

*Disclaimer: This is an English translation of the "Satzung der Otto-von-Guericke-Universität Magdeburg zur Sicherung guter wissenschaftlicher Praxis", published as "Amtliche Bekanntmachung Nr. 62/2023" on the 18.10.2023. It is provided for informational purposes only. The English text was translated with the help of DeepL and carefully reviewed for accuracy. In the event that the English and German versions permit different interpretations, the German text shall prevail.*

## **Statutes of Otto von Guericke University Magdeburg for ensuring good scientific practice**

28.09.2023

### **Preamble**

In accordance with Section 4 (5) of the Saxony-Anhalt Higher Education Act (HSG LSA), all persons engaged in scientific activities at the university are obliged to comply with the general principles of good scientific practice.

Observing and adhering to the rules of good scientific practice is an expression of scientific self-commitment that encompasses respectful interaction with each other, with study participants, animals, cultural assets, and the environment, and strengthens and promotes society's indispensable trust in science. The constitutionally guaranteed freedom of science is inextricably linked to a corresponding responsibility. It is the primary task of every scientist and of the institutions in which science is conducted to take full account of this responsibility and to embrace it as a guiding principle for their own actions. Science itself ensures good scientific practice through honest thinking and acting, not least through organizational and procedural regulations.

The German Research Foundation (DFG) supports universities in this endeavor. To this end, it adopted new "Guidelines for Safeguarding Good Research Practice" (DFG Code of Conduct) in 2019. The present "Statutes of the Otto von Guericke University Magdeburg (OVGU) on Good Scientific Practice" are based largely on the DFG Code of Conduct and the model statutes for ensuring good scientific practice and dealing with suspected cases of scientific misconduct (resolution of the 33. General Assembly of the German Rectors' Conference on May 10, 2022). Some of the wording of the aforementioned texts has been incorporated directly or indirectly into these statutes. They establish the principles of good scientific practice.

The following regulations implement the Code of Conduct "Guidelines for Safeguarding Good Research Practice" of the German Research Foundation (DFG) in the version dated August 2019. They are legally binding for all persons engaged in research or research support at the OVGU.

## Table of contents

I.	Principles of good scientific practice.....	3
1.	Scope of these statutes .....	3
2.	Individual principles of good scientific practice .....	3
3.	Professional ethics of researchers .....	3
4.	Organizational responsibility of the university leadership .....	3
5.	Responsibility of the heads of research work units .....	4
6.	Evaluation of academic performance .....	4
7.	Cross-phase quality assurance .....	5
8.	Stakeholders, responsibilities, and roles .....	5
9.	Research design.....	5
10.	Legal and ethical frameworks for research .....	5
11.	Usage rights.....	6
12.	Methods and standards .....	6
13.	Documentation .....	6
14.	Archiving .....	6
15.	Providing public access to research results .....	7
16.	Authorship.....	8
17.	Publication media .....	8
18.	Confidentiality and neutrality of review processes and discussions .....	9
II.	Ombudsman .....	9
19.	Ombudspersons .....	9
20.	Ombudsman activities .....	9
III.	Procedures for dealing with scientific misconduct.....	10
21.	General principles for dealing with suspected cases of scientific misconduct .....	10
22.	Actions classified as scientific misconduct.....	11
23.	Initiation of an investigation .....	12
24.	Preliminary investigation.....	13
25.	Commission for Dealing with Scientific Misconduct.....	13
26.	Formal investigation procedure .....	14
27.	Conclusion of the proceedings .....	15
28.	Possible sanctions and measures.....	15
29.	Transitional provisions/applicability upon leaving the university.....	16
IV.	Final provisions .....	16
30.	Entry into force, expiry.....	16

## **I. Principles of good scientific practice**

### **1. Scope of these statutes**

- (1) The principles of good scientific practice to be observed in accordance with these regulations shall be published on the university's website for all members and associates of the OVGU, as well as for all other persons at the university who are engaged in scientific activities. They are addressed in particular to the researchers of the OVGU, the heads of the scientific units, and all stakeholders who contribute to ensuring scientific integrity. All members of the OVGU will also be notified of their entry into force by email.
- (2) All persons engaged in scientific work at the OVGU are obliged and responsible for complying with the rules of good scientific practice in their conduct.
- (3) Employment and civil service law rights and obligations are not affected by these statutes.

### **2. Individual principles of good scientific practice**

The principles of good scientific practice include, in particular,

- a. working in accordance with the principles of scientific rigor (*lege artis* [according to the state of the art]),
- b. maintaining strict honesty with regard to one's own contributions and those of others,
- c. consistently questioning all findings,
- d. permitting and promoting critical discourse within the scientific community.

