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Announcements of Justus Liebig University Giessen

Date 1 April 2003	5.00.10. No 1 Research – Ensuring good academic practice
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Statute of Justus Liebig University Giessen for Ensuring Good Academic Practice, as amended on 29 May 2002

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¹ Ständiger Ausschuss II (Standing Committee II)

² Hessen State Ministry of Higher Education, Research and the Arts

³ Amtsblatt/Staatzanzeiger (Official Journal/Official Gazette)

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Preamble

Scholarly integrity is a fundamental criterion for academic research. Unlike error, lack of integrity in academic research is contrary to the very nature of scholarship.

Rules and regulations are no substitute for scholarly integrity. On the other hand, although, as in other areas of life, the establishment of framework conditions cannot fully prevent inappropriate conduct in academic research, it can limit it.

On the basis of these considerations and the recommendations of the German Research Foundation (*Proposals for Safeguarding Good Scientific Practice*, Bonn, 1997) and of the German Rectors' Conference (*Hochschulrektorenkonferenz*) (On dealing with inappropriate scholarly conduct at universities, recommendation of the 185th plenary meeting of the German Rectors' Conference of 6 July 1998. Contributions on university policy, 1998), at its meeting of 19 May 1999 the Standing Committee on Organisational Matters and Issues relating to Research and Next Generation Scholars, pursuant to Article 18 (2), No 2, of the Hessian University Act (HUG), as amended on 28 March 1995, and, at its meeting of 14 July 1999, the Senate of Justus Liebig University Giessen, pursuant to Article 16 (2), No 6, of the HUG, enacted the Statute for Ensuring Good Academic Practice by passing parallel resolutions.

Pursuant to Article 39 (2), No 2, of the Hessian Higher Education Act (*Hessisches Hochschulgesetz, HHG*) as amended on 31 July 2000, on 29 May 2002 the Senate of Justus Liebig University passed the following amended version of the Statute.

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Part I: Ensuring good academic practice

Article 1 General principles

(1) The following rules for good academic practice are intended to contribute to enhancing the quality of academic research and thus to preventing inappropriate academic conduct.

(2) Good academic practice must meet the following criteria:

1. Research must be conducted in accordance with the current state of knowledge; knowledge of the current literature and the appropriate methodologies is imperative.
2. The methods used and the findings must be documented and preserved for 10 years. Precise records and documentation must be kept of the research procedure followed and of the results, particularly in the case of experimental research, for which reproducibility of analyses is characteristic.
3. Research results should be continually questioned until they seem plausible.
4. Research results should be shared with the academic community in the form of publications; academic publications are thus – as scholarly studies or scholarly experimentation itself – the product of research conducted by scholars.
5. The acknowledged principles governing academic research in the disciplines in question must be upheld.

(3) Justus Liebig University also fulfils its responsibility towards its graduates by introducing students – with reference to this Statute – to the principles of academic research and good academic practice in the introductory courses included in the basic study programmes and by encouraging them to conserve honesty and a sense of responsibility in academic practice.

The intention is also to convey an awareness of the possible occurrence of inappropriate academic conduct.

(4) Justus Liebig University fulfils its responsibility towards its next generation scholars and its technical staff by regularly informing those groups of people at institutional level of the principles of academic research and good academic practice – with reference to this Statute; the guidance must be provided in writing and signed in confirmation.

(5) Those preparing for habilitation must make a declaration, as a prerequisite for admission to habilitation, in which they undertake to comply with this Statute and the principles of good academic practice. The applicable habilitation regulations must include an admission criterion to that effect. For doctoral candidates, the first sentence shall apply *mutatis mutandis*; making this declaration a criterion for acceptance or admission as a doctoral candidate. An equivalent acceptance or admission criterion must be included in the applicable doctoral regulations.

(6) Professors and university lecturers newly appointed to Justus Liebig University and scholars already working there are likewise required to comply with this Statute.

