The Senate of the Georg August University of Göttingen adopted the Rules of the Georg August University of Göttingen governing the Safeguarding of Good Scientific Practice on 21 December 2016 (section 15, sentence 2, and section 41 subsection (1), sentence 1, of the Lower Saxony Higher Education Act [*NHG*], and section 20 subsection (3) of the Bylaws of the Georg-August-Universtiy of Göttingen). The authentic text was published in *Amtliche Mitteilungen I* no. 68 of 22 December 2016.[1]

Rules of the Georg August University of Göttingen

Governing the Safeguarding of Good Scientific Practice

Table of contents

[1] **Please note** that this is an unofficial translation of the original German text provided for information purposes only. Exclusively the German text is authentic and legally binding as published in *Amtliche Mitteilungen I* no. 68 (22 December 2016).

Preamble

[1]The present Rules serve to ensure good research practice in the long term. [2]The Georg August University of Göttingen (including its faculties and facilities as well as the University Medical Centre Göttingen – UMG, hereinafter – unless designated otherwise – together: University) shall have the responsibility for the organisation of research and teaching, as well as for the promotion of young researchers, within its statutory mandate. [3]Research is inseparably linked with teaching and with the promotion of young researchers. [4]It is particularly significant for the University to maintain and promote an atmosphere of openness, creativity and commitment. [5]Academic probity constitutes a quintessential aspect of all academic activity. [6]In the performance of its responsibility, the University is herewith taking precautions with the present Rules to communicate the fundamental principles and rules of good research practice, to ensure academic integrity, better organisation of the ombudsperson system, suitable sanctioning of misconduct in research, as well as prevention. [7]The Rules are in compliance with academic freedom (Art. 5 § 3 of the German Basic Law [GG]), and take into account the recommendations contained in the memorandum of the German Research Foundation entitled “Safeguarding good research practice” in the version of 3 July 2013, the recommendation of the German Rectors’ Conference entitled “Good research practice at German Universities” in the version of 14 May 2013, and the position paper entitled “Recommendations on academic integrity” of the German Council of Science and Humanities in the version of 24 April 2015.

Chapter I General principles

Part I: Good scientific practice

Section 1 Fundamental principles and rules

(1) [1]Persons engaged in research at the University shall maintain the fundamental principles of academic probity, and shall comply with the rules of good research practice. [2]Persons engaged in research within the meaning of the present Rules are the members and affiliates engaged in research at the University, in particular professors, junior professors, research assistants, assisting lecturers, visiting professors, guest researchers, scholarship holders and doctoral students, and other students, insofar as they themselves are pursuing academic projects or are involved in such, as well as members of the non-academic staff, insofar as they act in a manner supporting research. [3]Fundamental principles of academic probity and the rules of good research practice shall include the following

1. the general principles and standards of academic work *lege artis*, in particular

   a) compliance with the recognised rules on authorship in accordance with Annex II,

   b) maintenance of strict probity with regard to the contributions of other persons, in particular of academic cooperation partners, doctoral students, researchers of other facilities in the respective field of research, and former researchers,

   c) consistent, self-critical assessment of all personal results and where appropriate their regular discussion in the respective group of researchers, including those engaged in research in infrastructural facilities (e.g. laboratories),

   d) comprehensible, complete documentation of the research process and of the results, including compliance with the regulations on securing and storing primary data,

   e) disclosure of conflicts of interest in connection with research projects,

   f) respect for third-party intellectual property and compliance with the citation rules,

2. assumption of the responsibility

   a) for suitable guidance of young researchers,

   b) for leading the respective area of responsibility,

   as well as

3. adherence to special regulations for individual specialist disciplines.

(2) The fundamental principles and regulations specified in the present Rules shall be binding on those engaged in research.

(3) [1]The present Rules shall be published in the course catalogue as well as on the website of the University, and shall be handed to all persons engaged in research on taking up their employment. [2]Examination and study regulations, doctorate regulations and the post-doctoral regulations are to refer to the present Rules.

Section 2 Prevention

(1) [1]In order to ensure good scientific practice, suitable measures shall be taken in order where possible not to permit misconduct in research to take place.

(2) [1]Against this background, the University shall exercise its responsibility for its students and doctoral students in particular by referring to these Rules, and thus communicating the principles of research activity and good research practice and encouraging them in this regard in particular with regard to probity and responsibility in research, as well as indicating the risks and consequences of misconduct in research. [2]This is already to be suitably discussed at the introductory events of the respective course of study or programme, as well as at regular classes; these classes or modules shall be listed in the examination or study regulations. [3]Those providing guidance are to furthermore regularly offer discussions to the doctoral students serving to clarify questions related to the standards of good research practice.