### **3. Professional ethics of researchers**

- (1) Researchers working at the OVGU follow the OVGU's mission statement and uphold the fundamental values of scientific work. They have a special responsibility to ensure that they themselves, the persons they supervise in all qualification phases, and their subordinate employees adhere to the principles of good scientific practice. All researchers actively participate in the comprehensive implementation of good scientific practice at the OVGU.
- (2) The teaching of the fundamentals of good scientific work begins at the earliest possible stage of academic teaching and scientific training.
- (3) With the involvement of all career levels, those engaged in scientific work undergo a continuous process of learning and further training with regard to good scientific practice. They exchange ideas and support each other in this regard.

### **4. Organizational responsibility of the university leadership**

- (1) The university leadership is responsible for ensuring compliance with good research practice at OVGU.
- (2) The university leadership creates the framework conditions for rule-compliant scientific work at the OVGU by establishing an institutional organizational structure that is appropriate for this purpose. In this way, the university leadership creates the conditions for scientists to comply with legal and ethical standards.
- (3) Clear procedures and principles for personnel selection and development are laid down in writing at the OVGU, with particular emphasis on equal opportunities and diversity. The relevant processes are transparent and avoid unconscious bias as far as possible.

- (4) Support structures and concepts have been established to promote researchers in the early stages of their careers.

## **5. Responsibility of the heads of research work units**

- (1) The head of a research work unit is responsible for the entire unit under their supervision. Cooperation within research work units must be organized in such a way that the group as a whole can fulfill its tasks, that the necessary cooperation and coordination take place, and that all members are aware of their roles, rights, and duties.
- (2) The responsibilities of the head of a research work unit include, in particular, the obligation to provide individual support for early career researchers in line with the overall concept of the university, to promote the careers of researchers and research support staff, and to communicate the principles of scientific integrity.
- (3) The size and organization of the research work unit are designed in such a way that the leadership tasks, in particular skills training, research support, and supervisory and mentoring duties, can be performed appropriately.
- (4) Abuse of power and exploitation of dependent relationships are counteracted by appropriate organizational measures both at the level of the individual units and at the level of the university leadership.
- (5) Researchers and research support staff enjoy 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.
- (6) Students, graduates, and doctoral candidates shall receive appropriate supervision within the scope of their activities in research working groups. A primary contact person shall be designated for each of them within the working group. Supervision includes the teaching of good scientific practice, also on the basis of the regulations established by the OVGU for this purpose.

## **6. Evaluation of academic performance**

- (1) The evaluation of the performance of researchers follows a multidimensional approach. Originality and quality take precedence over quantity as performance and evaluation criteria for examinations, the awarding of academic degrees, promotions, appointments, and the allocation of funds. Quantitative indicators may only be included in the overall evaluation with appropriate differentiation and reflection.
- (2) In addition to scientific achievement, other aspects may be taken into account when evaluating the performance of researchers, provided that this does not conflict with the applicable legal framework. For example, involvement in teaching, academic self-governance, public relations, knowledge and technology transfer, or contributions to the general good of society may be recognized. If voluntarily disclosed, individual circumstances in CVs may also be taken into account in the assessment. These include, for example, periods of absence due to personal, family, or health reasons or for prolonged periods of training or qualification resulting from such periods, and for alternative career paths, or similar circumstances.
- (3) Reviewers of academic work must use a transparent evaluation system and maintain their independence as evaluators. This also means that they must conduct their evaluation impartially.

## **7. Cross-phase quality assurance**

- (1) Researchers carry out each step of the research process in accordance with accepted standards (*lege artis*). Continuous quality assurance is carried out across all phases. This applies in particular to compliance with subject-specific standards and established methods, to processes such as the calibration of equipment, the collection, processing, and analysis of research data, the selection and use of research software, its development and programming, and the keeping of laboratory notebooks.
- (2) The origin of data, organisms, materials, and software used in the research process is disclosed by citing the original sources, and the conditions for reuse are documented. If publicly available software is used, it must be documented in a persistent and citable manner, citing the source code, as far as this is possible and reasonable.
- (3) The nature and the scope of research data generated in the research process shall be described.
- (4) An essential part of quality assurance is that other scientists are enabled to replicate results or findings.
- (5) When scientific findings are made publicly available (including through channels other than publications), the quality assurance mechanisms applied shall always be disclosed. If discrepancies or errors in such findings are subsequently identified or brought to attention, they shall be corrected.

## **8. Stakeholders, responsibilities, and roles**

The roles and responsibilities of the researchers and research support staff participating in a research project must be clear at each stage of the project. Those involved in a research project shall define their roles and responsibilities in an appropriate manner and adapt them if necessary. An adjustment is particularly appropriate if the focus of a participant's work in a research project changes.

