance in doctoral procedures

(1) Doctoral studies provide evidence of the ability to complete more in-depth, independent research work. They embody an autonomous research achievement. Doctoral researchers are early career researchers who make an important and innovative contribution to advances in scientific and academic knowledge and the sustainability of the research system through the scientific and academic achievements accomplished in their dissertations.

(2) The conditions for admission to doctoral studies must be formulated clearly. In the interest of doctoral researchers' legal certainty, prospective doctoral researchers must apply to their chosen faculty for acceptance as a doctoral researcher prior to commencing the research for their dissertation. Doctoral candidates must be provided with written confirmation of acceptance and be instructed in the rules of good research practice. This instruction must be documented, either by a certificate of attendance in a

course on good research practice and/or by confirming in writing to the faculty that they have received a written instruction on the rules of good research practice.

(3) All doctoral researchers should be offered a suitable environment in which they can successfully conduct their research. Accepting doctoral researchers is coupled with the obligation to provide academic supervision. The doctoral regulations govern the supervision arrangements. In particular, appropriate instruments here are regulations on the conclusion of a supervision agreement setting out the supervision concept and the basic requirements for supervisors and doctoral researchers, regulations providing for supervision by further experienced researchers in addition to the primary supervisor, and regular documented progress reports.

(4) For dissertations in whose preparation external partner institutions (e.g. companies, public authorities, cultural institutions) have a vested interest and that are linked to the prospect of employment with the external partner institution during or after the doctorate (especially so-called collaborative doctoral education with industry partners), HHU is committed to the following principles: All doctoral supervisors at HHU must ensure that they are not guided by the interests and possible requirements of the external partner institution when selecting their doctoral researchers, assigning topics and supervising their work. Rather, they must place their full freedom of research at the service of academically oriented research supervision. This particularly applies if taking the interests of external partner institutions into account will enhance the doctoral researcher's current or future career opportunities or if supervisors can expect benefits from the external partner institution to support their own research. Supervisors must transparently indicate any relevant existing third-party funding or personal financial advantages. Honorary professors, who currently work or previously worked for the external partner and have an interest in the doctorate and research work performed by the doctoral researcher, should not be involved in supervision and decisions regarding achievements accomplished during the doctorate involving the external partner. The supervisors must moreover ensure that the doctoral researchers they supervise do not make a commitment to the external partner institution to keep confidential any information whose publication corresponds with the principles of good research practice and that they are given sufficient opportunity to take advantage of the university's doctoral supervision offers during their external employment. If the doctoral dissertation is being completed at the external partner institution, academically qualified contact persons at the external partner institution must be named and available to university supervisors.

(5) Supervisors and doctoral researchers must ensure that work on the dissertation can be completed within a reasonable period of time. Responsibility for this begins with identification or definition of the topic, continues in the regular status and supervision reviews, and includes the necessity for a swift doctoral procedure. Supervisors must act responsibly in the performance of this fundamental task and plan in sufficient time for adequate supervision.

(6) The faculty is responsible for assessing the quality of the doctoral dissertation; the details are governed by the respective doctoral regulations. Reviewers must be selected on the basis of their disciplinary expertise. They undertake their evaluation independently of each other and justify their grading in a comprehensible manner. The tools suitable for exposing research misconduct also include conducting an oral defence and also requiring submission of the dissertation in an electronic format.

This can make it easier for all professors of the faculty to view the work and appraisals and share their own opinions, and enables the use of software to check the work for violations of research quality standards.

(7) The doctoral regulations applicable at HHU foresee the submission of an affidavit on the independence of a doctoral researcher's scientific/academic achievements. This affidavit is required for admission to the doctoral procedure. Doctoral researchers must be advised of the significance of this affidavit and the consequences under criminal law of a false or incomplete affidavit.

(8) Rules and procedures regarding the invalidity of doctoral achievements, reduction of the mark awarded for doctoral achievements, issue of a reprimand or revocation of the doctoral degree or title must be defined transparently and specifically in HHU's doctoral regulations.

§ 6

Principles for quality assurance in academic qualification phases subsequent to the doctorate

Upon admission to *Habilitation* the respective candidates have to submit a declaration in which they undertake to adhere to the rules of good research practice. The same condition applies for the appointment of junior professors. This admission condition must be included in the applicable *Habilitation* regulations. § 5 shall apply accordingly otherwise. The faculties shall also ensure in an appropriate manner that participants in postdoctoral projects undertake to adhere to the rules of good research practice.

§ 7

Organisation of working groups

(1) In order to address certain research questions, it might be that several persons contribute proportionately to theoretical work or experiments, to the evaluation of data, to research publications or the exploitation under patent law of these results within the scope of a research work unit. The head of a work unit is responsible for the entire unit. This includes the establishment of an appropriate communication culture and organisational structure, shaping the collaboration in such a way that the group as a whole can perform its tasks, the necessary cooperation and coordination can be achieved, and all members understand their roles, rights and duties.

(2) The leadership role moreover includes ensuring adequate individual supervision for early career researchers – integrated in the overall policy of the HHU and its faculties – as well as career development for researchers and research support staff. The size and organisation of a research work unit must therefore be designed in such a way to allow leadership tasks, particularly skills training, research support and supervision and support duties to be performed appropriately. In particular, the head of a work unit is responsible for ensuring that students, doctoral researchers and researchers in subsequent qualification phases receive appropriate supervision. There must be a primary contact person in the working group for each of them, who also conveys to him or her the principles for safeguarding good research practice. Researchers and research support staff benefit from a balance of support and personal responsibility appropriate to their career level. They are granted an adequate status with the

corresponding rights of participation. Through gradually increasing autonomy, they are empowered to shape their own career.

