

Rules of Procedure in Cases of Suspected Scientific Misconduct at the Forschungsverbund Berlin e. V.

- adopted by the FVB Executive Board on May 25, 2000 and amended on September 20, 2004, October 6, 2008, April 25, 2018, November 6, 2019 and October 27, 2021 -

Preamble

The Deutsche Forschungsgemeinschaft e.V. (DFG, German Research Foundation) adopted a revised Code of Conduct "[Guidelines for Safeguarding Good Research Practice](#)" with effect from August 1, 2019. At its meeting on October 27, 2021, the Executive Board adopted these guidelines for all FVB institutes (Appendix 1). On top of that, these Rules of Procedure, which are made known to all FVB staff and published on the intranet, apply additionally.

The aim is to clarify the rules of good scientific practice and to define procedures for dealing with actual or alleged cases of misconduct.

1. Preliminary Investigation

- 1.1** In the event of inconsistencies and disputes relating to practices that can be assigned to scientific misconduct, the institute's ombudsperson, who is elected for a period of 4 years, may be approached in the interest of mediation and advice. The procedure is confidential.
- 1.2** The ombudsperson is responsible for deciding whether to investigate anonymous allegations. Disclosures made anonymously can only be investigated if the complainant provides the party investigating the allegation with solid and sufficiently concrete facts. If the complainant's identity is known, the investigating body will keep the individual's name confidential and will not share it with third parties without the individual's consent. Different requirements apply only if there is a legal obligation or if the respondent cannot otherwise properly defend himself or herself because, as an exception, the case concerns the identity of the complainant. The investigating body will promptly inform the complainant if his or her name is to be disclosed; the complainant can decide whether to withdraw the allegation due to the impending disclosure. The confidentiality of the process is limited if the complainant makes his or her suspicion public. The investigating body will decide on a case-by-case basis how to handle the breach of confidentiality on the part of the complainant. Should research misconduct not be proven, the complainant must continue to be protected, assuming that the allegations cannot be shown to have been made against his or her better knowledge.

- 1.3 If there are concrete grounds for suspicion of scientific misconduct within the meaning of the catalog (Appendix 2), the ombudsperson of the institute concerned shall be informed. If the ombudsperson of an institute is the subject of suspicion, then his/her substitute shall be informed.
- 1.4 The institute's ombudsperson will give the person accused of misconduct (the respondent) the opportunity to comment on the alleged misconduct, citing the incriminating facts and evidence. The period of time for the respondent to comment is two weeks.
- 1.5 Upon receipt of the response by the respondent or in the case of no response being received by the deadline, the institute's ombudsperson shall decide within two weeks whether further clarification measures are required within the preliminary investigation, and if so, which measures; he or she will ensure their prompt implementation.
- 1.6 If no further clarification measures are required, the institute's ombudsperson will decide whether the preliminary investigation should be discontinued, notifying the respondent of the reasons, or whether a formal investigation procedure should be initiated.
 - a) The preliminary investigation shall be discontinued, notifying the respondent of the reasons, if suspicions were not sufficiently confirmed.
 - b) If the preliminary examination confirms the existence of a sufficiently concrete suspicion of misconduct, the management of the institute is informed and the formal investigation procedure is initiated..
- 1.7 All steps of the procedure must be documented in writing.

2. Formal Investigation

- 2.1 The FVB investigation panel is responsible for the formal investigation. The investigation panel shall consist of overarching non-FVB ombudspersons, one from a natural science institute and one from a life science / environmental science institute, as well as the FVB Legal Advisor. For each overarching ombudsperson there must be a designated substitute in case there is any concern about conflicts of interest or in case the ombudsperson is unable to carry out his or her duties. The overarching ombudspersons and their substitutes shall be appointed by the Executive Board for a term of office of three years. Reappointment is possible. Additional members may, in individual cases, be appointed by the Executive Board.
- 2.2 The investigation panel may call in other experts in the field to which the alleged misconduct to be decided pertains, also from other FVB institutes, but not from the respondent's institute; they shall act as additional voting members of the investigation panel.
- 2.3 The investigation panel confers in closed, oral session. Its activity is confidential. Taking all evidence into unbiased consideration, it shall investigate whether scientific misconduct has occurred. At his or her request, the respondent shall be heard at an oral hearing; he or she may call in a person whom he or she trusts for the purpose of assistance. A speedy implementation of the procedure is required.
- 2.4 If a majority of investigation panel members finds the allegation of misconduct proven, the investigation panel shall first refer the written findings to the Director* of the institute concerned, and then to the entire Executive Board, together with a proposal for further action, for decision (Appendix 3). Otherwise the proceedings shall be discontinued.