## **9. Research design**

- (1) When planning a project, researchers take into account and acknowledge the current state of research. This usually requires careful research into existing research in the public domain. The OVGU's university management creates the necessary framework for this.
- (2) Methods to avoid (unconscious) distortions in the interpretation of findings, such as the use of blinding in experiments, are used wherever possible. Researchers shall examine whether and, if so, to what extent gender and diversity dimensions may be relevant to the research project (with regard to methods, work program, objectives, etc.). The context in which research was conducted is taken into consideration when interpreting findings.
- (3) Research designs are established in line with ecological, economic, and social sustainability and, where applicable, are based on the 17 Sustainable Development Goals of the UN (<https://sdgs.un.org/>).

## **10. Legal and ethical frameworks for research**

- (1) The university leadership is responsible for ensuring that the actions of members and associates of the OVGU comply with the rules and promotes compliance through appropriate organizational structures. The OVGU has developed binding principles for research ethics.
- (2) Researchers adopt a responsible approach to the constitutionally guaranteed freedom

of research. They comply with rights and obligations, in particular those resulting from legal requirements, but also from contracts with third parties, and, where necessary, seek approvals and ethics statements and present these when required. With regard to research projects, a detailed evaluation of potential consequences of the research and an evaluation of the respective ethical aspects should be carried out.

- (3) Researchers maintain a continual awareness of the risk of misuse of research results. Their responsibility is not limited to compliance with legal requirements, but also includes the obligation to use their knowledge, experience, and skills in such a way that risks can be recognised, assessed, and evaluated. In doing so, they pay particular attention to aspects associated with security-relevant research (dual use). If there is a reasonable assumption that dual-use aspects may be involved, the Committee for Ethics in Security-Relevant Research (KEF) of the OVGU must be consulted.

## **11. Usage rights**

Where possible and practicable, researchers shall conclude documented agreements on usage rights at the earliest possible stage of a research project. In particular, the researcher who collected the data is entitled to use them. During an ongoing research project, the persons entitled to use the data (in particular in accordance with data protection regulations) shall also decide whether third parties should be granted access to the data. The usage rights may be recorded in a data management plan (DMP).

## **12. Methods and standards**

- (1) To answer research questions, researchers use scientifically sound and reproducible methods.
- (2) When developing and applying new methods, researchers shall attach particular importance to quality assurance and the establishment of standards.

## **13. Documentation**

- (1) Researchers document all information relevant to the production of a research result in a manner that is as comprehensible as is necessary and appropriate in the relevant field in order to enable the result to be verified and evaluated and to allow replication. This includes, in particular, documenting the research data used or generated, the methods, evaluation and analysis steps and, where applicable, the development of the hypothesis, ensuring the traceability of citations and, as far as possible, allowing third parties access to this information. When developing research software, its source code is documented as far as this is possible and reasonable.
- (2) Individual results that do not support one's own hypothesis shall also be documented as a matter of principle. Selection of results is not permitted.
- (3) If the documentation does not meet the requirements of paragraphs 1 and 2, the constraints and reasons for this shall be explained in a comprehensible manner.
- (4) Documentation and research results must not be manipulated. They must be protected as effectively as possible against manipulation.

## **14. Archiving**

- (1) Research results and the central materials on which they are based and, where applicable, the research software used must be stored by adequate means in accordance with the standards of the relevant field and, as a rule, for a period of ten years. Research data includes, in particular, measurement results, software codes,

simulation results and analytical calculations, collections, study surveys and questionnaires, as well as cell cultures, material samples or archaeological finds. The data shall be stored on durable and secure media at the institution where it was created, at other reliable institutions (in particular archives or libraries), or in recognized repositories. In justified cases, shorter archiving periods may be appropriate, e.g., for primary data that is not stored on durable and secure media; the reasons for this must be described in a comprehensible manner. The archiving period begins on the date when the results are made publicly available.

- (2) The heads of research work units are responsible for ensuring that this storage is carried out and shall establish appropriate regulations for this purpose on the basis of legal provisions or principles of scientific work recognized in the respective field. The infrastructure required for archiving shall be provided by the OVGU, in particular archives, libraries, and repositories.
- (3) Archiving obligations based on legal provisions and measures for the protection of personal data remain unaffected by this.