(7) Through this Statute, the President's Office of Justus Liebig University ensures that clear rules for leadership, supervision, conflict resolution and quality insurance are in place and are upheld at Justus Liebig University. On the basis of this Statute, the deans of faculties undertake to place leadership, supervision and quality assurance duties within an appropriate organisational structure and to guarantee that they are actually carried out.

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Article 2 Forming working groups

- (1) In experimental subjects several people, who form a working group, are usually responsible for posing question, processing them and interpreting the results and for reporting to the academic community.
- (2) Working groups should not exceed a certain size so that the person in charge of the working group is able to carry out the duties specified in paragraph 3.
- (3) The task of the person in charge of the working group is to determine the working group's main research focus, the working procedures and their monitoring, to draw up work schedules for doctoral candidates and undergraduates and to give instructions regarding academic research as well as to conduct regular working group meetings with reports from the research associates, doctoral candidates and undergraduate students. Methods and results may be passed on to research and technical associates, doctoral candidates and undergraduates only with the express authorisation of the person in charge of the working group.
- (4) In all matters concerning the research objective or the publication or use of research results, members of a working group must follow the instructions given by the person in charge of the working group.

Article 3 Authorship of academic publications

- (1) If several people are involved in a research project or in writing a research report, only those who have contributed substantially to the investigations and to the research plan, the conduct of the research work, to the evaluation or interpretation of the results and to the draft or to the critical revision of the subject matter contained in the manuscript may be named as joint authors.

Mere technical involvement in the collection of data is as little justification for joint authorship as only having provided financial resources or being responsible for the general management of the department in which the research was carried out (exclusion of "honorary authorship"). The same shall apply to merely reading the manuscript without having contributed to its content.

- (2) The release of a manuscript for publication should be signed in confirmation by all joint authors and the share of the individual authors or working group should be documented.

If unpublished observations by others are quoted or findings of other institutions are used in the manuscript, and provided that there is no other recognised specialist practice, the written consent of the aforementioned must be obtained.

If one of the joint authors feels that he or she has been overlooked, he or she may contact the ombudsperson.

- (3) By agreeing to be named as a joint author, the person in question assumes joint responsibility for the publication's compliance with academic standards. This shall apply first and foremost to the field in which the joint author has made a contribution; he or she is also responsible for the accuracy of his or her own contribution and for its being included in the publication in an academically appropriate manner.
- (4) If individual scholars are named in a publication without their consent and consider themselves unable to give retrospective consent, they shall be expected to inform the main person responsible and/or the journal in question of their objection to being included as one of the authors. If they fail to disassociate themselves from the publication in this manner, this shall be understood as retrospective consent to their inclusion as one of the authors and assumption of a corresponding share in responsibility for the publication.

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Article 4
Next generation scholars

- (1) Next generation scholars start academic work when preparing their undergraduate dissertation and/or doctoral thesis. In addition to technical skills, the University must teach them a fundamental ethical attitude to academic research as well as a responsible approach to handling the results and to working with other scholars.
- (2) Next generation scholars are entitled to regular academic supervision, advice and support from the person in charge of the working group.
- (3) Next generation scholars undertake to
- (a) keep records and complete and accurate documentation of their research results;
 - (b) work responsibly and collegially;
 - (c) provide regular reports on the progress of their research;
 - (d) participate in internal seminars; and
 - (e) cooperate, to a limited extent, in routine tasks within their working group.

Part II: Inappropriate academic conduct

Article 5
Inappropriate academic conduct by scholars

- (1) Inappropriate academic conduct occurs if, deliberately or through gross negligence, scholars provide false information within the field of scholarship, violate others' intellectual property rights or seriously compromise their research activity. This shall also apply *mutatis mutandis* to technical staff.
- (2) Particular examples of inappropriate conduct include:
1. False information, i.e.
 - (a) Invented data;
 - (b) Falsified data (e.g. data obtained by selecting results and not selecting undesired results without disclosing this fact or by manipulating a figure or diagram);
 - (c) Incorrect information in a job application or in an application for funding (including false information on the publishing body and publications that have been accepted or are being printed);
 - (d) Naming an "honorary author" within the meaning of Article 3 (1), second sentence.
 2. Infringement of intellectual property rights with regard to a copyright protected work created by someone else (including drawings, images and such like) or to key academic findings, hypotheses, teachings or research methods of others through:
 - (a) Unauthorised use, claiming authorship (plagiarism);
 - (b) The use of others' research methods and ideas without indicating the source (theft of ideas);

