



UNIVERSITÄT
HEIDELBERG
ZUKUNFT
SEIT 1386

RULES FOR SAFEGUARDING GOOD ACADEMIC PRACTICE AND HANDLING ACADEMIC MISCONDUCT

SEPTEMBER 2021

LEGAL NOTICE

Published by
Heidelberg University
The Rector

Law and Committees Division
Seminarstraße 2
69117 Heidelberg

RULES FOR SAFEGUARDING GOOD ACADEMIC PRACTICE AND HANDLING ACADEMIC MISCONDUCT

in the version of 28 September 2021

Preamble

In order to exercise its responsibility in research, education and teaching and with respect to the transfer of knowledge, Heidelberg University has made legal provision to establish a culture of good academic practice. In its meeting of 28 September 2021, the University Senate, in accordance with § 3 par. 5 cl. 4 of the State Higher Education Act (LHG) in conjunction with § 19 par. 1 cl. 2 no. 10 LHG, adopted the following rules, which implement the German Research Foundation's Guidelines for Safeguarding Good Research Practice in a legally binding manner:

SECTION ONE: GENERAL PRINCIPLES

The present Rules are based on the Guidelines for Safeguarding Good Research Practice published by the German Research Foundation (DFG), which must be observed by all students and all academic and research staff of Heidelberg University.

Where the DFG Guidelines for Safeguarding Good Research Practice relate to areas for which Heidelberg University has drawn up its own rules and policies, reference will be made to the latter. In particular, these in-house rules and policies include:

- The mission statement and principles of Heidelberg University
- The leading Senate recommendations on support of young researchers
- The guideline for fixed-term employment contracts at Heidelberg University
- The Senate guideline on fair conduct at Heidelberg University
- The IP policy at Heidelberg University
- The Heidelberg University code on the exchange of knowledge and technology
- The diversity concept of Heidelberg University
- The equal opportunities concept of Heidelberg University

§ 1 Obligation to observe the rules of good academic practice

- (1) All students and all academic and research staff at Heidelberg University are required to practice academic integrity. They are responsible for implementing and defending the fundamental values and norms of academic work in their activities. To this end, they must observe the gene-

rally recognised principles of good academic practice¹. In particular, these principles include applying professional standards in one's work, maintaining strict honesty with regard to one's own contributions and those of third parties, consistently questioning all findings and allowing and promoting critical discourse in the scientific community.

- (2) Irrespective of the individual responsibility of its academic and research staff and its students, Heidelberg University will ensure that every reasonable suspicion regarding a violation of the generally recognised principles of good academic practice is investigated and the procedure detailed in section 3 is carried out.
- (3) Scientists and scholars are responsible for implementing and defending the fundamental values and norms of academic work in their activities. The principles of good academic practice are communicated from the earliest possible time in academic teaching and research training. Scientists and scholars at all career levels must regularly update their knowledge of the standards of good academic practice and the current state of the art.

¹ § 3 par. 5 cl. 1 and 2 LHG: "All students and all academic and research staff at the university are required to practice academic integrity. To this end, they must observe the generally recognised principles of good academic practice."

§ 2 Organisational responsibility

The University Management establishes the basic framework for academic and research work and is responsible for communicating the principles of good academic practice. The University Management's responsibilities notwithstanding, the heads of every faculty or other academic or scientific institution must establish a suitable organisational structure ensuring that

1. all management, supervision, quality assurance and conflict resolution responsibilities are clearly allocated and properly fulfilled and
2. the principles of good academic practice are communicated to students and young researchers and
3. young researchers are supervised responsibly, and the careers of academic and research staff and of support staff are duly supported and
4. any abuse of power or exploitation of dependencies is prevented.

§ 3 Performance dimensions and assessment criteria

The assessment of academic and research performance requires a multi-dimensional approach. It is primarily based on qualitative criteria. Quantitative indicators may be additionally incorporated in the overall evaluation. Discipline-specific criteria and the personal history of the student or researcher must be taken into account.

§ 4 Ombudspersons

- (1) Heidelberg University appoints ombudspersons and makes them known in a suitable manner. The ombudspersons are confidential mediators who offer advice in matters of good academic practice and in cases of suspected academic misconduct.

- (2) At the Rectorate's suggestion, the Senate elects one faculty professor each from a) the field of humanities, social sciences and law, and b) the field of mathematics, computer science, the natural sciences and the technical sciences, and two faculty professors from c) the field of medicine, as well as a deputy from the same field for each ombudsperson. Ombudspersons are elected for a term of three years; they may serve no more than two terms in immediate succession. The ombudspersons receive appropriate support in fulfilling the scope and content of their duties.
- (3) Ombudspersons work independently and are not bound by instructions. § 20 par. 3 of these Rules (partiality) applies *mutatis mutandis*. Ombudspersons may not serve in any central governing body of the university during their term of office. They meet at least once a year. They are bound by an obligation of confidentiality and report to the Rector once a year in general, anonymised form.
- (4) Instead of an ombudsperson at the university, persons concerned may also contact the supraregional ombudsperson of the DFG (German Research Ombudsman).