(3) The University shall perform its responsibility vis-à-vis the employed researchers by virtue of the fact that this group of individuals is informed by the facilities once per year of the principles of research work and good research practice, thereby pointing to these Rules.

(4) The further training of instructors, as well as the exchange between them, shall be supported by the “Ombudsman’s office for good research practice of the University (not including the UMG)” (section 12; hereinafter “Ombudsman’s office”).

Section 3 Cooperation and managerial responsibility in research

(1) Notwithstanding the responsibility of other units, each faculty and facility shall shoulder responsibility in its field for suitably organising the research in such a way as to guarantee that the tasks of management, quality assurance and conflict resolution

a) are unambiguously assigned, and

b) are actually performed.

(2) [1]Compliance with and communication of the regulations applicable to good research practice and standards shall be primarily incumbent on the individual researchers. [2]Insofar as researchers perform management tasks, this shall encompass, regardless of the competence of other units, in particular the information requirements in accordance with section 4 subsection (5), the organisation of the operation of the facility ensuring good research practice, and verification of compliance with good research practice, by employees who are bound by technical instructions, as well as by the post-doctoral students, doctoral students, and other students, insofar as they are involved in research projects or pursue them themselves. [3]This shall include in research groups that the results achieved in division of tasks are mutually shared, subject to a critical debate and compiled in a joint state of knowledge.

Section 4 Dealing with research data and material

(1) [1]Taking into account the University's Research Data Guideline (*Forschungsdatenleitlinie*) of 1 July 2014, which promotes and supports freedom of access to research data, all those engaged in research at the University shall be obliged to make their research data publicly available as soon as possible, unless prevented by third-party rights (in particular data protection, copyright).

(2) [1]Research data which serve as the basis for publications or qualification work shall be retained for at least ten years in the information infrastructure of the University of Göttingen, including the Gesellschaft für wissenschaftliche Datenverarbeitung mbH (GWDG) (i.e. in central facilities such as the eResearch Alliance of SUB, GWDG and UMG as well as in sub-divisions), or in a technically-relevant external information infrastructure, on durable, secure data media. [2]Shortened storage periods may be set for research data and research subjects which cannot be conserved for the period in accordance with sentence 1 because of their characteristics. [3]The storage period shall commence on the date of referencing the research data in a publication or qualification work. [4]In the event of external storage, it must be documented that the archiving requirements and periods comply with the present Rules.

(3) The setting of separate storage periods in accordance with subsection (2), sentence 2, for a subject (including its sub-divisions) shall be effected in a separate system by a resolution of the Senate at the proposal of the Faculty Council which has technical responsibility, in the case of interdisciplinary matters at the proposal of the Faculty Council which has technical responsibility, reached by mutual agreement.

(4) [1]Research data in accordance with subsection (2) are data which are created during research projects, for instance by means of digitalisation, research into source material, experiments, measurements, surveys or questionnaires. [2]Research material used as research subjects (such as specimens, cell cultures, material samples and archaeological findings, biomaterial) with which research data were generated must be conserved and retained for the same period. [3]The objective pursued with a biomaterial collection may solely be the promotion of academic research. [4]The research material (in particular tissue samples and liquid material) shall be the property of the UMG, as a part of the University, in the case of a transfer of the patients. [5]Should a researcher leave, the material may only be passed on or removed with the consent of the University, in particular of the UMG.

(5) [1]The management of a facility shall be responsible for the regulations for handling research data and research material being made available to all researchers, in particular to the doctoral students, when they commence their academic activity, and then at regular intervals, but at least once yearly. [2]The management may delegate this information requirement at least in text form to other employees. [3]The researcher who generates the research data or material shall be responsible for the proper storage of his or her own research data and material, in particular in the facilities created therefor.

(6) [1]Persons no longer performing research at the University are to be enabled to access research data and research material where they were involved in its generation insofar as this is legally and factually possible for research purposes, so long as the University retains them. [2]Where necessary, the details shall be regulated in a separate agreement.

Section 5 Guidance of young researchers

(1) [1]The faculties and each facility in their areas of competence shall bear responsibility for the organisation of suitable guidance of doctoral students as appropriate to the respective state of training. The faculties shall develop transparent, subject-specific guidance concepts, which shall be adopted by the Faculty Council, and in other respects by the respective management body of a facility, and shall be implemented by the latter.

(2) [1]The concrete guidance of the doctoral students shall be primarily incumbent on the respectively competent persons providing guidance and instruction. [2] In particular the obligation to provide guidance shall encompass promoting the drafting of final and qualification works within a suitable timeframe and assessing such work within a suitable timeframe. [3]Anyone who performs management tasks shall furthermore bear responsibility in their own field for the implementation of

the guidance concepts, including quality assurance. [4] Guidance agreements are to be concluded for doctoral projects; details shall be regulated in the regulations of the faculties on doctoral work.