* In the event of institutes with several Directors, the Managing Director is meant below.

- 2.5** The respondent shall be informed in writing of the main reasons that led to the discontinuation of the proceedings or to the case being forwarded to the Executive Board.

Berlin, October 27, 2021

Dr. Falk Fabich
Managing Director of the FVB

Prof. Dr. Thomas Schröder
Executive Board Spokesperson of the FVB

- Appendix 1: Guidelines for Safeguarding Good Research Practice at the Forschungsverbund Berlin e. V.
- Appendix 2: Catalog of practices regarded as scientific misconduct
- Appendix 3: Catalog of possible sanctions or action in the event of scientific misconduct

Guidelines for Safeguarding Good Research Practice at the Forschungsverbund Berlin e. V.

Preamble

Scientific integrity forms the basis for trustworthy research. It is an example of academic voluntary commitment that encompasses a respectful attitude towards peers, research participants, animals, cultural assets, and the environment, and strengthens and promotes vital public trust in research. The constitutionally guaranteed freedom of research is inseparably linked to a corresponding responsibility. Taking this responsibility into full account and embedding it in individual conduct is an essential duty for every researcher and for the institutions where research is carried out. The research community itself ensures good practice through fair and honest attitudes and conduct as well as organizational and procedural regulations. In different roles, scientific and scholarly societies, research journals, publishers, research funding agencies, complainants, ombudspersons and the German Research Ombudsman also contribute to safeguarding good research practice; they harmonize their conduct in publicly or privately funded research with the principles of the Code.

Individuals who report a well-founded suspicion of misconduct fulfil a crucial function in the self-regulation of the research community. Scientific and academic societies promote good research practice by developing a shared understanding among their members and by defining binding ethical standards, which they establish within their specialist communities. Journal publishers take account of the requirements of high-quality research with a stringent peer-review process. The German Research Ombudsman, an independent body, and local ombudspersons are trustworthy points of contact that offer advice and conflict mediation on issues relating to good research practice and potential misconduct.

Funding organizations also play an important role in establishing and maintaining standards of good research practice. Through the design of their funding programs, they create a framework that promotes research integrity. By ensuring that procedures are in place to deal with allegations of misconduct, they also help to combat dishonesty in research.

Within the scope of its responsibility, the DFG has prepared the following “Guidelines for Safeguarding Good Research Practice” which the FVB Executive Board adopted on October 27, 2021. They represent the consensus among the members and employees of the FVB on the fundamental principles and standards of good practice and are upheld by them. These guidelines underline the importance of integrity in the everyday practice of research and provide researchers at the FVB with a reliable reference with which to embed good research practice as an established and binding aspect of their work.

1. Standards of Good Research Practice

1.1 Applicability

These guidelines are aimed at both researchers at the Forschungsverbund Berlin e. V. (hereinafter FVB) as well as the FVB itself. They outline the main standards of good research practice and describe the procedure to follow in the event of non-compliance with these standards.

1.2 Principles

Guideline 1: Commitment to the general principles

- ▶ The FVB has defined the rules for good research practice by the Executive Board's resolution of October 27, 2021, made them known to its members on November 17, 2021, and requires its members to comply with them with due regard for the type of research undertaken in the relevant subject area. Every FVB researcher is responsible for ensuring that his or her own conduct complies with the standards of good research practice.

Explanations:

In particular, the principles include working *lege artis*, maintaining strict honesty in attributing one's own contributions and those of others, rigorously questioning all findings, and permitting and promoting critical discourse within the research community. The principles of good research practice are set out in the following guidelines.

Guideline 2: Professional ethics

- ▶ The FVB researchers are responsible for putting the fundamental values and norms of research into practice and advocating for them. Education in the principles of good research begins at the earliest possible stage in academic teaching and research training. Researchers at all career levels regularly update their knowledge about the standards of good research practice and the current state of the art.

Explanations:

Experienced and early career researchers at the FVB support each other in a process of continuous mutual learning and ongoing training and maintain a regular dialog.