(3) Abuse of power and the exploitation of dependent relationships must be prevented at HHU through appropriate organisational measures on both the individual work unit level and the institutional management level. The responsible bodies regulated in Section III of these rules primarily serve this purpose.

(4) The research results produced by collaboration in a working group must be used in such a way that the individual intellectual property rights of all working group members remain protected – even after they have left the group. If there are several participants in a research project, they must document their contributions to the research results and, if actually and legally possible and reasonable, conclude documented agreements as early as possible during the research project on the use of research results in teaching and research activities. In particular, the researchers who achieve the research results are entitled to use it.

§ 8

Documentation and granting of public access to research results

(1) All of the researchers involved in a research process share the responsibility for the duty of documentation mentioned in § 1 Paragraph 5 Number 6. The responsible researchers assume the duty to provide evidence of orderly recording in a uniform manner that is customary for the respective discipline. In the case of supervised research work, the responsibility for supervising and controlling the documentation lies with the supervisors. They must also take the requirements set out in HHU's Research Data Rules and, where applicable, other relevant legal and governmental regulations into account.

(2) The documentation includes all relevant sub-steps in the research process, the accompanying continuous research-accompanying quality assurance (cf. § 1 Paragraph 5 Number 5), all primary data and findings (e.g. measurement results, collections, studies and surveys, cell cultures, material specimens, archaeological finds and questionnaires) as well as all interpretations, results and findings resulting from these. As a rule, researchers at HHU must also document all individual results and findings that do not support their hypotheses, assumptions and interpretations. Within the scope of what is necessary and appropriate in the subject area concerned, the documentation moreover means that

1. the origin of data, documents, organisms, materials and software used in the research process is disclosed and the reuse of data can be indicated;
2. all original sources used can be cited;
3. compliance with subject-specific standards and established methods and the methods used to avoid (implicit) bias in the interpretation of findings; calibration of equipment; collection, processing and analysis of research data; selection and use of research software, its development and programming can be verified;

4. the nature and scope of research data generated during the research process can be described, whereby the data is handled in accordance with the requirements of the relevant subject area;
5. the source code of publicly available software is persistent and can be cited and documented;
6. all steps of the research process, including the possible formulation of hypotheses, evaluations, analyses and calculations are comprehensible, verifiable and assessable by other researchers and the data, results and findings obtained can be replicated or confirmed wherever possible (e.g. using a detailed description of the materials and methods).

An important basis for enabling replication is to make available the information necessary to understand the research (including the research data used or generated, the methodological, evaluation and analytical steps taken, and, if relevant, the development of the hypothesis), to ensure that citations are clear, and, as far as possible, to enable third parties' access to this information. This particularly applies when new methods are developed. Accurate and traceable recording and documentation of the research process and results moreover applies particularly for experimental work where the repeatability of investigations and experiments is a core characteristic.

(3) If concrete and subject specific recommendations exist for appropriate research documentation, researchers will carry these out in accordance with the respective requirements. If the documentation cannot meet the above-mentioned requirements – for reasons that are scientifically/academically plausible – these constraints and reasons are explained and also documented in a comprehensible manner. In cases of doubt, researchers can seek advice from an ombudsperson.

(4) The research documentation must in principle remain accessible on durable and secured media in the working group where it was produced, the Centre for Information and Media Technology (ZIM) or other suitable research data repositories for a minimum period of ten years following publication of the associated research results. This rule does not apply if it conflicts with any applicable legal regulations, which take precedence.

(5) In principle, individual results that do not support the research hypothesis must also be documented. The selection of results must be avoided. Insofar as the comprehensive documentation or storage of research data is not possible or the amount of data is not proportionate to the research value, the deletion (particularly of possibly contradictory data) must be documented.

(6) Documentation can take the form of laboratory journals, logbooks or work books or another adequate digital format, for example. Documentation and research results must not be manipulated. They must therefore be protected and kept safe from unauthorised access, and secured and retained in such a way that manipulation or falsification is prevented as best possible. Should a researcher move to another institution, the original data and documentation generally remain at the institution where they were produced. Deviating regulations can be stipulated within the framework of the applicable legislation, in particular with regard to the production of duplicates.

(7) During an ongoing research project, those entitled to use the data decide in accordance with the applicable data protection provisions whether third parties should be granted access to the data. If several persons are involved in the research project, the conclusion of contractual arrangements between all persons involved in the research project on data access for third parties is advisable.

(8) As a rule, researchers make all results available as part of scientific/academic discourse. In specific cases, however, there may be reasons not to make results publicly available (in the narrower sense of publications, but also in a broader sense via other communication channels); this decision must not depend on third parties. Researchers decide autonomously – with due regard for the conventions of the relevant subject area – whether, how and where to disseminate their results. Once the decision has been made to make results available in the public domain, researchers describe them comprehensively and in full. Insofar as it is factually and legally possible and reasonable, this includes making the research data, materials and information on which the results are based, as well as the methods and software used (including any self-programmed software) and the source code, available and fully explaining the work processes. Researchers must reference their own preliminary work and that of third parties completely and correctly. In the interest of transparency and to enable research to be referred to and reused by others, whenever possible researchers make the research data and principal materials on which the publication is based available in recognised archives and repositories in accordance with the FAIR principles (Findable, Accessible, Interoperable, Reusable). Restrictions may apply to public availability In the case of patent applications. If self-developed research software is to be made available to third parties, an appropriate license is provided.