(3) Doctoral and post-doctoral students are to be informed of the possibilities offered by the University in terms of academic human resources development. Their publication activity shall be encouraged.

(4) Students are to be included in the guidance and information requirements of sentences 1 to 3 if and to the extent that they are included in researchers' research projects or engage in a research project themselves.

Section 6 Impartiality and the merit principle

[1]Originality and quality shall always take priority over quantity as a performance and evaluation criterion; this shall particularly apply to examinations, the award of academic degrees and titles, personnel activities as well as the allocation of funds. [2]In the interest of quality assurance, the independence and impartiality of the assessors shall be ensured in assessment procedures. [3]With regard to personnel activities, the performance assessment in the context of the merit principle (Art. 33 § 2 of the Basic Law) must refer to qualitative parameters and be made transparent; this shall apply in particular to appeal procedures and to other appointment and promotion procedures.

Part II: General rules of procedure and organisation

Section 7 Duty to inform, bodies and units

(1) The Presidential Board shall have the superordinate responsibility for the notification of the fundamental principles and rules of good research practice.

(2) [1]The following bodies and units shall serve to support the performance of the tasks in accordance with the present Rules:

a) the ombudspersons and the ombuds body of the University (not including the UMG) (sections 8 and 9) and of the University Medical Centre (sections 23 and 24), as well as the joint ombuds body (section 25 subsection (2)), and

b) the joint investigation commission for the University in accordance with section 10, as well as

c) the Ombudsman's office (section 12) and the "Office for ombuds matters of the University Medical Centre" (hereinafter: UMG Ombudsman's office) (section 26).

(3) [1]The Presidential Board shall ensure as far as possible that the ombudspersons and the members of the investigation commission are familiarised with their work, receive administrative support and are assisted if their workload is far above average. [2]The Presidential Board shall guarantee that the Ombudsman's office and the names of the ombudspersons and of the members of the investigation commission are freely accessible for the members and affiliates of the University.

Section 8 Ombudspersons (not including the UMG)

(1) [1]The Senate shall designate three members and their respective personal representation from the university lecturers' group as ombudspersons from the fields of

a) humanities (Philosophical Faculty, Theological Faculty),

b) legal, social and economic sciences (Faculty of Law, Faculty of Social Sciences, Faculty of Economic Sciences), and

c) biosciences, mathematics and natural sciences (Faculty of Agricultural Sciences, Faculty of Biology and Psychology, Faculty of Chemistry, Faculty of Forest Sciences and Forest Ecology, Faculty of Geoscience and Geography, Faculty of Mathematics and Computer Science, Faculty of Physics).

[2]They are to have experience in teaching and training young researchers, as well as being familiar with the implementation of research projects – also in an international context. [3]The period of office shall be four years in each case. [4]After retirement, a professor may perform the tasks of an ombudsperson up to the end of the period of office for which he or she was appointed.

(2) [1]The work of the ombudspersons shall pursue the goal of mediating between those concerned by the procedure insofar as this is possible and factually justified. [2]They shall furthermore in particular have the task of deliberating and verifying the plausibility of the cases of suspicion submitted to them.

Section 9 Ombuds body (not including the UMG)

(1) The ombudspersons in accordance with section 8 subsection (1), sentence 1, shall together constitute the ombuds body.

(2) [1]The ombuds body shall be in particular responsible for the implementation of the ombuds procedure, as well as for advising the Presidential Board in fundamental questions related to good research practice, including submitting recommendations. [2]In case of suspicion of particularly grievous misconduct in research (section 15 subsection (1)), the ombuds body may decide to submit the procedure to the investigation commission without implementing the ombuds procedure.

(3) The ombuds body shall elect from its midst a chairperson, as well as his or her deputy.

Section 10 Joint investigation commission of the University

(1) [1]The Senate shall appoint at the suggestion of the President the five members of the joint investigation commission (hereinafter: Investigation Commission), as well as one personal deputy each; the period of office shall be four years in each case. [2]The investigation commission shall consist of five suitable personalities, one of whom must possess the qualification for judicial office, and at least two of whom are to come from outside the University. [3]One member must be a member of the Medical Center, who shall be nominated at the unanimous proposal of the Faculty Council of the Medical Center and of the Board.

(2) The investigation commission shall be in particular responsible for the formal investigation of the allegation of misconduct in research.

(3) [1]The investigation commission shall select from its midst a chairperson. [2]The chair may only be exercised by a member who possesses the qualification for judicial office. [3]If the chairperson is unable to attend, the chair shall be held by his or her deputy nominated by the Senate; sentence 2 shall apply mutatis mutandis.