Guideline 3: Organizational responsibility of heads of research institutions

- ▶ The FVB Executive Board has created the basic framework for research. It is responsible for ensuring adherence to and the promotion of good practice, and for appropriate career support for all FVB researchers. The heads of the FVB institutes guarantee the necessary conditions to enable FVB researchers to comply with legal and ethical standards. The basic framework includes clear written policies and procedures for staff selection and development as well as for early career support and equal opportunity.

Explanations:

The FVB Executive Board is responsible for ensuring that an appropriate organizational structure is in place at the institution. This ensures that tasks of leadership, supervision, quality assurance and conflict management are clearly allocated in accordance with the size of individual research work units and suitably communicated to members and employees.

With regard to staff selection and development, due consideration is given to gender equality and diversity. The relevant processes are transparent and avoid implicit bias as much as possible. Suitable supervisory structures and policies are established for early career researchers. Honest career advice, training opportunities and mentoring are offered to researchers and research support staff.

Guideline 4: Responsibility of the heads of research work units

- ▶ The department and/or group heads of the FVB institutes are responsible for the entire department or group. Collaboration within the unit is designed such 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. The leadership role includes ensuring adequate individual supervision of early career researchers, integrated in the overall institutional policy, as well as career development for researchers and research support staff. Suitable organizational measures are in place

at the level of the individual unit and of the leadership of the institution to prevent the abuse of power and exploitation of dependent relationships.

Explanations:

The size and the organization of the unit are designed to allow leadership tasks, particularly skills training, research support and supervisory duties, to be performed appropriately. The performance of leadership tasks is associated with a corresponding responsibility. FVB Researchers and research support staff benefit from a balance of support and personal responsibility appropriate to their career level. They are given adequate status with corresponding rights of participation. Through gradually increasing autonomy, they are empowered to shape their career.

Guideline 5: Dimensions of performance and assessment criteria

- To assess the performance of FVB researchers, a multidimensional approach is called for; in addition to academic and scientific achievements, other aspects may be taken into consideration. Performance is assessed primarily on the basis of qualitative measures, while quantitative indicators may be incorporated into the overall assessment only with appropriate differentiation and reflection. Where provided voluntarily, individual circumstances stated in curricula vitae – as well as the categories specified in the German General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*) – are taken into account when forming a judgement.

Explanations:

High-quality research is oriented towards criteria specific to individual disciplines. In addition to the generation of and critical reflection on findings, other aspects of performance are taken into consideration in the evaluation process. Examples include involvement in teaching, academic self-governance, public relations, and knowledge and technology transfer; contributions to the general good of society may also be recognized. An individual's approach to research, such as an openness to new findings and a willingness to take risks, is also considered. Appropriate allowance is made for periods of absence due to personal, family or health reasons or for prolonged training or qualification phases resulting from such periods, and for alternative career paths or similar circumstances.

Guideline 6: Ombudspersons

- The FVB institutes appoint at least one independent ombudsperson to whom their members and employees can turn with questions relating to good research practice and in cases of suspected misconduct. They take sufficient care to ensure that people are aware of who the ombudsperson at the respective FVB institute is. For each ombudsperson there must be a designated substitute in case there is any concern about conflicts of interest or in case the ombudsperson is unable to carry out his or her duties.

Explanations:

Ombudspersons of FVB institutes may not serve as members of a central governing body at the FVB or one of its institutes while serving in this role. An ombudsperson has a set term of office. A further term of office is permissible. Researchers who are persons of integrity and who have management experience are eligible to be selected as ombudspersons. As neutral and qualified contact persons, they advise on issues relating to good research practice and in suspected cases of scientific misconduct and, where possible, contribute to solution-oriented conflict mediation. Ombudspersons maintain confidentiality in dealing with queries and, if necessary, notify the responsible body at their institution, normally an investigating committee, in the event of suspected cases of misconduct. The FVB gives ombudspersons the support and acceptance they need to carry out their duties. FVB institutes may initiate additional measures to help facilitate the work of an ombudsperson. The FVB incorporates in its regulations a right of choice that enables members and employees to contact their

institution's ombudsperson or the national German Research Ombudsman. The German Research Ombudsman is an independent body that provides advice and support on issues relating to good research practice and allegations of inappropriate conduct.