§ 9 Authorship

(1) Wherever possible, all parties involved in a research project should be given the opportunity to acquire the rights to a co-authorship. Collaborating researchers agree on authorship of a publication. An author is an individual who has made a genuine, identifiable contribution to the content of a research publication of text, data or software. Persons to be considered for this purpose should already be named before the start of the research project. The decision as to the order in which authors are named is made in good time, normally no later than when the manuscript is drafted, and in accordance with clear criteria that reflect the practices within the relevant subject areas. In order to avoid conflicts over authorship, it is advisable to reach agreements at an early stage and, if possible, in writing, which are transparent and comprehensible for all parties involved and which enable a decision to be made in the event of a disagreement.

(2) If several persons are involved in a research project or in the writing of a research report, only individuals who have made a genuine, identifiable contribution to the content of a research publication of text, data or software may be named as a co-author. All authors agree on the final version of the work to be published. Unless explicitly stated otherwise, they share responsibility for the publication. Authors seek to ensure that, as far as possible, their contributions are identified by publishers or infrastructure providers such that they can be correctly cited by users.

(3) The contribution of all authors must add to the research content of the respective publication. What constitutes a genuine and identifiable contribution must be evaluated on a case-by-case basis and depends on the subject area in question. An identifiable, genuine contribution is deemed to exist particularly in instances in which a researcher - in a research-relevant way - contributes to

1. the development and conceptual design of the research project, or

2. the gathering, collection, acquisition or provision of data, software or sources, or
3. the analysis/evaluation or interpretation of the data, sources and conclusions drawn from them,
or
4. the drafting of a manuscript.

(4) Therefore, contributions and work that are merely supportive in nature are not sufficient to justify authorship. This includes:

1. the mere organisational responsibility for obtaining the funds for research projects;
2. the provision of standard investigation materials;
3. the training of staff in standard methods;
4. the mere performance of technical work on data collection;
5. the mere provision of technical support (equipment or experimental animals);
6. the simple provision of datasets;
7. the sole reading of the manuscript without substantial contribution to its content;
8. the management of the institution or organisational unit in which the publication originates or mere holding of the function of a superior.

If a contribution is not sufficient to justify authorship, this support can be acknowledged appropriately in footnotes, the foreword or the acknowledgement. Honorary authorship in which no previously mentioned genuine contribution has been made is not permissible.

(5) Release of a manuscript for publication should be confirmed by all authors in an appropriate format and the particular contribution of each person or working group documented. By agreeing to be named as an author, (joint) responsibility is assumed for the compliance with research standards of the (co-)authorised publication. This particularly applies for the part to which a co-author has contributed. Each author is responsible for both the accuracy of his or her own contribution as well as for ensuring that it is included in the publication in a scientifically/academically legitimate manner.

(6) If the unpublished observations, findings, results or hypotheses of other persons or other institutions are used in a manuscript, their written consent must be obtained and their authorship to be indicated, unless subject to contrary conventions of the according discipline. If researchers are named as co-authors in a publication without their consent and feel unable to provide post hoc approval, they can be expected to take legal action regarding their inclusion as an author against the person primarily responsible or the editor and/or journal in question.

(7) It is in the spirit of research practice to publish new results in the foreseeable future. Researchers who collaborate on a project owe it to each other to support the pursuit of this purpose. This includes raising doubts about the quality of research results or procedures in a timely manner. Hence contributors may not fundamentally refuse publication.

(8) All co-authors are jointly entitled to the right of publication. Changes of the work may only be made with the consent of all co-authors. However, individual co-authors may not refuse their consent

to publication or amendment in bad faith. It is against the rules of good research practice to terminate the collaboration without reasonable cause or to prevent the publication of results as a co-author on whose consent the publication is dependent without a valid reason. Refusals to publish must be justified with verifiable criticism of the data, methods or results.

(9) Should a co-author suspect that consent has been refused in bad faith, they may contact one of the ombudspersons for good research practice.

(10) Authors select the publication medium carefully, with due regard for its credibility, quality and visibility in the respective field of discourse.

Section II: Research Misconduct

§ 10

Violations of research quality standards, research misconduct

(1) All current and former HHU members and affiliates are primarily personally responsible for reacting adequately should they violate the scientific/academic quality standards and, where possible, rectifying the violation in an appropriate manner and, in particular, avoiding or ending misinformation of the scientific/academic public with a disclosure. Against the backdrop that research lives from learning from mistakes and questioning results, HHU helps those responsible in the sense of sentence 1 to avoid violations of scientific/academic quality standards as well as to handle any violations appropriately and proactively. When assessing whether and how such violations are to be sanctioned as research misconduct, it must be taken into account whether and to what extent those responsible have themselves taken measures to reconstruct, clarify and correct any violations of their own or contributed to such measures. This shall particularly apply if such measures respond immediately and in an appropriate manner to information from third parties. Those responsible can seek confidential advice from an ombudsperson for good research practice.

(2) HHU investigates all concrete suspicions of significant violations of scientific/academic quality standards, whereby it respects the general personality rights and basic rights of all those involved in the proceedings. Should a violation of scientific/academic standards resulting from wilful intent or gross negligence be proven, which qualifies as research misconduct, suitable measures must be taken against the person(s) responsible in order to avert damage to science/academia and to HHU's standing and reputation.

(3) Research misconduct shall be deemed to have occurred if researchers in the field of science/academia intentionally or grossly negligently make false statements, adopt third-party research achievements without authorisation as their own, seriously impair the research activities of third parties, or commit one of the other violations detailed in Paragraph 4 below. The circumstances of the individual case are the determining factor.