### **15. Providing public access to research results**

- (1) As a matter of principle, researchers make all results available as part of scientific/academic discourse. They shall decide where and how to make their results accessible (as open as possible, as closed as necessary).
- (2) In individual cases, there may be reasons for not making results publicly available. The decision to make results accessible must not depend on third parties; rather, researchers are responsible for deciding whether, how, and where they make their results publicly accessible, taking into account the customs of their respective fields. Exceptions are permissible in particular where the rights of third parties are affected, patent applications are pending, or the research is contract research or security-relevant.
- (3) The OVGU strongly supports a research data management framework, in order to ensure high-quality of research and scientific integrity. The management, preservation, storage, and sustainable provision of research data are carried out in accordance with recognized standards and meet high requirements. Legal and ethical obligations are observed. Free and unrestricted access is an essential basis for improving the visibility of research results and enhancing the reputation of researchers and thus also the international visibility of the university. Accordingly, a regularly updated and consolidated guideline of the OVGU ([https://www.fdm.ovgu.de/home/Forschungsdatenmanagement\\_+Leitlinien-p-48.html](https://www.fdm.ovgu.de/home/Forschungsdatenmanagement_+Leitlinien-p-48.html)) is in line with the "Principles for Handling Research Data" of the Alliance of German Science Organizations [Allianz der deutschen Wissenschaftsorganisationen], the "Guidelines on the Handling of Research Data" of the German Research Foundation (DFG) and the FAIR (Findable, Accessible, Interoperable, Re-useable) Data Principles of FORCE 11. Exceptions are permissible in the context of patent applications.
- (4) Self-programmed software shall be made available, including its source code, to the extent that this is possible and reasonable. Licensing shall be provided where necessary. Work processes shall be described in detail.
- (5) Information about own and third-party previous work must be fully and correctly documented, unless this can be waived in exceptional cases for reasons specific to the discipline in the case of own results that are already publicly available. At the same time, the repetition of the content of own publications shall be limited to the extent necessary for understanding.

## **16. Authorship**

- (1) An author is an individual who has made a genuine, identifiable contribution to the content of a research publication of text, data, or software. Whether a genuine and identifiable contribution has been made depends on the subject-specific principles of scientific work and must be assessed on a case-by-case basis.
- (2) A genuine, identifiable contribution is deemed to exist in particular if a person engaged in scientific work has contributed in a research-relevant manner to:
  - a. Design and development of the specific research activities described and evaluated in the publication (not: mere application for or acquisition of funds for higher-level framework projects, institutional units or equipment, mere management or supervisory function of an institution or organizational unit in which the publication originated),
  - b. Independent gathering, collection, acquisition and processing of data, identification of sources, or programming of software (not: mere execution of routine technical tasks, mere implementation of specified acquisition formats, or similar)
  - c. independent analysis, evaluation, or interpretation of data, sources, or results (not: mere listing of data, mere compilation of sources, or similar),
  - d. Development of conceptual approaches or argumentative structures (not: mere advice on drafts prepared by others, mere contribution of unspecific suggestions, etc.)
  - e. Drafting of the manuscript (not: mere editorial adjustments, mere linguistic corrections, or similar).
- (3) If a contribution is insufficient to establish authorship, the support provided may be acknowledged appropriately in footnotes, in the preface, or in acknowledgments. Honorary authorship where no sufficient contribution has been made is inadmissible, as is the attribution of authorship solely on the basis of a managerial or supervisory function.
- (4) All authors must agree on the final version of the work to be published; they bear joint responsibility for publication unless expressly stated otherwise. Approval for publication may not be refused without sufficient reason. Refusal must be justified by verifiable criticism of data, methods, or results.
- (5) Scientists shall agree in good time – as a rule, at the latest when the manuscript is being drafted – on who is to be the author of the research results. The agreement shall be based on comprehensible criteria and take into account the conventions of each discipline.

## **17. Publication media**

- (1) The scientific/academic quality of a contribution does not depend on the medium in which it is published. In addition to publications in books and journals, academic repositories (subject-specific, for data or for software), as well as blogs, workshops, and scientific conferences, are also considered.
- (2) Authors shall carefully select the publication medium, taking into account its quality and visibility in the respective field of discourse. A new publication medium shall be evaluated to assess its reputability.
- (3) Researchers who take on editorial responsibilities carefully check the publication outlets for which they are doing so.
- (4) If researchers have made findings publicly available and subsequently notice discrepancies or errors, they shall correct them. If the discrepancies or errors give rise

to withdrawal of a publication, the researchers shall contact the relevant publisher or infrastructure provider as soon as possible to ensure that the correction or withdrawal is made and indicated accordingly. The same applies if the researchers are made aware of such discrepancies or errors by third parties.

### **18. Confidentiality and neutrality of review processes and discussions**

- (1) Honest conduct is the basis of the legitimacy of any judgment-forming process.
- (2) Researchers who evaluate submitted manuscripts, funding proposals, or the qualifications of individuals are bound to strict confidentiality in this regard. Confidentiality means that content accessed in the course of their duties may not be disclosed to third parties or used for personal purposes.
- (3) Researchers shall immediately disclose any conflicts of interest or bias that could arise in relation to the research project being evaluated or the person or subject of the discussion to the responsible body and disclose all facts that could give rise to concerns about bias.
- (4) The duty of confidentiality and disclosure of facts that could give rise to the appearance of a conflict of interest also applies to members of scientific advisory and decision-making bodies.