1.3 Research Process

Guideline 7: Cross-phase quality assurance

- FVB researchers carry out each step of the research process *lege artis*. When research findings are made publicly available (in the narrower sense of publication, but also in a broader sense through other communication channels), the quality assurance mechanisms used are always explained. This applies especially when new methods are developed.

Explanations:

Continuous quality assurance during the research process includes, in particular, compliance with subject-specific standards and established methods, processes such as equipment calibration, the collection, processing and analysis of research data, the selection and use of research software, software development and programming, and the keeping of laboratory notebooks.

If FVB researchers have made their findings publicly available and subsequently become aware of inconsistencies or errors in them, they make the necessary corrections. If the inconsistencies or errors constitute grounds for retracting a publication, the researchers will promptly request the publisher, infrastructure provider, etc. to correct or retract the publication and make a corresponding announcement. The same applies if FVB researchers are made aware of such inconsistencies or errors by third parties.

The origin of the data, organisms, materials and software used in the research process is disclosed and the reuse of data is clearly indicated; original sources are cited. The nature and the scope of research data generated during the research process are described. Research data are handled in accordance with the requirements of the relevant subject area. The source code of publicly available software must be persistent, citable and documented. Depending on the particular subject area, it is an essential part of quality assurance that results or findings can be replicated or confirmed by other researchers (for example with the aid of a detailed description of materials and methods).

Guideline 8: Stakeholders, responsibilities and roles

- The roles and responsibilities of the FVB researchers and research support staff participating in a research project must be clear at each stage of the project.

Explanations:

The participants in a research project engage in regular dialogue. They define their roles and responsibilities in a suitable way and adapt them where necessary. Adaptations are likely to be needed if the focus of a participant's work changes.

Guideline 9: Research design

- FVB researchers take into account and acknowledge the current state of research when planning a project. To identify relevant and suitable research questions, they familiarize themselves with existing research in the public domain. The FVB ensures that the necessary basic framework for this is in place.

Explanations:

Methods to avoid (unconscious) distortions in the interpretation of findings, e.g. the use of blinding in experiments, are used where possible. FVB researchers examine whether and to what extent gender and diversity dimensions may be of significance to the research project (with regard to methods, work program, objectives, etc.). The context in which the research was conducted is taken into consideration when interpreting findings.

Guideline 10: Legal and ethical frameworks, usage rights

- FVB 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. With regard to research projects, the potential consequences of the research should be evaluated in detail and the ethical aspects should be assessed. The legal framework of a research project includes documented agreements on usage rights relating to data and results generated by the project.

Explanations:

FVB researchers maintain a continual awareness of the risks associated with the misuse of research results. Their responsibility is not limited to compliance with legal requirements but also includes an obligation to use their knowledge, experience and skills such that risks can be recognized, assessed and evaluated. They pay particular attention to the aspects associated with security-relevant research (dual use). The FVB is responsible for ensuring that its members' and employees' actions comply with regulations and promotes this through suitable organizational structures. The FVB institutes develop binding ethical guidance and policies and define procedures to assess ethical issues relating to research projects.

Where possible and practicable, FVB researchers conclude documented agreements on usage rights at the earliest possible point in a research project. Documented agreements are especially useful when multiple academic and/or non-academic institutions are involved in a research project or when it is likely that a researcher will move to a different institution and continue using the data he or she generated for his or her own research purposes. In particular, the researcher who collected the data is entitled to use them. During a research project, those entitled to use the data decide whether third parties should have access to them (subject to data protection regulations).

Guideline 11: Methods and standards

- To answer research questions, FVB researchers use scientifically sound and appropriate methods. When developing and applying new methods, they attach particular importance to quality assurance and the establishment of standards.

Explanations:

The application of a method normally requires specific expertise that is ensured, where necessary, by suitable cooperative arrangements. The establishment of standards for methods, the use of software, the collection of research data and the description of research results is essential for the comparability and transferability of research outcomes.

Guideline 12: Documentation

- FVB researchers document all information relevant to the production of a research result as clearly as is required by and is appropriate for the relevant subject area to allow the result to be reviewed and assessed. In general, this also includes documenting individual results that do not support the research hypothesis. The selection of results must be avoided. Where subject-specific recommendations exist for review and assessment, FVB researchers create documentation in accordance with these

guidelines. If the documentation does not satisfy these requirements, the constraints and the reasons for them are clearly explained. Documentation and research results must not be manipulated; they are protected as effectively as possible against manipulation.