(4) In particular, the following are regarded as research misconduct:

1. Misrepresentation – and specifically:

- a) the fabrication of data and/or research findings;
- b) the falsification of data and/or research findings, 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) by presenting an image and a statement corresponding to it in a deceptively incongruous manner;

- d) by making inaccurate statements in an application for employment or funding (including false statements regarding the publication medium and work accepted for publication or in print) or relating to the reporting obligation (including false statements on the publication medium and publications in print), to the extent that they relate to research;
 - e) by claiming another person's (co-)author without consent.
2. Unjustified appropriation of others' research achievements and/or the infringement of intellectual property, particularly in relation to copyrighted work of another person (including illustrations, pictorial presentations and similar) or to significant research findings, hypotheses, theories or research methods of another person
- a) by using others' content without indicating the required source (plagiarism);
 - b) by using others' research approaches and ideas without or without sufficiently indicating the source (theft of ideas);
 - c) the denial of a claim to co-authorship by others acquired through genuine contributions;
 - d) deliberate non-disclosure of essential relevant previous work by other persons;
 - e) the usurpation or unjustified acceptance of scientific/academic (co-)authorship or honorary authorship;
 - f) the falsification or modification of contents;
 - g) the unauthorised disclosure of data, theories and findings to third parties and/or the unauthorised publication and/or unauthorised sharing of the work, findings, hypothesis, teaching or research approach to third parties as long as the work, hypothesis, teaching or research approach has not yet been published.
3. Claiming of the authorship of texts written by other authors with their permission (known as "ghostwriting").
4. The severe interference with others' research activities, in particular:
- a) sabotaging research activities (including damaging, destroying or manipulating experimental set-ups, equipment, 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,
 - d) the obstructive refusal in bad faith to consent to publication as co-author.
5. Severe neglect of supervisory obligations if another person objectively and recognisably has committed research misconduct and this would have been prevented or substantially impeded by the necessary and reasonable supervision.
6. Discrimination, mobbing and harassment as well as abuses of power and malicious exploitation of dependent relationships in the research context with the purpose of hindering another person

in his or her research activities or to gain advantages for oneself or a close person in the research activities.

7. Frivolous handling of the allegation of research misconduct itself, in particular the making of incorrect allegations against one's better knowledge or the making of serious allegations of research misconduct in anticipation of their assessment by an independent body with the intention of weakening the reputation or chances of the person concerned, while circumventing the presumption of innocence and confidentiality principles applicable in such proceedings.
8. As a reviewer, misconduct in the review of proposals and/or publications. In particular, this includes:
 - a) the non-disclosure of facts or circumstances obviously substantiating the suspicion of conflict of interest;
 - b) the unauthorised use of data, theories or findings obtained in the course of review activities for one's own research purposes;
 - c) the unauthorised violation of the confidentiality of the review procedure by passing on proposals or manuscripts or the data, theories or findings contained therein to third parties;
 - d) the unjustified and arbitrary delay of the review process with the intention of delaying research funding so that scientific/academic benefits can be obtained for oneself or others.
9. Severe hindrance of an ombudsperson procedure or inquiry procedure according to these rules with the intention of obstructing the clarification of research misconduct.
10. Conducting research projects without first obtaining obviously required ethical approval in serious cases, in particular if the conduct of the research project is also ethically doubtful in substance or in the case of false statements about the alleged existence of ethical approval in publications or to persons whose research projects depend on such approval.

(5) With the exception of the cases referred to in § 10 Paragraph 4 Number 5., shared responsibility for research misconduct may among others arise from:

1. the active participation in the misconduct of others (in the sense of instigation or aiding and abetting), or
2. the co-authorship of publications in which the person has become aware of falsifications.

Section III: Ombudspersons, Commission of Inquiry and Other Advisory Bodies

§ 11 Ombudspersons

(1) As a rule, HHU shall appoint two persons from each of the five faculties as ombudspersons for matters relating to good research practice.

(2) The faculties nominate suitable persons as ombudspersons to the University President taking gender equality into account, whereby at least one of their nominations is a professor. At least one ombudsperson for good research practice at HHU belongs to the group of non-professorial academic staff. Professors who have been released from their duties (retired) may also be appointed as ombudspersons. One of the two persons nominated by each of the faculties may also be an experienced person from the group of non-professorial academic staff. Ombudspersons may not be members of a central governing body of their institution while holding this office. The University President appoints the persons nominated by the faculties as ombudspersons for a period of four years and obliges them to comply with these rules. An ombudsperson can be reappointed for one further term.

(3) The names and addresses of appointed ombudspersons will be published on the HHU website and also shared during trainings on this topic.

(4) Should an ombudsperson withdraw from office prematurely, the faculty whose ombudsperson left office prematurely shall propose another person as ombudsperson for the remaining period of office. § 11 Paragraphs 2 and 3 shall apply accordingly.

(5) The ombudspersons work independently, are not subject to instructions and fulfil the task of impartial arbitrators. To enhance the ombudspersons' ability to function, they may be relieved of other duties as necessary. Ombudspersons can approach their faculty at any time regarding this.

(6) The ombudspersons may – while maintaining confidentiality – discuss questions relating to the interpretation of these rules among themselves and with members of the commission of inquiry as well as seek advice from the German Research Ombudsman (DFG).

§ 12 Ombudspersons' responsibilities

(1) The persons of trust (ombudspersons) advise on questions of good research practice. In cases of conflict, they provide clarification about the standards set out in these rules and attempt to mediate between the conflicting parties in order to pacify disputes.