SECTION TWO: SPECIFIC PRINCIPLES

§ 5 Quality assurance

Researchers must take care to ensure the quality of their work. They must observe subject-specific standards, document all relevant work steps and retain all records (see § 16 Archiving). The reproducibility of scientific findings before and after publication must be ensured irrespective of the medium used. Authorised third parties are to be given access to the records and data. Any errors identified after publication must be corrected immediately and in an appropriate manner.

§ 6 Duties and responsibilities

The researchers involved in research projects practice good teamwork within the respective scientific work groups. They ensure that both their own duties and responsibilities and those of the supporting staff are clearly defined at any stage of a research project. This requires a regular dialogue between all those involved. If need be, duties and responsibilities must be adapted in line with the development of the research project.

§ 7 Research design

Researchers must take the current state of research into account when designing research projects. They must use all necessary methods – where available – to avoid conscious or unconscious distortions in the collection and interpretation of findings (e.g. blinding).

§ 8 Legal and ethical framework

As part of a responsible exercise of their constitutionally guaranteed scientific freedom, scientists and scholars must investigate their subject openly and without bias, regardless of who funds their research. They must comply with all rights and obligations, particularly those arising from legal requirements, but also from contracts with third parties. Where this is indicated, they agree on rights of use at the earliest possible time in a research project, and document their decision. They must also consider the ethical dimensions of the research project, and assess the consequences of their research.

§ 9 Methods and standards

Researchers must use well-founded, transparent methods to investigate research questions. Where new methods are developed

and used, special attention must be paid to quality assurance and the establishment of standards in order to ensure the comparability and transferability of research findings.

§ 10 Documentation

- (1) Researchers must document all information relevant to the establishment of a research result with the degree of transparency that is required and appropriate in the respective field. The same applies to individual results that do not support the research hypothesis. There must be no selection of results in such cases. Where research software is developed, the source code must be documented.
- (2) The information required to understand the research, in particular research data and methodological, evaluation and analysis steps, is recorded. Third parties are to be given access to this information where this is possible.
- (3) If the documentation does not meet subject-specific standards, the constraints and the reasons for them must be clearly explained.
- (4) Documentation and research findings must be protected as effectively as possible against manipulation.

§ 11 Public access to research findings

- (1) Researchers decide on their own responsibility whether, how and where to make their research findings publicly available. If they decide to publish their results, the data and principal materials upon which the published work is based must be stored in recognised archives and repositories where this is possible. The provisions of § 14 must be observed.

- (2) Publications must describe the research findings in a clear and comprehensive manner. The researchers' own preliminary work and that of third parties must be fully and correctly identified. § 10 par. 2 and § 14 apply in all other respects.

§ 12 Multiple publications

Researchers must identify research results that have been published multiple times.

§ 13 Authorship

- (1) All (but only those) researchers that have made a genuine, identifiable contribution to the content of a scientific text, data or software publication have the right to be named as (co-)authors. A genuine, identifiable contribution is deemed to exist if a researcher has taken part – in a research-relevant way – in at least one of the following:
 - development and design of the research project
 - development, collection, procurement or provision of data, software or sources
 - evaluation of data and sources
 - interpretation of results
 - drafting of the manuscript

Proofreading in and of itself does not constitute co-authorship.

- (2) Several authors will usually agree on the order in which authors are to be named and on corresponding authors by the time the manuscript is written. All authors must approve the final version of the work and share responsibility for the publication, unless explicitly stated otherwise in the publication. Approval of the publication must not be withheld without cause.

- (3) An “honorary authorship” (i.e. an authorship where none of the contributions listed in paragraph 1 were made) is not permissible. In particular, an executive or supervisory function or the provision of research funds alone do not constitute co-authorship.
- (4) Where other persons or university institutions must approve a publication in addition to the authors, par. 2 cl. 3 applies *mutatis mutandis*.

§ 14 Publication medium

- (1) The publication medium must be selected carefully based on its quality and visibility in the respective field. New or unknown publication mediums must be appraised for trustworthiness. In particular, it must be determined whether the publication medium follows the principles of good scientific practice. Researchers who assume the role of editor must also carefully consider for which publication medium they take on this task.
- (2) Specialised repositories, data and software repositories and blogs may also be used as publication mediums, provided they meet the requirements of paragraph 1.