## **II. Ombudsman**

### **19. Ombudspersons**

- (1) Four ombudspersons and an equal number of deputy ombudspersons are appointed at the OVGU. When appointing the ombudspersons and their deputies, the OVGU's subject culture is taken into account and one W1/W2/W2 professor [*Hochschullehrer/in*] and one deputy are elected from each of the following subject areas: economics and social sciences, mathematics and natural sciences, engineering and computer science, and medicine. The deputies are appointed in case there is concern about the impartiality of an ombudsperson who is otherwise responsible or if the ombudsperson is unable to perform their duties. Section 23 (2) of the Statutes (Impartiality) applies accordingly.
- (2) Researchers who are persons of integrity and who have management experience shall be selected for the office of ombudsperson and their deputies. During their term of office, the ombudspersons and their deputies may not be members of the Commission for Dealing with Scientific Misconduct or belong to the university management.
- (3) The appointment is made by the university management after election by the university senate. The election should be preceded by a proposal from the faculties.
- (4) The term of office of an ombudsperson or deputy ombudsperson is four years. Re-election is possible.
- (5) The ombudspersons meet at least once a year. They are bound to confidentiality and report to the Senate annually in a general, anonymized form.
- (6) Ombudspersons and their deputies receive the necessary organizational support and acceptance from the OVGU management in the performance of their duties.

### **20. Ombudsman activities**

- (1) The ombudspersons and their deputies shall perform their ombudsman duties in accordance with § 19 independently, in particular independently of instructions from the university leadership and other university bodies. The ombudsman duties shall be performed in strict confidence, i.e., with due observance of confidentiality.

- (2) All members and associates of the OVGU can contact the ombudspersons with questions regarding good scientific practice or suspected scientific misconduct. Alternatively, members and affiliates of the university have the option of contacting the supraregional ombudsman committee "Ombuds Committee for Research Integrity in Germany" (<https://ombudsgremium.de>).
- (3) The university leadership ensures that the local ombudspersons and their deputies are known at the university. The identities and contact details of the ombudspersons currently in office are published on the OVGU website.
- (4) Ombudspersons act as neutral and qualified contact persons for questions of good scientific practice and in cases of suspected scientific misconduct. They contribute, as far as possible, to solution-oriented conflict mediation.
- (5) Ombudspersons or their deputies receive inquiries confidentially and, if necessary, forward suspected cases of scientific misconduct to the OVGU Commission for Dealing with Scientific Misconduct in accordance with Section III.

### **III. Procedures for dealing with scientific misconduct**

#### **21. General principles for dealing with suspected cases of scientific misconduct**

- (1) All bodies at the OVGU that investigate suspected scientific misconduct within their sphere of responsibility shall take appropriate measures to protect both the person reporting the suspicion (the complainant) and the person(s) affected by the allegations (the respondent(s)). The competent bodies are aware that the conduct of proceedings and the possible imposition of sanctions may constitute a significant interference with the legal interests of the respondent.
- (2) The investigation of allegations of scientific misconduct must be conducted at all times in accordance with the principles of the rule of law, fairly, and under the presumption of innocence. The investigation shall also be conducted confidentially. Investigations shall be conducted without distinction of person, and decisions shall be made without distinction of person.
- (3) The information disclosed by the complainant must be provided in good faith. Complainants must have objective grounds for believing that standards of good scientific practice may have been breached. If the complainant is unable to verify the facts underlying the suspicion themselves, or if there is uncertainty regarding the interpretation of the guidelines for good scientific practice in accordance with Section I with regard to an observed incident, the complainant should contact the persons specified in Section 20 (1) and (2) to clarify the suspicion.
- (4) Neither the complainant reporting the suspicion nor the respondent shall suffer any disadvantages in their own scientific or professional advancement as a result of the report. This applies to the respondent until misconduct has been proven and established. In the case of persons in the early stages of their careers, the report should not, as far as possible, lead to delays in their qualification. The completion of theses and dissertations shall not be disadvantaged. The same applies to working conditions and possible contract extensions.
- (5) The complainant shall also be protected if misconduct is not proven in the proceedings. This shall not apply if the allegation was made against better knowledge.
- (6) All authorities involved in the procedure shall endeavor to complete the entire procedure as quickly as possible. They shall take the necessary steps to complete each stage of the procedure within a reasonable period of time.
- (7) A report of suspected misconduct in which the complainant does not disclose their identity (anonymous report) will be investigated if the complainant provides reliable and sufficiently specific facts that enable an investigation to be carried out with reasonable

effort.