(2) Insofar as in suspected cases of research misconduct advice and mediation are not sufficient to adequately pursue the objectives of these rules and a case lying within the area of competence of the commission of inquiry exists, they shall submit applications as per § 15 Paragraph 2 of these rules.

(3) HHU's ombudspersons are confidential contacts both for the persons responsible according to these rules and for persons wishing to know whether the conduct of a third party constitutes a violation of good research practice.

(4) Their task of contributing to the clarification and sanctioning of possible research misconduct by means of applications as per § 15 Paragraph 2 of these rules is strictly limited by the confidentiality vis-à-vis informants (whistleblower). Ombudspersons advise informants on how they can contribute to further clarification by waiving confidentiality and, where applicable, their own anonymity.

(5) In particular, HHU's ombudspersons are responsible for the following tasks:

1. As persons of trust, they advise those members and affiliates of HHU who inform them of incidences of research misconduct and explain the principles of good research practice, if necessary, in cooperation with other advisory bodies at HHU. They not only advise those directly affected by the conduct of third parties but also potential informants on research misconduct. They should point out that false allegations or the inappropriate handling of research misconduct may in turn constitute research misconduct. According to these rules, when conflicts extend beyond the scientific/academic work, ombudspersons shall inform staff that counselling by the "Ombudsperson of HHU" for employees in their more general area of responsibility may also be considered.
2. If there are indications of research misconduct, they (also) advise those responsible on how to correct and clarify the matter and on measures to avoid such errors in the future. They shall point out to those responsible that any measures taken by themselves, which are suitable to correct errors or minimise their consequences, may render other sanctions according to these rules unnecessary or constitute grounds for their moderation. Particularly in cases in which the responsible person contacts an ombudsperson for advice themselves and subsequently follows the advice given, an application as per § 15 Paragraph 2 should also be dispensed with in less serious cases in which the closing of proceedings on the grounds of negligibility as per § 21 Paragraph 1 sentence 3 could be expected.
3. They investigate whether allegations of research misconduct seem plausible in terms of their accuracy and significance as well as possible motives, and clarify if and how the allegations can be dispelled.
4. In cases of conflict, they must attempt to mediate between those responsible and those affected by any misconduct in order to pacify the past and work towards compliance with the standards of these rules for the present and future. They advise those affected on the chances of such mediation, pointing out their rights to confidentiality. In appropriate cases, they may also advise the parties involved that those responsible and those affected are free to contact an

ombudsperson of their own choice in confidence and that mediation involving several ombudspersons may also be considered where necessary.

5. They pursue independently any relevant indications of which they become aware directly or indirectly through third parties. If they suspect that informants are treating allegations of research misconduct frivolously, they shall inform another ombudsperson in accordance with these rules, who must then investigate this suspicion.
6. If there are sufficient factual indications of research misconduct, the ombudspersons inform the official bodies and committees responsible for deciding on sanctions (e.g. the dean's office, faculty council, commission of inquiry). If the commission of inquiry is responsible for the sanctions for research misconduct in accordance with § 15, they propose the preliminary inquiry procedure is conducted as per § 19 of these rules.
7. Pursuant to § 14 Paragraph 5, they are non-voting members of the commission of inquiry and have an advisory capacity.
8. They support those affected after the investigation or inquiry proceedings have been concluded.
9. They are obliged to document their actions taking into account the general right to the protection of personality of the informing the affected persons.

(6) All current and former members and affiliates of HHU are entitled to consult an ombudsperson of their choice in person within a reasonable period of time and confidentially. In the event of personal conflict of interest, ombudspersons inform about the option to contact another ombudsperson (not necessarily from the same faculty). They also advise of the option to contact ombudspersons from other institutions in the case of cross-university issues. All current and former members and affiliates of HHU also have the decisive right to contact the German Research Ombudsman (DFG).

§ 13

Other advisory bodies

In addition to the counselling provided by the ombudspersons, issues relating to good research practice and cases of possible research misconduct can also play a role in the context of other confidential counselling situations (e.g. counselling and coaching services offered by the graduate institutions, equal opportunity officer, equal opportunity complaints office, diversity coordination office, ombudsperson for HHU employees, staff councils, university didactics, etc.). If a specific need for advice on aspects of good research practice becomes apparent during such a counselling, and in particular if cases of possible misconduct are raised, the advisory bodies recommend that the persons concerned contact an ombudsperson for good research practice in confidence. The respective advisors can also seek advice from the ombudspersons themselves, while maintaining confidentiality. If the particular constellation of the case makes the pooling of expert opinions advisable, confidential advice can – at the express request of advisors – also be provided jointly or in mutual consultation with the ombudspersons.

§ 14
Commission of inquiry

(1) HHU shall appoint a commission of inquiry to investigate research misconduct by researchers working at HHU.

(2) The commission of inquiry has seven members, including five professors who are members or affiliates of HHU and two members of non-professorial academic staff. They are appointed by HHU's Senate. Each of the five faculties propose one professor for appointment. The Senate representatives who are members of the non-professorial academic staff propose two members of academic staff.

(3) The Senate appoints the professors as well as the two non-professorial members of academic staff nominated as members of the commission of inquiry for a period of four years and obliges them to comply with these rules. In direct succession, members of the commission of inquiry may only be reappointed for one further term. In the case of the first appointment following entry into force of these rules, two of the members may be reappointed for a further two-year period irrespective of their previous term in office.