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- (c) Presumption or unfounded acceptance of academic authorship or joint authorship;
 - (d) Falsification of the contents;
 - (e) Unauthorised publication and allowing third parties unauthorised access before the work, the findings, the hypothesis, the teaching or the research method have been published.
3. Claiming (joint) authorship by someone else without his or her consent.
 4. Severely compromising research activities (including damaging, destroying or manipulating experimental arrangements, equipment, documentation, hardware, software, chemicals or other items needed by someone else to conduct academic research).
 5. The removal of data in violation of legal provisions or of Article 1 (2).

Article 6 Joint responsibility for inappropriate conduct

Joint responsibility for inappropriate conduct within the meaning of Article 5 may occur, *inter alia*, as a result of:

- (a) Active involvement in inappropriate conduct by someone else;
- (b) Being party to knowledge of falsification by others;
- (c) Joint authorship in publications containing falsifications; or
- (d) Gross negligence of supervisory obligations.

Part III: Ombudsperson and Standing Committee

Article 7 Ombudsperson

- (1) Justus Liebig University shall appoint an ombudsperson and a deputy ombudsperson as the contact person for members, former members, associates and former associates of the university who wish to report inappropriate academic conduct.
- (2) Scholars who are members or associates of Justus Liebig University, have extensive experience of the academic world as well as national and international contacts and, owing to their position, are not required to take relevant action themselves shall be appointed as ombudspersons.
- (3) The President shall propose suitable personae within the meaning of paragraph 2 to the Senate. The Senate shall elect the ombudsperson and the deputy ombudsperson by majority vote of its members in separate ballots at the beginning of the summer semester in question for one three-year term of office to begin in the following winter semester; besides the majority in the Senate, the majority of the professors in the Senate is required. Re-election is possible.
- (4) The president shall appoint the persons elected as ombudspersons and shall require them to comply with this Statute.
- (5) Should there be a conflict of interests or should the ombudsperson be unable to be present, he or she shall be represented by the deputy ombudsperson.

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(6) The appointed ombudspersons' names and addresses and their consulting hours must be published in the schedule of lectures.

(7) If an ombudsperson retires from office prematurely, a by-election shall be held to cover the remainder of the term of office; paragraphs 2 to 4 shall apply *mutatis mutandis*.

Article 8 Duties of the Ombudsperson

(1) The duties of the Ombudsperson are as follows:

1. He or she shall provide confidential consultation for members and associates of Justus Liebig University who inform him or her of inappropriate academic conduct within the meaning of Article 5.
2. He or she shall take up relevant leads that, directly or indirectly, provide him or her with information about third parties and attempt to clarify them.
3. He or she shall verify whether the accusations with regard to the actual occurrence and importance of the matter and to possible motives are plausible and clarify whether it would be possible to dispel the accusations (preliminary inquiry pursuant to Article 12 (3)).
4. He or she shall instruct the Standing Committee to conduct a preliminary inquiry pursuant to Article 12 (4).
5. Following the conclusion of a formal investigation, he or she shall provide support for those who provided the information in accordance with Article 17.
6. He or she is required to document his or her actions, taking account of the protection of personality rights of informants and people affected.

(2) Every member and former member and every associate and former associate of Justus Liebig University is entitled to a personal interview with the ombudsperson within a short period of time.

Article 9 Appointment of the Standing Committee

(1) Justus Liebig University shall appoint a Standing Committee comprising the following four members and four alternates:

1. Three members and three alternates from the group of professors.

Full-time professors, emeritus professors or retired professors with extensive experience of the academic world as well as national and international contacts may be appointed. At least one member must be qualified for judicial office.