§ 15 Confidentiality and neutrality in evaluations and consultations

The obligation to practice scientific integrity includes strict confidentiality and neutrality, particularly in the evaluation of manuscripts, funding applications or personal qualifications (e.g. in appeals). The content to which the evaluator gains access is confidential and may neither be shared with third parties nor used by the evaluator themselves. Researchers evaluating such content will immediately inform the responsible body of all facts that might point towards an existing bias. The obligation

of confidentiality and neutrality also applies to the members of scientific advisory and decision-making bodies.

§ 16 Archiving

- (1) Once they have been made publicly available, research data and findings, and particularly the materials on which they are based, as well as the instruments and, where applicable, the research software used, must be backed up by adequate means according to the standards of the respective field and stored for the legally required time period (usually ten years). A shortening of this storage period must be justified. The storage period begins when the materials are first made publicly available.
- (2) The materials are archived a) in the researchers' home institution or b) in repositories serving several locations. In case a) the university will provide the necessary infrastructure for archiving. The selected publication medium must make reference to the archiving location in an appropriate manner.

SECTION THREE: PROCEDURE IN THE EVENT OF SUSPECTED ACADEMIC MISCONDUCT

§ 17 Procedure in the event of suspected academic misconduct

Heidelberg University will immediately investigate any concrete and reasonable suspicion of academic misconduct, including anonymous tip-offs. This is the task of the ombudspersons (§ 4) and of a standing commission. The presumption of innocence applies at every stage of the procedure. A complaint regarding misconduct should have no detrimental effects on the academic or professional career of either the complainant or the respondent. Complainants must also be protected if no

academic misconduct can be proven, unless the complaint was lodged against the complainant's better judgement.

§ 18 Academic misconduct

Academic misconduct is defined as intentionally or negligently making false statements in a research-relevant context, infringing another person's intellectual property rights or otherwise compromising their research activities. Examples of academic misconduct involving intent or gross negligence include in particular:

1. Making false statements
 - a) by fabricating data and/or research results,
 - b) by falsifying data and/or research results, in particular
 - i. by suppressing and/or eliminating data and/or results from the research process without disclosing this fact,
 - ii. by manipulating a representation or image,
 - c) by means of incongruence between an image and the associated statement,
 - d) by giving incorrect information in a funding application or in the context of a reporting obligation (including false statements regarding the publication medium and in-press publications) where these are research-related,
 - e) by claiming another person's (co-)authorship without their consent.

2. Illegally appropriating another person's scientific achievements by:
 - a) adopting third-party content without appropriate marking and indication of the source ("plagiarism"),
 - b) exploiting another person's research approaches and ideas ("theft of ideas"),
 - c) illegally sharing another person's data, theories and findings with third parties,

**Rules for Safeguarding Good
Academic Practice and Hand-
ling Academic Misconduct**

- d) usurping or assuming (co-)authorship without having made a genuine, identifiable contribution to the scientific content of the publication,
 - e) falsifying content,
 - f) publishing and giving third parties access without authorisation while the work, result, hypothesis, tenet or research approach has not yet been published.
3. Co-authoring a publication containing false statements or illegally appropriated scientific achievements of others.
4. Neglecting one's duty of supervision where another person is found guilty of scientific misconduct and this could have been prevented or made considerably more difficult with the required and appropriate supervision.
5. Obstructing another person's research activities, particularly by
- a) sabotaging research activities (including damaging, destroying or manipulating experimental set-ups, devices, documents, hardware, software, chemicals or other materials required by others for research purposes),
 - b) falsifying or illegally disposing of research data or research documents,
 - c) falsifying or illegally disposing of the documentation of research data.
6. Knowingly exaggerating research results, unsupported by data and evidence, in communications with the public, contrary to the principles of truthful communication within the scientific community; omitting important uncertainties in the findings, data gaps or methodological problems, or reasonable objections and other circumstances indicating a preliminary nature of the results.
7. Other intentional or grossly negligent violations of the principles set forth in §§ 5 through 16 of these Rules.

Academic misconduct also includes deliberately taking part (in the sense of incitement or abetment) in the intentional academic misconduct of others or knowingly making false allegations of academic misconduct.

§ 19 Role of the ombudspersons

If an ombudsperson receives information pointing to academic misconduct, they will investigate the case with regard to its significance and any extenuating circumstances according to their best judgement. If the ombudsperson concludes that there are adequate grounds for suspecting academic misconduct, they will notify the chair of the Senate Commission and share the results of their investigation up to that point.

§ 20 Senate Commission

- (1) The university has established a standing Senate Commission to investigate allegations of academic misconduct. The members of this commission are suggested by the Rectorate and elected by the Senate. Commission members are
 - a vice-rector (serving as chair)
 - three professors, one of whom must be qualified to hold the office of judge
 - two members of the academic service
 - the ombudspersons, who have an advisory vote

The professors and the members of the academic service are elected for a term of three years and may be re-elected. A personal deputy is elected for the professor who is qualified to serve as judge.