(4) Should a professor withdraw prematurely as a member of the commission of inquiry, the faculty whose member has withdrawn from office prematurely shall propose another person as a member of the commission of inquiry for the remaining term. Should one of the members of non-professorial academic staff withdraw prematurely as a member of the commission of inquiry, the Senate representatives who are members of the non-professorial academic staff shall propose to HHU's Senate another suitable person as a member for the remaining term. § 14 Paragraphs 2 and 3 apply accordingly.

(5) The ombudspersons in the sense of § 11 are non-voting members of the commission of inquiry and have an advisory capacity. They cannot be members in the sense of § 14 Paragraph 2 at the same time.

(6) The names and addresses of the members of the commission of inquiry shall be published on HHU's website.

§ 15
Jurisdiction and responsibilities of the commission of inquiry

(1) The commission of inquiry shall be responsible for investigating allegations of research misconduct by researchers who currently work or previously worked at HHU. Proceedings before the commission of inquiry do not replace other legal or statutory proceedings, particularly not those governed by the study, examination, doctoral and *Habilitation* regulations applicable at HHU, and are excluded from procedures regulated by the study, examination, doctoral and *Habilitation* regulations applicable at HHU.

(2) The commission of inquiry shall act upon application by an ombudsperson or the University President. The executive committee of the commission of inquiry (§ 16 Paragraph 2) shall hold the

preliminary inquiry and the commission of inquiry itself shall implement the formal inquiry proceedings. The commission of inquiry may close proceedings relating to a suspicion of research misconduct, or provide recommendations on how the misconduct it has determined should be sanctioned (§§ 24 *et seq.*).

§ 16

Chairperson, executive committee and proceedings of the commission of inquiry

(1) The commission of inquiry shall appoint two professors from amongst its number as chairperson and deputy chairperson. The chairperson shall invite members to meetings, chair these meetings and implement the commission's rulings.

(2) To hold the preliminary inquiry in accordance with § 19, the voting members of the commission of inquiry shall form an executive committee, which comprises the chairperson of the commission of inquiry, the deputy chairperson and one further voting member as well as two further voting members as deputies.

(3) A quorum exists if at least four members are present at meetings of the commission of inquiry and all three members or their deputies are present at meetings of the executive committee. The chairperson shall be represented on the executive committee by the vice-chairperson; the vice-chairperson and member with voting power shall be represented by their elected deputies. Resolutions shall be passed by a majority of the votes of the members present. If a majority of votes is not reached or if there is a tie, the resolution is not passed. Members who abstain from voting shall count as present, however their abstention shall count as a rejection of the decision. Minutes must be kept, which record the main outcomes of the meetings.

(4) Both the commission of inquiry and the executive committee may call up to two further persons to their meetings as members in an advisory capacity, who possess special expertise in the research field to be assessed or who are experienced in handling similar proceedings. If it is decisive to the assessment of a suspicion of research misconduct as per § 10 Paragraph 4 Number 10. whether approval from an ethics commission was necessary, whether this necessity was obvious and whether the project was ethically dubious in the way it was implemented, the commission or its executive committee shall submit these three preliminary questions to the competent ethics committee with a request for a statement. The deadlines as per § 18 Paragraph 1 may be extended by this intermediate procedure, however by no more than four weeks.

(5) The deadlines must be set for statements, hearings, meetings and rulings so that they are reasonable and ensure that proceedings are swift.

(6) A member of the commission of inquiry may not be involved in a statement, hearing, meeting or ruling either in an advisory capacity or with voting power if this could directly benefit or disadvantage in a legal, financial or intangible manner the member himself or herself or one of his or her relatives, staff or other research collaboration partners (reason for exclusion); this particularly applies if the member himself or herself is affected by the proceedings. If a member must assume that there is a

reason for his or her exclusion, then he or she must inform the chairperson of this reason in good time and without delay. If the reason for exclusion concerns the chairperson, he or she shall be replaced by the deputy chairperson. In cases of doubt, the members shall decide with a simple majority whether there is reason to exclude a member.

Section IV: Suspicions of Research Misconduct

§ 17

Reporting suspicions and protecting complainants

(1) Allegations of research misconduct are investigated with due regard for confidentiality and the fundamental principle of the presumption of innocence.

(2) In the case of concrete suspicions of research misconduct, an ombudsperson from the affected faculty should be informed without delay wherever possible. If a member of the commission of inquiry is informed about a concrete suspicion of research misconduct, the member must inform the ombudsperson for the faculty concerned without delay.

(3) Suspicions must be reported to the best of one's knowledge and belief; no allegations may be made without verification and without sufficient knowledge of the facts. A frivolous handling of allegations of research misconduct, in particular the making of incorrect allegations against one's better knowledge, is itself a form of research misconduct.

(4) Where possible, the suspicion should be reported in writing, stating all of the facts and potential evidence. In the case of a verbal report, the ombudsperson should make a written note of the suspicion, along with the facts and evidence substantiating the allegation. Particularly anonymous reports can only be investigated in a procedure if the informant provides reliable and sufficiently concrete facts. Although the principle of confidentiality may protect the anonymity of the informant vis-à-vis persons against whom their accusations are directed, it does not protect him or her from being held responsible for frivolous handling of the allegation of research misconduct in the sense of § 17 Paragraph 3 sentence 2. In such cases, ombudspersons become involved as per § 12 Paragraph 5 Number 5.

(5) The ombudsperson examines whether the allegations substantiate the concrete suspicion of research misconduct. He or she must exercise professional judgement in analysing the facts thoroughly and completely, and investigate not only the incriminating but also the exonerating circumstances. Once the investigation has been completed, the ombudsperson produces a written report on the outcome of his or her review.