Section 11 Joint regulations for the ombudspersons, the ombuds bodies, the joint ombuds body and the joint investigation commission

(1) [1]The ombudspersons and the members of the investigation commission shall work independently, and shall not be bound by instructions. [2]Insofar as a reason for exclusion or concerns regarding impartiality in accordance with sections 20 and 21 of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz*) exist with regard to a member of a body, he or she shall be substituted by his or her deputy nominated by the Senate. [3]The chairperson of the body shall establish whether a case in accordance with sentence 2 applies.

(2) [1]Re-appointment shall be possible subsequent to the expiry of a period of office. [2]A member of the Presidential Board, of the Board, of the University Foundation Committee of the Foundation

University Göttingen, of the Foundation Committee of the University Medical Centre, of the Foundation University Göttingen, or of a Dean's Office, may not be nominated as a member or deputy of a body in accordance with the present Rules. [3]The office of ombudsperson or member of the investigation commission shall end with the beginning of the period of office as a member of the Presidential Board, of the Board, of the Foundation Committee of the University of Göttingen, of the Foundation Committee of the University Medical Centre Göttingen, or of a Dean's Office.

(3) [1]The chairperson shall carry out the ongoing business of the body. [2]She or he shall take decisions and measures in urgent matters in place of the body, insofar as the decision of the latter cannot be acquired in good time; the body shall be informed thereof without delay.

(4) The chairperson may determine that a member or several members of the respective body in particular prepare or carry out the fact-finding as rapporteur in full or in part.

(5) [1]Each meeting of the bodies shall be convened and chaired by the chairperson. [2]A body shall be deemed to be quorate when the meeting has been properly convened, and in the case of the ombuds body at least two members, in the case of the investigation commission at least four members, including the chairperson or his or her deputy, are present. [3]A meeting shall be deemed to have been properly convened if the members receive the invitation from the chairperson or the body commissioned by him or her at least in text form with notice of at least one week. [4]In urgent cases, or should all members and the others concerned by the procedure who are invited to attend the respective meeting consent, the invitation period may be shortened to one working day. [5]The meetings of the bodies shall not be public.

(6) A decision in accordance with section 16 subsection (3), sentences 3 and 4, section 17 subsections (2) and (4), section 18 subsection (2), section 19 subsection (3) and section 20 subsection (4) shall be drafted in writing, reasoned and signed by the ombudsperson or the chairperson of the body; text form shall also suffice for the communication of the decision.

(7) The files of the ombuds procedure, special procedure and investigation procedure shall be retained for 30 years after the conclusion of the proceedings; storage shall be effected by the Ombudsman's office for all and any proceedings of the bodies in accordance with the present Rules.

Section 12 Ombudsman's office for scientific practice of the University (not including the UMG)

(1) Administrative support for the persons and bodies in accordance with sections 8-10, in particular guidance of the respective ombuds proceedings and the administration of the files, shall be incumbent on the Ombudsman's office.

(2) The Ombudsman's office shall furthermore be responsible for the following tasks:

a) [1]It shall advise persons who presume misconduct in research at their request, and shall inform them in particular regarding their possibilities and the procedural steps to be taken in case of initial suspicion of misconduct in research (sections 16 subsections (1) and (3) and 17 subsection (1)). [2]It is to only inform the ombuds body of a specifically-stated suspicion with the consent of the informing person. [3]The right of a person to directly turn to an ombudsperson or to the ombuds body shall remain unaffected thereby.

b) [1]It shall be responsible for the contact with other advisory bodies of the University. [2] On request, it shall forward to the competent university body any facts which do not fall within the responsibility of a person or of a body in accordance with sections 8-10.

c) It shall advise persons who have become involved in events of misconduct in research through no fault of their own.

d) The coordination and support of measures to guarantee good research practice as well as the coordination of the exchange of experience on the topic of good research practice in the University shall be incumbent on it.

e) It shall support the further training of teaching staff as well as their exchange inter se.

Section 13 General procedural provisions

(1) [1]The proceedings shall be confidential in order to protect in particular the persons informing and the persons affected by suspicion, and to guarantee that they are dealt with successfully. [2]This shall also be maintained beyond the conclusion of the proceedings unless provided otherwise. [3]The persons involved in the proceedings shall be separately informed of this obligation.

(2) A person informing may not incur any disadvantages for their own academic and professional advancement from their expression of suspicion of misconduct in research, unless the expression of suspicion itself constitutes misconduct in research.

(3) [1]The name of the person informing may only be communicated to the other persons involved in the proceedings with the consent of the person informing. [2]If the person informing does not consent to his or her name being communicated, although this is necessary for the implementation of the proceedings, no proceedings are to be initiated.