- (8) If the identity of the complainant is known to the competent authority, the authority shall treat the identity as confidential and shall not disclose it to third parties without the consent of the complainant. Consent shall be given in writing. Disclosure may also be made without consent if there is a corresponding legal obligation to do so. Disclosure may also be made in exceptional cases if the respondent would otherwise be unable to defend themselves properly because the identity of the complainant is essential for this purpose. Before the identity of the complainant is disclosed, they shall be informed of the intended disclosure. They may then decide whether to withdraw the report of suspicion. In the event of withdrawal, disclosure shall not take place unless there is a legal obligation to disclose. The investigation may nevertheless be continued if a weighing of interests shows that this is necessary in the interests of scientific integrity or in the legitimate interest of the OVGU.
- (9) The confidentiality of the procedure shall be subject to restrictions if the complainant discloses their suspicions to the public. The OVGU Commission for Dealing with Scientific Misconduct shall decide on a case-by-case basis, at its discretion, how to deal with any breach of confidentiality by the complainant.

## **22. Actions classified as scientific misconduct**

Scientific misconduct occurs when, in a context relevant to science, false statements are made intentionally or through gross negligence, the intellectual property of others is infringed, or their research activities are impaired in any other way. In cases of intent or gross negligence, the following in particular may be considered scientific misconduct:

### (1) Misrepresentations:

- a. by fabricating data and/or research results,
- b. by falsifying data and/or research results, in particular by suppressing or eliminating data and/or results obtained in the research process without disclosing this, or by manipulating a representation or illustration,
- c. presentation of images and accompanying statements in an incongruous manner,
- d. through incorrect information in a funding and approval proposal (e.g., for animal research projects) or in the context of reporting obligations (including false information about the publication organ and publications in print), insofar as they relate to research,
- e. Falsification of scientific content.

### (2) unjustified appropriation of others' research achievements by:

- a. use of others' content without indicating the source ("plagiarism"),
- b. the unauthorized use of others' research approaches, research results, and research ideas ("idea theft"),
- c. the unauthorized sharing of others' scientific data, theories, and findings with third parties as long as the scientific work, finding, hypothesis, teaching, or research approach has not yet been published,
- d. the claiming or assuming without justification of authorship or co-authorship of an academic publication, in particular if no genuine, identifiable contribution was made to the research content of the publication,
- e. claiming authorship or co-authorship of another person without their consent,

### (3) co-authorship of a publication that contains false information or unjustifiably appropriated third-party research achievements,

- (4) neglect of supervisory obligations if another person has objectively committed scientific misconduct and this would have been prevented or substantially impeded by necessary and reasonable supervision.
- (5) Interference with others' research, in particular through:
  - a. Sabotage of research activities (including damaging, destroying, or manipulating experimental setups, equipment, documents, hardware, software, chemicals, or other items required by others for research purposes)
  - b. falsification or unauthorized removal of research data or research documents,
  - c. falsification or unauthorized removal of documentation of research data.
- (6) Scientific misconduct further consists of the intentional participation (in the sense of instigation or aiding and abetting) in the intentional misconduct of others as defined in these regulations as an offence.
- (7) Scientific misconduct on the part of reviewers or committee members of higher education institutions occurs if they intentionally or with gross negligence
  - a. unauthorizedly use scientific data, theories, or findings obtained in the course of their work as reviewers or committee members for their own research purposes,
  - b. share, without authorization, data, theories, or findings to third parties in the course of their activities as reviewers or committee members, in violation of the confidentiality of the review process,
  - c. fail to disclose to the competent body facts or circumstances that could give rise to concerns about bias in the course of their work as an reviewer or committee member.
- (8) Scientific misconduct also occurs if an reviewer or committee member of the OVGU, within the scope of their activities and with the intention of gaining an advantage for themselves or another person, against their better judgment, fails to disclose facts that would constitute scientific misconduct on the part of the other person within the meaning of paragraphs 1 to 5.

### **23. Initiation of an investigation**

- (1) Complainants should report their suspicions to an ombudsperson or a deputy in accordance with § 20. A report of suspicion may be made in writing or verbally; in the latter case, the receiving body shall draw up a written record. If complainants contact a member of the OVGU Commission for Dealing with Scientific Misconduct pursuant to § 25 directly with their report of suspicion, the member shall forward the report to the ombudsperson responsible.
- (2) Notwithstanding § 19 (1) of these regulations, the DFG's criteria for bias: Form 10.201 apply to concerns about the impartiality of ombudspersons in their role in the procedure under Section III accordingly. The Commission for Dealing with Scientific Misconduct shall decide in accordance with § 25 of these regulations.
- (3) The responsible ombudsperson or their deputy shall confidentially examine whether there are sufficiently concrete indications that a person has committed an act within the meaning of Section 22 in a traceable manner. The ombudsperson may conduct preliminary investigations in this context; Section 24 (2) shall apply *mutatis mutandis*.
- (4) If the ombudsperson concludes that there are sufficiently concrete grounds for suspicion in accordance with paragraph 3, they shall initiate a preliminary investigation.