(6) Should the ombudsperson's examination reveal that the allegations made do not give reason for a concrete suspicion of research misconduct, he or she shall inform the respondents and complainants accordingly. Should complainants disagree with the ombudsperson's decision, they may present their objections to the chairperson of the commission of inquiry in writing or verbally within four weeks (or within six weeks during the lecture-free period). The chairperson shall then appoint an ombudsperson from a faculty not affected by the case without delay to review the objections and to decide whether to reject the objections or to make an application as per § 15 Paragraph 2 of these rules – either against the suspected person or on suspicion of misconduct by the complainant (§ 10 Paragraph 4 Number 7). A decision must be reached within six weeks and communicated to the complainant, University President and chairperson of the commission of inquiry.

(7) Should the allegations made reveal sufficient indication of research misconduct, the ombudsperson shall pass the reported allegation as well as his or her written statement on to the responsible body or committee. The responsible bodies and committees in the sense of sentence 1 are:

1. In the case of allegations concerning a violation of the study, examination, doctoral and *Habilitation* rules applicable at HHU, the bodies or committees of the faculties responsible according to these rules.
2. In the case of allegations concerning the conduct of a researcher, the commission of inquiry.

(8) Confidentiality must be maintained for the protection of complainants and respondents in all proceedings and stages of proceedings as far as possible and by all parties concerned in order to safeguard their rights.

(9) Researchers who provide specific information about a suspicion of research misconduct (so-called whistleblowers) must not suffer any disadvantages to their own scientific/academic or professional advancement as a result. Both the ombudspersons and all other bodies and committees investigating suspected cases of research misconduct must strive to protect complainants as appropriate.

§ 18

Statements by respondents

(1) The commission of inquiry and its executive committee gives the person affected by the suspicion of research misconduct (known as the “respondent”) without delay and naming all incriminating facts and evidence the opportunity to make a statement within a deadline to be determined. The deadline for the respondent’s statement is generally three weeks (or six weeks during the lecture-free period).

(2) The complainant’s name may not be disclosed to those affected at this stage in the proceedings without his or her express consent.

Section V: Proceedings of the Commission of Inquiry

§ 19

Preliminary inquiry by the executive committee of the commission of inquiry

(1) Following receipt of the respondent's statement or once the deadline set for this has lapsed, the executive committee of the commission of inquiry established as per § 16 Paragraph 2 shall reach a decision, following dutiful analysis of the facts and under consideration of all circumstances that are incriminating and exonerating for the respondents and generally within six weeks (or ten weeks during the lecture-free period) on whether:

1. the preliminary inquiry is to be closed and the complainants and respondents informed of the reasons, as the suspicion of research misconduct has not been sufficiently confirmed, an alleged incidence of research misconduct has been fully resolved or the research misconduct is not considered serious;
2. the preliminary inquiry should lead to formal inquiry proceedings for further clarification and ruling.

§ 20 Paragraph 4 is to be applied accordingly. Until proof of research misconduct has been established, information about the parties involved in the procedure and the findings to date shall be treated confidentially.

(2) If complainants do not agree with closing of the preliminary inquiry, they may present their objections to the chairperson of the commission of inquiry in writing or verbally within four weeks (or six weeks during the lecture-free period). The chairperson of the commission of inquiry shall deliberate and reach a decision on the objections with the corresponding application of § 19 Paragraph 1, if necessary, following a second hearing of the respondents. The complainants and respondents must be informed of the decision.

(3) A formal appeal against the decision of the commission of inquiry to close the preliminary inquiry is not permissible.

§ 20

Formal inquiry proceedings

(1) The chairperson of the commission of inquiry shall initiate formal inquiry proceedings by informing the persons concerned of the outcome of the preliminary inquiry. He or she shall inform the University President that formal inquiry proceedings have been initiated. Until proof of research misconduct has been established, information on the parties involved in the procedure and previous findings shall continue to be treated confidentially.

(2) The commission of inquiry shall deliberate in a closed session. It must investigate whether research misconduct has occurred, while considering all evidence without bias. Independent

statements can be obtained from qualified third parties for this purpose should this appear necessary for objective or legal reasons.

(3) The persons, working group or institution affected by an incidence of possible research misconduct must be given the opportunity to make a statement. Upon request, those affected must be permitted an oral hearing at which they may each be supported by a person of trust. This also applies for all other persons to be heard.

(4) The names of complainants must be disclosed to the respondents upon application where a proper defence is not possible otherwise or if the credibility and motives of the complainants are significant for clarification of the allegations. Complainants must be informed of this disclosure.

§ 21

Rulings in formal inquiry proceedings

(1) Should the commission of inquiry deem that there is no evidence of research misconduct, it shall close the inquiry proceedings. Sentence 1 shall also apply if the commission of inquiry deems that the research misconduct is negligible. Inquiry proceedings may be closed on the grounds of negligibility if the person concerned admits to less serious research misconduct. Exoneration must above all be considered if the person concerned contributes significantly to clarification of the allegation of research misconduct. In particular, it is considered contributing to clarification if the person concerned proposes a measure to inform the research community by means of an erratum or if he or she has already taken measures to remedy any damage that has occurred. The University President must be informed that proceedings have been closed, giving the principal reasons for the decision.

(2) Should the commission of inquiry consider that research misconduct has been proven, it shall inform the University President in writing of the outcome of its inquiry and suggest how the proceedings should continue, also with regard to safeguarding the rights of third parties.

(3) A formal appeal against the decisions of the commission of inquiry is not permissible.

(4) The records from the formal inquiry proceedings must be retained for 30 years. This also applies for associated data, which cannot be documented in writing due to its nature.