Explanations:

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 to access this information. Where research software is being developed, the source code is documented.

Guideline 13: Providing public access to research results

- ▶ As a rule, FVB 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 publication, but also in a broader sense through other communication channels); this decision must not depend on third parties. FVB researchers decide autonomously – with due regard for the conventions of the relevant subject area – whether, how and where to disseminate their results. If it has been decided to make results available in the public domain, FVB researchers describe them clearly and in full. Where 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, available and fully explaining the work processes. Software programmed by researchers themselves is made publicly available along with the source code. Researchers provide full and correct information about their own preliminary work and that of others.

Explanations:

In the interest of transparency and to enable research to be referred to and reused by others, whenever possible FVB researchers make the research data and principal materials on which a publication is based available in recognized 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.

In line with the principle of “quality over quantity”, FVB researchers avoid splitting research into inappropriately small publications. They limit the repetition of content from publications of which they were (co-)authors to that which is necessary to enable the reader to understand the context. They cite results previously made publicly available unless, in exceptional cases, this is deemed unnecessary by the general conventions of the discipline.

Guideline 14: Authorship

- ▶ An author is an individual who has made a genuine, identifiable contribution to the content of a research publication of text, data or software. All authors agree on the final version of the work to be published. Unless explicitly stated otherwise, they share responsibility for the publication. FVB 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.

Explanations:

The contribution must add to the research content of the 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 – takes part in

- the development and conceptual design of the research project, or
- the gathering, collection, acquisition or provision of data, software or sources, or
- the analysis/evaluation or interpretation of data, sources and conclusions drawn from them, or
- the drafting of the manuscript.

If a contribution is not sufficient to justify authorship, the individual's support may be properly acknowledged in footnotes, a foreword or an acknowledgement. Honorary authorship where no such contribution was made is not permissible. A leadership or supervisory function does not itself constitute co-authorship.

Collaborating FVB researchers agree on authorship of a publication. 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. Researchers may not refuse to give their consent to publication of the results without sufficient grounds. Refusal of consent must be justified with verifiable criticism of data, methods or results.

Guideline 15: Publication medium

- FVB authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse. FVB researchers who assume the role of editor carefully select where they will carry out this activity. The scientific/academic quality of a contribution does not depend on the medium in which it is published.

Explanations:

In addition to publication in books and journals, authors may also consider academic repositories, data and software repositories, and blogs. A new or unknown publication medium is evaluated to assess its seriousness.

A key criterion to selecting a publication medium is whether it has established guidelines on good research practice.

Guideline 16: Confidentiality and neutrality of review processes and discussions

- Fair behavior is the basis for the legitimacy of any judgement-forming process. FVB researchers who evaluate submitted manuscripts, funding proposals or personal qualifications are obliged to maintain strict confidentiality with regard to this process. They disclose all facts that could give rise to the appearance of a conflict of interest. The duty of confidentiality and disclosure of facts that could give rise to the appearance of a conflict of interest also applies to employees and members of the Executive Board and/or jointly appointed professors at the FVB who are members of research advisory and decision-making bodies.

Explanations:

The confidentiality of third-party material to which a reviewer or FVB committee member gains access precludes sharing the material with third parties or making personal use of it. FVB researchers immediately disclose to the responsible body any potential or apparent conflicts of interest, bias or favoritism relating to the research project being reviewed or the person or matter being discussed.

Guideline 17: Archiving

- ▶ FVB researchers back up research data and results made publicly available, as well as the central materials on which they are based and the research software used, by adequate means according to the standards of the relevant subject area, and retain them for an appropriate period of time. Where justifiable reasons exist for not archiving particular data, FVB researchers explain these reasons. The FVB ensures that the infrastructure necessary to enable archiving is in place.

Explanations:

When scientific and academic findings are made publicly available, the research data (generally raw data) on which they are based are generally archived in an accessible and identifiable manner for a period of ten years at the FVB institute where the data were produced or in cross-location repositories. This practice may differ depending on the subject area. In justified cases, shorter archiving periods may be appropriate; the reasons for this are described clearly and comprehensibly. The archiving period begins on the date when the results are made publicly available.