2. One member and one alternate from the group of research associates.

Research associates who hold a doctorate may be appointed.

(2) The President shall propose suitable persons within the meaning of paragraph 1 to the Senate. The Senate shall elect the individual committee members and their alternates by majority vote of its members; one of the elected people must be qualified for judicial office. Article 7 (3), second and third sentences, shall apply *mutatis mutandis*. Committee members and their alternates may be re-elected once.

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- (3) The President shall appoint the elected persons as members or alternates of the Standing Committee and shall require them to comply with this Statute.
- (4) If the members of the Standing Committee have a conflict of interests or are unable to be present, they shall be represented by the alternate members of the Committee.
- (5) The names and addresses and consulting hours of the appointed members and alternates of the Committee must be published in the schedule of lectures.
- (6) If members or alternates retire from the Standing Committee, a by-election shall be held to cover the remainder of the term of office; paragraphs 2 to 4 shall apply *mutatis mutandis*.
- (7) The Ombudsperson is an advisory member of the Standing Committee.

Article 10 Duties of the Standing Committee

- (1) The Standing Committee is responsible for investigating accusations of inappropriate academic conduct. To that end, the Chair of the Standing Committee shall conduct the preliminary inquiry (Articles 13 and 14) and the Standing Committee itself shall conduct the formal investigation (Articles 15 and 16). The Standing Committee can dismiss charges or make proposals regarding sanctions for the inappropriate conduct ascertained (Article 18 *et seq*).
- (2) The Standing Committee shall take action if requested to do so by the Ombudsperson.
- (3) The proceedings conducted before the Standing Committee are no substitute for other legal or statutory proceedings.

Article 11 Chair and procedures of the Standing Committee

- (1) The Standing Committee shall elect a Chair and a Deputy Chair from among its members. The Chair – or if he or she is prevented from doing so, the Deputy Chair – shall convene the meetings of the Standing Committee, chair them and implement their resolutions.
- (2) The Standing Committee shall be quorate when at least two members or alternates are present. The Standing Committee shall take its decisions by a two-thirds majority vote of its members. In the event of a tied vote, the Chair shall have the casting vote. Minutes must be kept of its meetings and must record the main outcome of the meeting.
- (3) The Standing Committee may invite up to two other people who have particular professional competence in the academic case in question or experience of dealing with relevant procedures to become advisory members of the Committee.
- (4) The deadline for statements, hearings, negotiations and decisions must be set by the Standing Committee in such a way as to ensure that the matter is dealt with swiftly.

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Part IV: Procedure in case of inappropriate academic conduct

Article 12 Notification of suspicion

- (1) If individual members, former members, associates or former associates of Justus Liebig University have concrete suspicion of inappropriate academic conduct, they must inform the Ombudsperson or a member of the Standing Committee without delay. If a member of the Standing Committee is informed, he or she must in turn notify the Ombudsperson without delay.
- (2) Notification of suspicion should be made in writing and should name the incriminating facts and evidence; in case of verbal notification, a written note must be made regarding the suspicion and the facts and evidence on which it is based.
- (3) The Ombudsperson examines the accusations and endeavours to dispel them in his or her preliminary inquiry. If this is successful, he or she informs the people affected and the informants. If the informants do not agree with the decision taken by the Ombudsperson in the preliminary inquiry, they may have recourse to the Standing Committee.
- (4) If the Ombudsperson cannot dispel the accusations, he or she forwards the notification of suspicion or the written note to the Standing Committee and reports on his or her endeavours in the preliminary investigative procedure.
- (5) In order to protect informants and people affected, the matter shall be treated in strict confidentiality.

Article 13 Statements by those suspected of inappropriate conduct

- (1) The Standing Committee shall immediately give the person suspected of inappropriate conduct, citing the incriminating facts and evidence, an opportunity to state his or her case by a specified deadline.

Three weeks are generally allowed for a statement to be made; six weeks are generally allowed in the lecture-free period.