## **24. Preliminary investigation**

- (1) As part of the preliminary investigation, the ombudsperson shall immediately request the respondent in writing to comment on the allegation. In doing so, the ombudsperson shall list the incriminating facts and evidence against the respondent. A deadline shall be set for the submission of comments; this shall generally be four weeks. The deadline may be extended. The statement shall be made in writing or in text form. Respondents are not obliged to incriminate themselves.
- (2) As part of the preliminary investigation, the ombudsperson may conduct any investigations necessary to clarify the facts of the case, insofar as these are permitted by higher-ranking law. For example, they may request, obtain, and review documents, obtain and secure other evidence, obtain statements, or, if necessary, obtain external expert opinions. All persons involved shall be requested to treat the request as confidential.
- (3) The files should show what steps have been taken to clarify the facts.
- (4) After completing the relevant investigations and evaluating all relevant evidence, including the statement of the respondent, the responsible ombudsperson shall decide without delay on how to proceed with the case. The decision shall be based on whether, based on the facts of the case, a finding of scientific misconduct by the Commission for Dealing with Scientific Misconduct appears more likely than a decision to discontinue the proceedings (sufficient suspicion). If there is no sufficient suspicion of actionable scientific misconduct, the ombudsperson shall discontinue the proceedings. If there is sufficient suspicion, the ombudsperson shall refer the preliminary investigation to a formal investigation, which shall be conducted by the Commission for Dealing with Scientific Misconduct.
- (5) If the proceedings are discontinued, the decision shall first be communicated in writing to the complainant. The main reasons for the decision must be stated. The complainant shall be granted the right to appeal against the decision within a period of two weeks. The appeal may only be based on new facts or on concerns that known facts have been assessed inappropriately. The appeal shall be lodged with the ombudsperson. If an appeal is lodged within the time limit, the decision shall be reviewed. This review shall be carried out by at least two ombudspersons.
- (6) If the appeal period expires without result or if an appeal does not lead to a different decision, the decision to discontinue the proceedings shall be communicated in writing to the respondent, stating the main reasons for the decision.
- (7) If the proceedings are transferred to a formal investigation, this decision shall be communicated in writing to the complainant and to the respondent. If the respondent has contested the allegation, a brief outline shall be provided of why the allegation could not be refuted.

## **25. Commission for Dealing with Scientific Misconduct**

- (1) To conduct the formal investigation, the OVGU has a permanent commission for investigating allegations of scientific misconduct. The commission has nine members plus a legal advisor (head of the OVGU legal department or a representative). The nine OVGU faculties are taken into account when appointing the commission. The commission elects a chairperson and a deputy chairperson from among its members. At least six members of the investigation commission must be full professors.
- (2) The commission is convened as required. At least six members (including four professors) and one member of the legal department must be present at these meetings.
- (3) The term of office of the members of the permanent commission is based on the term of office of the members of the Senate (four years). Reelection is possible. The

members of the permanent commission are listed by name on the university website.

- (4) In the event of concerns regarding bias, the DFG's criteria for bias: Form 10.201 apply accordingly. Failure to declare bias may be challenged by all voting members of the commission, by ombudspersons, or by respondents. The commission shall decide without the participation of the person against whom the challenge of bias is directed. Procedural steps that cannot be postponed may continue to be taken.
- (5) All voting members of the commission have equal voting rights; the chairperson also has the right to vote. Decisions are made by a simple majority; in the event of a tie, the chairperson has the casting vote. The commission is only quorate if at least five people (four voting members + chairperson) are present and able to vote validly.
- (6) The members of the commission shall perform their duties independently, in particular independently of instructions or informal influence in individual cases by the university leadership and other university bodies. Their activities shall be confidential, i.e., subject to confidentiality.
- (7) The Investigation Commission works and meets confidentially and in private.
- (8) The current composition of the Investigation Commission is listed on the university's website :  
(<https://www.ovgu.de/Universitaet/Organisation/Senat/Kommissionen/Kommissionen+den+Umgang+mit+wissenschaftlichem+Fehlverhalten.html>).