2. Non-Compliance with Good Research Practice, Procedures

Guideline 18: Complainants and respondents

- ▶ The responsible bodies at the FVB institute or the FVB (normally ombudspersons and investigating committees) examining allegations of misconduct take appropriate measures to protect both the complainant and the respondent. The investigation of allegations of research misconduct must be carried out in strict confidentiality and adhere to the presumption of innocence. The information disclosed by the complainant must be provided in good faith. Knowingly false or malicious allegations may themselves constitute misconduct. The disclosure should not disadvantage the research or professional career prospects of either the complainant or the respondent.

Explanations:

Particularly in the case of early career researchers at the FVB, the disclosure should not lead to delays in the complainant's own qualification phase and no disadvantage should arise to the writing of final dissertations or doctoral theses; the same applies to working conditions and possible contract extensions.

The investigating body will respect the presumption of innocence vis-à-vis the respondent at each stage of the process when considering each case. The respondent should not experience any disadvantage resulting from the investigation of the allegation until such time as research misconduct has been formally established. The complainant must have objective reasons for suspecting that an infringement of the standards of good research practice may have occurred.

If the complainant is unable to verify the facts personally, or if there is uncertainty with regard to the interpretation of the guidelines on good research practice in relation to an observed set of circumstances, the complainant should consult the ombudsperson of the respective FVB institute or the German Research Ombudsman to clarify the suspicion.

The FVB is responsible for deciding whether to investigate anonymous allegations. Disclosures made anonymously can only be investigated if the complainant provides the party investigating the allegation with solid and sufficiently concrete facts. If the complainant's identity is known, the investigating body will keep the individual's name confidential and will not share it with third parties without the individual's consent. Different requirements apply only if there is a legal obligation or if the respondent cannot otherwise properly defend himself or herself because, as an exception, the case concerns the identity of the complainant. The investigating body will promptly inform the complainant if his or her name is to be disclosed; the complainant can

decide whether to withdraw the allegation due to the impending disclosure. The confidentiality of the process is limited if the complainant makes his or her suspicion public. The investigating body will decide on a case-by-case basis how to handle the breach of confidentiality on the part of the complainant. Should research misconduct not be proven, the complainant must continue to be protected, assuming that the allegations cannot be shown to have been made against his or her better knowledge.

Guideline 19: Procedures in cases of alleged research misconduct

- ▶ The FVB has established Rules of Procedure for dealing with allegations of research misconduct. These Rules of Procedure were adopted by the FVB Executive Board on May 25, 2000 and amended on September 20, 2004, October 6, 2008, April 25, 2018, November 6, 2019 and October 27, 2021. They define the circumstances that constitute misconduct (Appendix 2), procedural rules and the measures to take should an allegation be upheld (Appendix 3). Regulations are applied in addition to relevant higher-level laws.

Explanations:

Not every breach of good research practice constitutes misconduct. Only deliberate or grossly negligent infringements defined in a set of regulations are considered scientific misconduct. Particular examples of misconduct include fabrication of data, falsification of data and plagiarism. The FVB Rules of Procedure define responsibility for each step of a procedure, the consideration of evidence, substitutes for ombudspersons and members of investigation committees, conflicts of interest and the procedural principles of the rule of law. The respondent and the complainant are each given the opportunity to be heard at each stage of the process. Until such time as it is demonstrated that misconduct has occurred, information relating to the individuals involved in the process and the findings of the investigation is treated in confidence. The FVB ensures that the entire process is conducted as promptly as possible and implements the steps necessary to complete each stage of the procedure within an appropriate time frame. The regulations stipulate various measures to be applied according to the seriousness of the scientific misconduct ascertained. If, after it has been established that misconduct has occurred, the revocation of an academic degree is being considered, the responsible bodies are included in deliberations. Once inquiries are complete, the result is announced to affected research organizations and, if relevant, third parties with a justified interest in the decision.

3. Implementation of the Guidelines

The FVB has implemented levels one and two of guidelines 1 to 19 in the DFG Code of Conduct “Guidelines for Safeguarding Good Research Practice” in a legally binding manner by resolution of the Executive Board on October 27, 2021.

Practices regarded as scientific misconduct are listed in the FVB Guidelines for Safeguarding Good Research Practice which are in effect from October 27, 2021 implementing the DFG Code of Conduct. On top of that, the following catalog of practices regarded as scientific misconduct applies additionally; in the event of conflicting versions, the DFG rules shall apply.