(4) [1]The person informing and the person affected by suspicion may consult a person enjoying their confidence as counsel. [2]Witnesses may exclusively consult a lawyer as counsel. [3]Persons concerned by suspicion of misconduct in research may not be consulted as counsel. [4]The chairperson of the respective body may grant inspection of the files to the person concerned by the suspicion of misconduct or their counsel on request; inspection of the files shall not be granted insofar as the interests of other persons involved in the proceedings needing protection oppose this, and so long as the proper defence is not impaired thereby.

(5) Proceedings in accordance with the present Rules are to be expedited.

(6) [1]If the suspicion relates to misconduct in research dating back more than 10 years, no proceedings shall be initiated. [2]Nothwithstanding sentence 1, the ombuds body is to initiate the ombuds procedure on suspicion of particularly grievous misconduct in research with ongoing after-effects. [3]Re-assumption shall be conditional on the suspicion of particularly grievous misconduct in research existing and on such misconduct continuing to have an effect in the present. [4]Other provisions intended to sanction such conduct, in particular under labour, civil and criminal law, as well as regulations under the law on universities, shall remain unaffected in the event of non-initiation of the proceedings.

(6) [1]The provisions contained in sections 20 and 21 of the Administrative Procedure Act on exclusion for personal involvement, and for concerns regarding impartiality, in their respectively valid form, shall apply mutatis mutandis to experts and to the administrative employees of a body consulted for support. [2]Whether a case under sentence 1 exists shall be decided by the chairperson of the respective body.

Section 14 Procedure where other units are responsible or partially responsible

(1) [1]If the examination procedure is in a basic or further course of study (excepting doctoral and post-doctoral work, unless emerges otherwise from subsection (3)), the investigation shall be carried out by the competent faculty. [2]Sentence 1 shall not apply insofar as there is suspicion that misconduct in research was committed by a person providing guidance or instruction in connection with the drawing up of the Bachelor’s or Master’s thesis.

(2) [1]In doctoral and post-doctoral procedures, the ombuds body shall first of all examine whether the initial suspicion of misconduct in research is likely to persist. [2]The ombuds body shall communicate the result of this examination to the faculty; from this time onwards, the ombuds procedure shall be in abeyance. [3]The faculty shall first of all implement the doctoral or post-doctoral procedure (including procedures to withdraw a degree) on the basis of the respectively relevant Rules, in particular the doctoral and/or post-doctoral regulations. [4]Once this doctoral or post-doctoral procedure has been completed, the faculty shall inform the ombuds body of the final result, including reasoning, in the event of court proceedings including the final court rulings. [5]The ombuds body shall resume the proceedings, and shall take a decision in accordance with section 17 subsections (2) to (4), whilst taking the result of the doctoral or post-doctoral procedure into account. [6]If the Dean of a faculty is seized of the suspicion of misconduct in research before the body that is competent in accordance with the present Rules, she or he shall refer the person informing to the competent body without further examination.

(3) If another body is competent for a sub-aspect of the competence, for instance another ombuds body, the Data Protection Officer, an animal protection commission as well as the Animal Protection Officer, this sub-aspect is to be presented to the other unit where possible in anonymised form in advance for a binding evaluation of this sub-aspect.

Chapter II Scientific misconduct

Part I: The facts of the case

Section 15 Scientific misconduct

(1) [1]Misconduct in research shall be deemed to have been committed in the event of a grossly negligent or intentional breach of the rules of good research practice stipulated in Annex I. [2]Misconduct in research may be evaluated as minor, medium, grievous or particularly grievous misconduct. [3] In particular the degree of culpability (intention, gross negligence) shall be material to the evaluation, the manner of commission underlying the misconduct, as well as the grievousness of the consequences for the persons and/or facilities and overall research affected by the misconduct.

(2) [1]Should several persons be involved in misconduct in research, each person individually shall be deemed to be responsible therefor. [2]Shared responsibility for the misconduct in research of

another may result from active involvement in the misconduct of another, from the co-authorship of publications containing fabrications, from grossly negligently or intentionally disregarding a supervisory obligation as well as, subject to the proviso of subsection (3), from knowledge of the misconduct in research of another.

(3) The omission of an act shall be regarded as constituting misconduct in research if the person omitting omits such act in breach of duty.

Part II: Implementation of the ombuds procedure

Section 16 Initiation, mediation

(1) [1] As a rule suspicion of misconduct shall be reported to the Ombudsman's office, which shall forward same to one of the ombudspersons. [2]The possibility to first directly approach an ombudsperson or the ombuds body instead shall remain unaffected. [3]The information is to be provided at least in text form; if the information is provided orally, a written note of the suspicion shall be made and signed.