## **26. Formal investigation procedure**

- (1) The investigation committee shall schedule a meeting in a timely manner. The respondent shall be given sufficient opportunity in advance of the meeting to comment on the allegations either orally before the committee (hearing) or in writing. Section 24 (1) sentence 6 shall apply mutatis mutandis. The complainant shall also be given another opportunity to comment. If the respondent waives their right to make a further statement, this alone shall not be taken into account to their disadvantage. A decision shall then be made on the basis of the files.
- (2) The Commission may hear further persons or request written statements (including expert opinions) from persons whose statements it considers useful for the proceedings at its discretion. With regard to possible rights to refuse to give evidence, the provisions of the Code of Criminal Procedure shall apply accordingly.
- (3) Any person heard by the Commission may call upon a person of their choice to assist them. The Commission must be informed of this in good time.
- (4) The investigation commission shall examine, in accordance with the established rules of free evaluation of evidence, whether scientific misconduct has been proven to its satisfaction. Scientific misconduct can only be established if a majority decision has been reached within the commission. The deliberations are subject to confidentiality. The commission's authority to discontinue the proceedings due to insufficient suspicion or in cases of minor misconduct due to insignificance remains unaffected. In the event of discontinuation of the proceedings, no appeal is permitted.
- (5) Section 21 (8) and (9) shall apply mutatis mutandis to any disclosure of the identity of the complainant.
- (6) If there is suspicion of disciplinary or labor law violations, the proceedings shall be suspended.
- (7) The investigation commission shall submit a final investigation report to the university leadership in a timely manner, which shall also contain the commission's proposals for sanctions. The essential grounds for the commission's decision shall be communicated.

- (8) The documents relating to the formal investigation shall be kept at the university for ten years.

## **27. Conclusion of the proceedings**

- (1) The university leadership may refer the report of the Commission for the Handling of Scientific Misconduct back to the Commission for further clarification of the facts or decide, at its discretion, whether scientific misconduct has been established against the respondent and whether and what sanctions and measures should be imposed on them. If the withdrawal of an academic degree is considered as a measure, the relevant bodies shall be involved.
- (2) The decision and the main reasons for it shall be communicated in writing to the complainant and to the respondent. The parties may only appeal against the decision by means of the legal remedies available to them. The university leadership shall also inform the ombudspersons involved and the commission of the final outcome of the proceedings.
- (3) The decision shall also be communicated to the scientific organizations concerned and to third parties who have a legitimate interest in the decision. The university leadership shall decide at its discretion whether and in what manner this shall be done. It shall also decide whether and in what manner the public shall be informed. Notifications pursuant to this paragraph may be accompanied by a statement of reasons.

## **28. Possible sanctions and measures**

- (1) If the university leadership considers scientific misconduct to have been proven, it may, within the bounds of proportionality, impose the following sanctions and/or take measures, either alternatively or cumulatively:
- a. Requesting the respondent to withdraw or correct incriminating publications or to refrain from publishing incriminating manuscripts
  - b. Withdrawal of funding decisions or withdrawal from funding agreements, insofar as the decision was made by the university or the agreement was concluded by the university, including, where applicable, a demand for repayment of funds
  - c. Exclusion from temporary activities as expert advisors or committee members of the university [duration is at the discretion of the university],
  - d. Against employees of the university: warning notice under labor law, ordinary termination of contract, cancellation of contract, extraordinary termination of contract,
  - e. Against university civil servants: initiation of disciplinary proceedings under civil service law with the measures provided for therein, including interim measures,
  - f. Report a criminal offence to the police or the public prosecutor's office,
  - g. Reporting of an administrative offense to the competent authority,
  - h. Assertion of claims under civil law – including by way of interim legal protection – in particular for damages, restitution or removal/injunctive relief,
  - i. Assertion of any claims under public law, including by way of interim legal protection,
  - j. Initiation of proceedings for the withdrawal of an academic degree or suggestion of the initiation of such proceedings.
- (2) Sanctions and measures other than those specified in paragraph 1 may only be imposed if they are proportionate in view of the legal interests and legitimate interests

of the respondent.

### **29. Transitional provisions/applicability upon leaving the university**

- (1) The actions classified as scientific misconduct pursuant to § 22 apply only to actions committed after these statutes came into force. For cases of scientific misconduct pursuant to § 21 that were committed before these statutes came into force and have not yet been conclusively dealt with, the statutes on proper scientific work and dealing with scientific misconduct dated May 22, 2019, apply.
- (2) The procedural rules in this section apply only to reports received after these regulations come into force. Preliminary investigations, preliminary examinations, and investigations already in progress when these regulations come into force will be completed in accordance with the procedural rules previously in force.
- (3) An offense may also be prosecuted if the respondent is no longer engaged in academic work at the university but was engaged in academic work there at the time of the offense.

## **IV. Final provisions**

### **30. Entry into force, expiry**

These statutes shall enter into force on the day after their publication in the official announcements of Otto von Guericke University Magdeburg.

Issued on the basis of the resolution of the Senate of the OVGU dated May 24, 2023

At the same time, the Statutes on Proper Academic Conduct and Dealing with Academic Misconduct dated May 22, 2019, shall cease to be in force.

Magdeburg, September 28, 2023

Prof. Dr.-Ing. Jens Strackeljan  
Rector  
of Otto von Guericke University Magdeburg