- (2) The commission advises the Rectorate in matters regarding the safeguarding of good academic practice and investiga-

tes suspected cases of academic misconduct among the members and staff of Heidelberg University. An investigation of former members and staff is also permissible where their former work at Heidelberg University is concerned. The Senate Commission is not responsible for ascertaining and punishing academic misconduct in matters of education and examinations and in direct connection with the awarding of academic degrees; this is the task of the examination, PhD and habilitation boards.

- (3) The members of the commission are independent and not bound by instructions.

§ 21 Procedural rules of the Senate Commission

- (1) The chair convenes the Senate Commission at the request of an ombudsperson or if the commission receives information regarding a potential case of academic misconduct. Until evidence of academic misconduct is found, any information about those involved in the investigation and the findings up to that point is treated confidentially. The investigation must be completed within a reasonable time period.
- (2) The commission meetings are not public. Decisions are taken by simple majority. If the votes are tied, the chair has the deciding vote. The commission may request advice from on other university members and other persons with relevant knowledge.
- (3) The members of the commission must disclose an existing partiality or conflict of interest. The commission determines if there is a reason for exclusion due to partiality pursuant to § 20 of the State Administrative Procedure Act (LVwVfG). In this case, the member will be excluded from any further participation in the procedure. In the case of a possible partiality within the meaning of § 21 LVwVfG, the

commission will use its best judgement to decide on the respective member's further participation. Paragraph 3 also applies to persons called upon to offer advice.

- (4) The commission investigates the case ex officio. University members and institutions must fully support the commission in the discharge of its duties. The commission may connect several cases dealing with the same issue and separate them again, according to its best judgement.
- (5) If the responsible examination, PhD or habilitation board opens proceedings in the same matter, the commission will suspend its investigation. If an investigation of the same matter by the commission reveals sufficient grounds to suspect either conduct that calls for disciplinary action or a serious breach of duties under the employment contract, the commission will immediately notify the Rector.
- (6) The identity of the person who provided information about the suspected academic misconduct must not be disclosed to the person suspected of such misconduct without the informant's express consent. This does not apply where such disclosure is required by law, the respondent could otherwise not defend themselves or the complainant knowingly made false allegations. The complainant will be notified in due time before their identity is disclosed. The complainant may decide whether they wish to withdraw the complaint if their identity is about to be disclosed. If the complainant discloses the suspected misconduct to the public, the commission will decide how to deal with the complainant's breach of confidentiality.
- (7) The respondent may state their position at every stage of the investigation. At their request, they must be granted an oral hearing; they may consult an adviser for this purpose. The same applies to the complainant within the meaning of paragraph 6.

- (8) In all other respects, the investigation is subject to the rules of procedure of Heidelberg University, as amended from time to time.

§ 22 Conclusion of the investigation – measures

- (1) The commission examines the allegations following the principle of free consideration of evidence. The commission submits a report detailing the investigation and its decision, as well as suggested measures, to the Rector.
- (2) The commission chair notifies the respondent and the complainant in writing of the material reasons for the commission's decision. The commission's decision may not be appealed.
- (3) The Rector decides whether and to whom the commission's report is made available. The responsible bodies of the university will determine if and which sanctions are to be taken to punish academic misconduct and prevent a recurrence. There is no obligation to follow the decision and recommendations detailed in the commission's report. The Rector will inform the commission of any further steps.

Depending on the severity of the academic misconduct, any of the following measures may be taken:

- Sanctions under labour law (e.g. warning, termination without notice, termination with notice, dissolution of the contract, removal from service)
- Sanctions under civil law (e.g. ban on entering the premises, claims for surrender against the culprit, claims for abatement and removal, and injunctive relief based on copyright law, personal rights, patent law and competition law, claims for restitution regarding scholarships, third-party funding etc., claims for damages)

- Sanctions under criminal law (criminal complaint e.g. for copyright infringement, document forgery, property damage, property offence, violation of the personal and private sphere, criminal offence against life and assault)
- Disciplinary measures
- Revocation of an academic degree
- Complaints and reprimands
- Information of third parties (e.g. employer, publisher, sponsor)

- (4) In order to protect third parties, maintain trust in scientific integrity, restore the professional reputation of the persons concerned, prevent consequential damage to persons or institutions (e.g. university, faculties, institutes etc.) and where it is in the public's interest, the Rector may be required to inform third parties concerned by the case and – in anonymised form, where appropriate – the public of the commission's findings and any resulting measures. The commission report is not published.

SECTION FOUR: FINAL PROVISIONS

§ 23 Retention of documents

The documents pertaining to the commission's investigations are stored for a period of ten years.

§ 24 Effective date

These Rules become effective on the day after their publication in the Rector's bulletin. The Rules for Safeguarding Good Academic Practice and Handling Academic Misconduct of 3 December 1998 (bulletin of 28 December 1998) become invalid on the same date.