(2) [1]The work of the ombudspersons shall aim to mediate between the person informing and the persons involved in the proceedings, insofar as this is possible and justified, given the grievousness of the alleged misconduct. [2]The Ombudsperson shall advise on the rights of those involved and on the procedural steps to be taken in case of suspicion of misconduct in research, unless this information has already been provided by the Ombudsman's office.

(3) [1]The Ombudsperson shall examine the suspicion of misconduct in research from a plausibility point of view for concreteness, grievousness and non-academic motives, as well as with regard to the possibility of mediation or of eliminating the allegations. [2]Insofar as the suspicion is not plausibly presented, the ombudsperson may afford to the person informing the opportunity to specify the suspicion within a suitable period, including any evidence, at least in text form. [3]Should no agreement be reached within the mediation efforts, the ombudsperson shall forward the case to the ombuds body. [4]Such forwarding must include a recommendation as to whether a concrete initial suspicion exists, and whether the proceedings should accordingly be discontinued or the examination continued.

Section 17 Preliminary examination proceedings, verification of the facts, ruling

(1) [1]The ombuds body shall carry out preliminary examination proceedings; these shall also include a plausibility check unless this has already been carried out by an Ombudsperson. [2]The ombuds body shall examine whether initial suspicion exists; section 16 subsection (3), sentences 1 and 2, shall apply mutatis mutandis. [3]In doctoral and post-doctoral procedures, the ombuds body shall first of all establish whether initial suspicion is probable; the faculty procedure is then to be carried out in accordance with section 14 subsection (2), and only then, taking into account the outcome of this optional procedure, does the ombuds body hand down one of the rulings in accordance with subsections (2) to (4).

(2) If there is no initial suspicion, the ombuds body shall discontinue the preliminary examination proceedings, and shall inform the informing person and the person affected by the suspicion (hereinafter: affected person), at least in text form.

(3) [1]If there is initial suspicion, the ombuds body shall continue to verify the facts. [2]Insofar as this is possible and factually justified, the ombuds body shall endeavour to mediate between the informing and affected persons; the result of the mediation is to be set out in the settlement order of the ombuds body (subsection (4) No. 2). [3]The ombuds body shall afford the affected person, specifying the incriminating facts and evidence, the opportunity to make a statement within a reasonable period. [4]The ombuds body may afford the person informing the opportunity to make an additional statement. [5]The ombuds body may obtain statements from further persons or experts.

(4) [1]Once the hearing procedure in accordance with subsection (3) has been completed, the ombuds body shall hand down one of the following rulings, which it shall communicate to the affected persons, at least in text form:

1. The preliminary examination proceedings are discontinued because the suspicion has not been sufficiently confirmed.

2. The preliminary examination proceedings are discontinued by means of a settlement order because the proceedings have revealed the possibility of eliminating the allegations with the consent of the informing person and of the affected person, and involvement because of misconduct in research is not/no longer necessary; the settlement order is to contain a deadline by when the conditions are to be met.

3. The preliminary examination proceedings are discontinued because of misconduct in research in a less grievous case; the ombuds body may make the discontinuation conditional on the satisfaction of conditions.

4. The proceedings are passed to the investigation commission; in this case, the ruling and the documents are passed via the Ombudsman's office to the chairperson of the investigation commission.

[2]The ruling shall only be communicated to a person informing and their counsel insofar as they have submitted an advance declaration in writing that they will treat the ruling confidentially and not make it available to third parties.

(5) The reasoning for the ruling must in particular include the nature and grievousness (section 15 subsection (1)) of the misconduct in research.

(6) If there is suspicion of particularly grievous misconduct in research, the ombuds body may rule that the proceedings be passed to the investigation commission, notwithstanding subsections (3) and (4), without implementing the preliminary examination proceedings.

Chapter III: Interim proceedings

Section 18 Objection proceedings

(1) If a person informing makes a plausible case that they themselves have suffered direct disadvantages as a result of the misconduct in research which they are submitting, they may lodge an objection to the Ombudsman's office within two weeks of receipt of the ruling, at least in text form and stating the grounds, insofar as they do not consent to the discontinuation of the Ombuds proceedings in accordance with section 17 subsection (4), sentence 1, No. 1 or 3.

(2) The investigation commission shall rule whether the discontinuation of the Ombuds proceedings remains in force, or whether formal investigation proceedings (section 20) are initiated. [2]Section 17 subsections (3) to (5) shall apply mutatis mutandis.

Section 19 Preliminary proceedings

(1) After the proceedings have been transferred by the ombuds body (section 17 subsection (4) No. 4), the investigation commission shall examine whether sufficient grounds for suspicion exist for the initiation of formal investigation proceedings (section 20).