- (2) Without the express consent of the informant, his or her name may not be revealed to the person suspected of inappropriate conduct at this stage of the procedure.

Article 14 Preliminary inquiry by the Chair of the Standing Committee

- (1) Following receipt of the statement by the people under suspicion or after the deadline has expired, the Chair of the Standing Committee has four weeks – eight weeks in the lecture free period – in which to decide

- (a) whether the preliminary investigative procedure, including informing the people under suspicion and the informants of the reasons for it, should be ended because the suspicion of inappropriate academic conduct has not been adequately confirmed, allegedly inappropriate academic conduct has been completely clarified or the inappropriate academic conduct is not serious, or

- (b) whether the preliminary investigative procedure should be transmuted into a formal investigative procedure for further clarification and decision; the reasons for this must be set forth in writing.

- (2) If informants do not agree with the initial view reached in the preliminary investigative procedure, they have four weeks – eight weeks in the lecture free period – in which they can present their objections in writing or verbally to the Standing Committee. The Chair of the Standing Committee shall seek consultation and take a decision regarding the objections pursuant to paragraph 1 and if appropriate pursuant to Article

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13 (1) after giving the person under suspicion a second hearing. The person under suspicion and the informants must be notified of the decision.

(3) An objection may be raised with the Standing Committee against its decision to terminate the preliminary investigative procedure.

Article 15 Formal investigative procedure

(1) The Chair of the Standing Committee shall initiate the formal investigative procedure by informing the people under suspicion of the results of the preliminary inquiry. He or she shall inform the President that the formal investigative procedure has been initiated.

(2) The Standing Committee shall discuss the matter verbally *in camera*.

It must investigate both the incriminating and the exonerating circumstances.

In free consideration of the evidence, it shall check whether inappropriate academic conduct has occurred.

(3) The people, working group or institute accused of possible inappropriate conduct must be given an opportunity to make a statement.

The people under suspicion must be given an oral hearing if they so request; they may each obtain the support of one person of their trust.

The same shall apply to other persons who are to be given a hearing.

(4) The names of the informants must be disclosed to those under suspicion if they so request, if they cannot otherwise provide an appropriate defence or if the credibility and the motives of the informants are of significant importance for clarifying the accusations. The informants must be informed of the disclosure.

Article 16 Decision-making in formal investigative procedures

(1) If the Standing Committee does not consider inappropriate academic conduct to have been proved, it shall terminate the procedure. The first sentence shall also apply if the Standing Committee does not consider the inappropriate academic conduct serious.

The President must be informed of the termination.

(2) If the Standing Committee considers that inappropriate academic conduct has been proved, it shall inform the President in writing of the results of its investigations and shall propose subsequent action – also with regard to upholding the rights of others (Article 19 *et seq*).

(3) Those under suspicion and the informants must be informed in writing of the main reasons for terminating the procedure or for handing it over to the President.

(4) No objection may be raised against the decisions of the Standing Committee.

(5) The records of the formal investigative procedure shall be retained for 30 years.

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Article 17
Support for other people affected and informants

(1) Once a formal investigative procedure has been concluded, the personal dignity and scholarly integrity of those who have been innocently involved in cases of inappropriate academic conduct must be protected to prevent their being subjected to discrimination.

To protect the personal and scholarly integrity of the other persons affected, recourse may be made to:

- (a) consultation with the Ombudsperson;
- (b) a written declaration by the Chair of the Standing Committee to the effect that the other person involved was not found guilty of inappropriate academic conduct (Article 5) or of joint responsibility for such conduct (Article 6).

(2) Informants must similarly be protected against discrimination if their accusations do not prove to have been clearly unfounded.

Part V: Possible decisions and action in case of inappropriate academic conduct

Article 18
Decisions by the President

(1) If the Standing Committee finds evidence of inappropriate academic conduct and reports on it in accordance with Article 16 (2), the President shall examine the proposals of the Standing Committee concerning subsequent action. This examination shall be governed by the need to preserve academic standards and the rights of all those directly and indirectly affected, the type and seriousness of the inappropriate academic conduct ascertained and the need for sanctions.