§ 22

Advising for co-respondents and complainants

(1) Following conclusion of the formal inquiry proceedings, those persons who have been involved through no fault of their own in events or proceedings for the sanctioning of research misconduct must be protected against discrimination with regard to their general right to the protection of personality rights, other fundamental rights and in particular their research integrity. The following can serve to protect the personal and research integrity of the persons concerned:

1. Advising by the ombudsperson.

2. A written declaration by the chairperson of the commission of inquiry that the party affected is not to be blamed for any research misconduct nor to be held jointly responsible for it.

(2) Complainants must be protected against discrimination in an appropriate manner if their allegations do not transpire to be obviously unfounded.

§ 23

Rulings by the University President

(1) If the commission of inquiry has found that research misconduct has occurred and informed the University President of this in accordance with § 21 Paragraph 2, the University President shall review the recommendations of the commission of inquiry regarding further action and reach a decision on one or several measures in accordance with §§ 25, 26 and 27 Paragraph 3. The criteria here are the safeguarding of research standards and of the rights of all persons directly or indirectly involved, the nature and severity of the research misconduct established as well as the necessity to sanction this misconduct.

(2) The University President shall notify the commission of inquiry in writing within a reasonable period of time of his or her decision on further action (including any request for withdrawal as per § 28 and the informing of third parties or the public as per § 29).

§ 24

Revocation of academic grades and titles

The revocation of an academic grade (Bachelor, Master, Diplom, Magister, Doctor, Dr. habil.) or title (*Privatdozent*in, außerplanmäßige/r Professor*in*) may be considered if the academic grade or title is the result of publications containing falsifications or was otherwise fraudulently obtained; where relevant, the licence to teach may also be revoked. The details are governed by the respective faculty's study, examination, doctoral and *Habilitation* regulations.

§ 25

Consequences under labour and civil service law

(1) If the respondent is employed by HHU, research misconduct may lead to the following consequences under labour law:

1. Warning
2. Caution
3. Instant dismissal (including dismissal on grounds of suspicion)
4. Dismissal with due notice
5. Contract cancellation

(2) If the respondent is employed by HHU and has civil servant status, research misconduct may lead to the following disciplinary consequences or consequences under civil service law:

1. Warning, reprimand
2. Fine, reduction in salary
3. Removal from office
4. Revocation of appointment

Disciplinary measures against retired civil servants may include:

1. Reduction in pension
2. Revocation of pension

(3) The relevant legal regulations apply for consequences under labour and civil service law.

§ 26

Consequences under civil and public law

Research misconduct may lead to the following consequences under civil and public law in particular:

1. Retraction or revocation of funding decisions;
Reclamation of funding already expended;
2. Issue of a house ban;
3. Enforcement and, where necessary, imposition of claims against respondents for the restitution of possessions, in particular with regard to stolen materials, documents or data;
4. Claims for removal and injunctive relief based on copyright law, the general right to the protection of personality, patent law and competition law;
5. Claims for damages by HHU or third parties in case of personal injury, damage to property or other violations of legal rights.

§ 27

Consequences under criminal and administrative offences law

(1) Research misconduct may lead to the following consequences under criminal and administrative offences law if a sufficient actual indication (“initial suspicion”) exists of an offence in accordance with the German Criminal Code (*Strafgesetzbuch*, StGB), the German Act on Regulatory Offences (*Ordnungswidrigkeitengesetz*, OWiG) or other laws.

(2) Criminal offences that research misconduct can constitute include:

1. Violation of privacy of personal and private sphere:
 - § 202 StGB: Violation of privacy of correspondence

- § 202a StGB: Data espionage
 - § 204 StGB: Exploitation of another's secrets
2. Forgery of documents:
- § 267 StGB: Forgery of documents
 - § 268 StGB: Forgery of technical records
 - § 274 StGB: Suppression of documents
3. Data manipulation:
- § 303a StGB: Data manipulation
4. Violation of copyright:
- § 106 of the German Copyright Law (Urhebergesetz, UrhG): Unlawful exploitation of copyrighted works

(3) The University President is duty bound to review the extent to which a sufficient actual indication exists of an actionable crime or administrative offence, and whether charges should be brought and/or a criminal complaint lodged.

§ 28

Withdrawal of research publications

If the subject of research misconduct is misrepresentation or the violation of intellectual property rights or participation in such misconduct, the author involved must be asked to withdraw at least the parts concerned. Insofar as the work concerned has not yet been published, the author involved must be asked to retract the work in good time. The author responsible for the publication containing falsifications or his or her co-authors must report to the responsible body or committee within a reasonable period of time, in particular with regard to withdrawal of the publication concerned or retraction of the work.

§ 29

Informing of third parties and the general public

Insofar as it appears necessary in order to protect third parties, to preserve trust in research integrity, to re-establish scientific/academic repute or to prevent consequential damage, affected research organisations, third parties with a vested interest in the ruling, the university public and the press must be informed in an appropriate manner, taking the general right to the protection of personality of the respondent about the ruling and any possible measures by the responsible committee or body at HHU into account.

ARTICLE II

§ 30

Entry into force

These rules shall enter into force on the day following their announcement in HHU's Official Bulletin. Insofar as additional obligations or tightening of the standards for research misconduct arise from these regulations compared with the rules dated 19 February 2014, these shall only apply to conduct occurring after these rules come into force.

Issued on the basis of the resolution of the HHU Senate dated 13 October 2020.

Düsseldorf, 30 October 2020

The President of
Heinrich Heine University
Düsseldorf

Anja Steinbeck
(Univ.-Prof. Dr. iur.)