(2) In order to prepare the ruling, the investigation commission may continue to verify the facts, and in particular may call on the person concerned and the person informing to provide additional information.

(3) The investigation commission shall rule whether the written proceedings are to be discontinued with no formal investigation, or whether the formal investigation proceedings (section 20) to be are initiated.

Part IV: Implementation of the formal investigation proceedings

Section 20 Formal investigation proceedings by the joint investigation commission

(1) The provisions contained in the respectively applicable version of the German Code of Criminal Procedure (*Strafprozessordnung*) and of the German Courts Constitution Act (*Gerichtsverfassungsgesetz*) shall apply mutatis mutandis to formal investigation proceedings, unless provided otherwise by the regulations below.

(2) [1]The investigation commission shall be entitled, whilst maintaining the interests of those concerned needing protection, to obtain all and any information and statements necessary to clarify the facts. [2]It shall examine in free taking of evidence whether misconduct in research has taken place.

(3) [1]The affected person shall be afforded the opportunity by the investigation commission, stating the incriminating facts and evidence, to make a statement within a reasonable period to be set by the investigation commission. [2]The investigation commission may afford to the person informing the opportunity to make an additional statement. [3]The investigation commission may consult members of the ombuds body in an advisory capacity. [4]It may consult further persons as witnesses or experts. [5]In the case of oral statements, a written note shall be taken.

(4) [1]Once the hearings have been concluded in accordance with subsections (1) to (3), the investigation commission shall hand down one of the following rulings:

1. The proceedings are discontinued because the suspicion has not been sufficiently confirmed;

2. The proceedings are discontinued because the proceedings have revealed the possibility of eliminating the allegations with the involvement of the informing person and of the person affected by the suspicion, and involvement because of misconduct in research is not/no longer necessary;

3. The proceedings are discontinued because of misconduct in research in a less grievous case; the Commission may make the discontinuation conditional on the satisfaction of conditions;

4. The proceedings are submitted to the superior (President or full-time member of the Presidential Board for personnel) because of proven misconduct in research, with a recommendation containing the necessary measures (sanctions).

[2]The ruling in cases falling under sentence 1, Nos. 3 and 4, must in particular encompass the nature and grievousness (section 15 subsection (1)) of the misconduct in research. [3]The person affected by suspicion of the misconduct shall be informed without delay, at least in text form, of the rulings in accordance with sentence 1. [4]In the case of a decision in accordance with sentence 1, No. 4, the management of the facility where the person affected by suspicion of the misconduct works, and the competent Dean, shall be informed thereof, at least in text form. [5]Section 17 subsection (4), sentence 2, shall apply mutatis mutandis.

(5) An intra-University complaint procedure against a ruling of the investigation commission shall be excluded.

Section 21 Sanctioning of scientific misconduct

(1) [1]If the investigation commission has found misconduct in research, the competent service superior shall decide, taking the recommendations of the investigation commission into account, what measures are to be taken in order to sanction the misconduct in research, and shall inform the office responsible for the respective measure, as well as the chairperson of the investigation commission, thereof. [2]The service superior shall take the circumstances of the individual case and the degree of grievousness of the misconduct into account when taking the decision. [3]Possible measures are listed in Annex III.

(2) [1]The service superior shall decide whether and what further persons and facilities are informed within and outside the University, such as cooperation partners, specialist publishing houses, authorities, professional organisations and the public. [2]In particular the need to protect third-party interests, the maintenance of confidence in academic probity, the restoration of the academic reputation of the University and the avoidance of collateral damage, shall be taken into consideration here.

Chapter III: Special regulations for the University Medical Centre Göttingen

Section 22 General regulations for the UMG

(1) [1]In case of suspicion of misconduct in research in matters related to the UMG, the proceedings shall be in accordance with the following regulations.

(2) [1]In matters related to the UMG, the Presidential Board shall be substituted by the Board of the UMG (hereinafter: Board). [2]In relation to a case falling under section 63 h subsection (6) Nos. 1 to 3 of the Lower Saxony Higher Education Act, the Board shall be substituted by the President. [3]The President, the Presidential Board and the Board shall coordinate in a spirit of trust on matters related to them jointly.

(3) In matters related to the UMG, notwithstanding section 4 subsection (3), in place of the Senate a body appointed by the Board shall decide on the basis of a guideline for utilisation on the establishment of special storage periods in accordance with section 4 subsection (2), sentence 2, as well as in place of the Presidential Board on the forwarding or removal of biomaterial.

(4) The SUB and the GWDG shall offer the services for research data management that are institutionally entrenched via the jointly-operated eResearch Alliance in the case of the UMG in cooperation with the facilities there.