(2) Inappropriate academic conduct cannot be judged in accordance with firmly formulated rules; appropriate sanctions must depend on the circumstances of the individual case.

Article 19
Labour law and service law consequences

(1) If the person found guilty of inappropriate academic conduct is employed by the University, the following labour law consequences may ensue:

- 1. A written warning;
- 2. Dismissal without notice (including dismissal on suspicion);
- 3. Notice of termination;
- 4. Dissolution of contract

(2) If the person found guilty of inappropriate academic conduct is employed at the University as a public official, the following disciplinary or service law consequences may, for example, ensue:

- 1. Reprimand, fine, salary reduction;
- 2. Removal from office;

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3. Withdrawal of appointment.

Article 20 Civil law consequences

Inappropriate academic conduct may have, in particular, the following civil law consequences:

1. Being banned from the University;
2. Claims for surrender against those found guilty of inappropriate academic conduct (e.g. with regard to purloined material);
3. Claims for removal and omission arising from copyright law, personality law, patent law and competition law;
4. Restitution claims (e.g. of scholarships, external funding);
5. Claims for damages by Justus Liebig University or by third parties in case of personal damage, damage to property or similar.

Article 21 Academic consequences

(1) Academic consequences of inappropriate academic conduct must be ordered at different levels and with different objectives.

(2) Within Justus Liebig University, consideration may be given to withdrawing the title (*Diplom*, Magister, doctorate, Dr. habil.) or academic designations (associate professor, adjunct professor) if the degree or the academic designation is based on publications containing falsifications or has otherwise acquired fraudulently; if relevant, consideration may be given to withdrawing the authorisation to teach. If correspondingly serious inappropriate academic conduct is determined, the President must inform the relevant body and request it to verify the matter and take a decision.

(3) The President must inform non-university academic facilities and associations of inappropriate academic conduct if the facilities and associations are directly affected or if the scholar found guilty of inappropriate academic conduct has a leading position within the facility or association in question or is a member of decision-making bodies of funding organisations or similar.

(4) If the inappropriate academic conduct consists of false information (Article 5 (2), No 1), infringement of intellectual property rights (Article 5 (2), No 2) or involvement in inappropriate conduct of this kind (Article 6), the author concerned must be compelled to make a withdrawal in that respect. If the research has not yet been published, it must be withdrawn promptly; if it has already been published, it must be rescinded – in any case with regard to the parts concerned.

The author responsible for the publication containing fraudulent entries or the jointly responsibly authors must report to the Standing Committee within a predetermined period, particularly with regard to rescinding the publication in question or withdrawing the research.

If necessary, the President, acting on a proposal from the Standing Committee, must take appropriate measures to rescind the publication in question or to withdraw the research.

Publications which the Standing Committee has found to contain falsification must be removed from the list of publications by the author(s) concerned or marked accordingly.

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Article 22
Criminal law consequences

- (1) Inappropriate academic conduct may have criminal law consequences if it is suspected that a crime under the Criminal Code, other criminal regulations or administrative offences has been committed.
- (2) The President is duty bound to verify whether and to what extent the University shall bring a criminal charge in a case of this kind.

Article 23
Information of third parties in need of protection and the general public

Insofar as it is deemed appropriate in order to protect third parties, to preserve confidence in scholarly integrity, to restore academic reputation, to prevent consequential damage or otherwise in the general public interest, third parties affected and the press must be informed appropriately of the outcome of the formal investigative procedure and the other measures.

Part VI: Entry into force, transitional provisions

Article 24
Entry into force, transitional provisions

- (1) The Statute as amended on 29 May 2002 shall enter into force on the day following its publication in the Staatsanzeiger für das Land Hessen).
- (2) The first appointment of the member and alternate pursuant to Article 9 (1), No 2, shall be made for the three-year term of office beginning in the winter semester 2002/03.

Giessen, 11 July 2002

Prof. Dr. Stefan Hormuth

President of Justus Liebig University Giessen

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