1. In the context of academic work, scientific misconduct is defined as intentionally, or by reason of gross negligence, providing false information, infringing intellectual property rights or otherwise impeding research work.

The following are particularly considered scientific misconduct:

- 1.1 inventing data;
- 1.2 falsifying data, e.g.
 - a) by selecting or rejecting undesired results without disclosing as such
 - b) by manipulating representations or images;
- 1.3 supplying false information in letters of application or applications for funding;
- 1.4 actions listed below in a) to d) with regard to copyrighted works of other authors or to key scientific findings, hypotheses, theories or research methods of others:
 - a) unauthorized use under the presumption of authorship (plagiarism)
 - b) the exploitation of research methods and ideas, particularly in the capacity of assessor (stealing ideas)
 - c) making false claims to or unjustifiably accepting authorship or co-authorship of a scientific work
 - d) distorting the content of publications;
- 1.5 the unauthorized publication and disclosure to third parties prior to the publication of the work, the finding, the hypothesis, the theory or the research method;
- 1.6 using the (co-)authorship of another researcher without his or her consent;
- 1.7 sabotaging research activities, including damaging, destroying or manipulating experimental setups, equipment, documents, hardware, software, chemicals or other items required by others to conduct experiments.
2. Complicity in scientific misconduct includes:
 - 2.1 active involvement in misconduct by others;
 - 2.2 knowledge of falsifications by others;
 - 2.3 co-authorship of publications tainted by falsification;
 - 2.4 gross neglect of supervisory duties.

The ultimate decision depends on the particular circumstances of the case.

Catalog of possible sanctions or action in the event of scientific misconduct

1. Action under employment law

In cases of scientific misconduct, action under employment law shall always be examined as a matter of priority:

- 1.1** written warning
- 1.2** ordinary termination (with notice)
- 1.3** extraordinary termination (without notice)
- 1.4** dissolution of contract

2. Action under civil law

The following action under civil law may be considered:

- 2.1** bans on entering the premises
- 2.2** claims against the respondent, such as for the restitution of stolen scientific material and such like
- 2.3** claims for abatement or removal and for injunctive relief under the laws governing copyright, personality rights, patent rights and competition rules
- 2.4** repayment claims, such as in respect of scholarships, third-party funds or the like
- 2.5** claims for damages in the case of personal injury, damage to property or the like

3. Action under criminal law

Action under criminal law is always appropriate where there is a suspicion that scientific misconduct simultaneously constitutes an offence under the Criminal Code (StGB) or other penal provisions or misdemeanors. In this case, the Executive Board shall involve the state law enforcement agencies.

Possible criminal offences include:

- 3.1** Violation of personal privacy
 - Section 202a StGB: Data espionage
 - Section 204a StGB: Exploitation of another's secrets
- 3.2** Criminal offences causing injury to life or limb
 - Section 222 StGB: Negligent killing
 - Sections 223, 229 StGB: Intentional or negligent bodily harm

3.3 Offences against property

- Section 242 StGB: Theft
- Section 246 StGB: Misappropriation
- Section 263 StGB: Fraud
- Section 264 StGB: Subsidy fraud
- Section 266 StGB: Embezzlement

3.4 Forgery of documents

- Section 267 StGB: Forgery of documents
- Section 268 StGB: Forgery of technical records

3.5 Criminal damage

- Section 303 StGB: Criminal damage
- Section 303a StGB: Data manipulation

3.6 Infringement of copyright

- Section 106 of the Act on Copyright (UrhG): Unlawful exploitation of copyrighted works

4. Revocation of scientific publications and public information

Scientific publications that are incorrect due to scientific misconduct shall be withdrawn, where they have not yet been published, and corrected, where they have been published (revocation); where necessary, cooperation partners shall be informed in an appropriate manner. The author is required to do the above; if he or she fails to take action, the Head of Institute shall undertake the appropriate measures open to him or her.

In cases of serious scientific misconduct, the Executive Board shall inform the President of the Leibniz Association and of other scientific organizations.

The Executive Board may be obliged to inform the public to protect third parties, to preserve confidence in academic probity, to restore the institute's academic reputation, to prevent consequential damage and to protect general public interests.