Section 23 Ombudspersons for the UMG

[1]The Faculty Council of the Medical Center shall nominate for the ombuds matters in the UMG for the duration of four years five persons from the university lecturers' group of the Medical Center as ombudspersons. [2] A personal deputy shall be selected for each ombudsperson.

Section 24 Examination by the ombuds body of the UMG

[1]The ombudspersons in accordance with section 23 shall form the ombuds body of the UMG (ombuds body of the UMG). [2]In matters related to the UMG, the ombuds body of the UMG shall substitute the ombuds body.

Section 25 Competences of the ombuds bodies; joint ombuds body

(1) [1]If the ombuds body of the University (section 9), or the ombuds body of the UMG (section 24), is largely competent for a set of facts, the proceedings shall be transferred to this body. [2]If the ombuds body of the University and the ombuds body of the UMG are unable to agree on competence, the President and the spokesperson of the Board shall establish the competence by mutual agreement.

(2) [1]If no primary competence can be established, the ombuds body of the University and the ombuds body of the UMG shall form the "joint ombuds body" for these proceedings, which shall substitute both the other ombuds bodies. [2]The "joint ombuds body" shall select from its midst a chairperson and his or her deputies.

Section 26 Secretariat for ombuds matters of the University Medical Centre

The UMG Ombudsman's office shall substitute the Ombudsman's office in matters related to the UMG; the provision contained in section 11 subsection (7) shall remain unaffected.

Part IV: Reporting

Section 27 Reporting

(1) [1]The Ombudsman's office of the University shall report to the President regarding the work of the ombuds body and of the joint ombuds body as well as of the investigation commission, and on the activity of the Ombudsman's office, in a report to be drawn up on an annual basis and anonymised to the necessary degree. [2]The President shall inform the Senate once per year of the content of the report. If the matter is also related to the UMG, the Ombudsman's office shall also report to the Board of the UMG.

(2) [1]The ombuds body of the UMG shall report to the Board regarding the work of the ombuds body of the UMG and of its work in a report to be drawn up on an annual basis and anonymised to the necessary degree. [2]The chairperson of the ombuds body of the UMG shall inform the Faculty Council of the Medical Center and the Senate once per year of the work of the ombuds body of the UMG.

(3) The President and the Board shall exchange the reports in accordance with subsections (1) and (2) inter se.

Chapter V: Final provisions

Section 28 Coming into force; transitional provisions

(1) [1]These Rules shall come into force on the day after their publication in the Official Announcements I (*Amtliche Mitteilungen I*) of the Georg August University of Göttingen. [2]At the same time, the Rules for Safeguarding Good Research Practice in the version of the new announcement of 20 December 2012 (Official Announcements I 45/2012 page 3078) shall cease to apply.

(2) For sets of proceedings pending prior to the coming into force of the present Rules, the Rules for Safeguarding Good Research Practice in the version of the new announcement of 20 December 2012 (Official Announcements I 45/2012 page 3078) shall apply until the respective stage of the proceedings is concluded which is effected by a ruling in accordance with section 7 subsection (3), sentence 3, in conjunction with section 8 subsection (1), sentence 3, section 8 subsection (1) sentence 3, subsection (3) and subsection (5), sentence 2, section 9 subsection (5), section 10 subsection (2), sentence 3, section 11 subsection (1), sentence 2, in conjunction with section 8 subsection (1), sentence 3, or section 11 subsection (2) of the Rules for Safeguarding Good Research Practice in the version of the new announcement of 20 December 2012 (Official Announcements I 45/2012 page 3078).

(3) The ombudspersons and members of the investigation commission who are in office when the present Rules come into force, as well as their deputies, shall continue their office until the end of the period of office for which they were selected prior to the coming into force of the present Rules.

Annexes

Annex I – List of types of conduct to be regarded as scientific misconduct

Misconduct in research shall be deemed to be:

1. False information

a. inventing data;

b. falsifying data and sources, e.g.

(1) by selecting desirable results and rejecting undesirable ones without disclosing this;

(2) by manipulating sources, data, presentations of the illustrations;

(3) by suppressing relevant sources, data, evidence or texts, as well as knowingly omitting measures to clarify improbities in dealing with data and texts;

c. incorrect information in an application letter or an application for a subsidy, including false information on the publication body and on publications in the publication process (printing), as well as incorrect information on the academic achievement of an applicant in selection or expert commissions and concealing conflicts of interest;

d. deception of third-party donors regarding points that are of relevance to the decision (including disregarding an existing ban on double promotion).

2. Violation of intellectual property

with regard to a copyrighted work created by a third party or to academic knowledge, hypotheses, teachings or research methods originating from third parties by means of:

a. unauthorised exploitation by assuming authorship (plagiarism),

b. unauthorised utilisation of research methods and ideas, in particular as an expert (idea theft),

c. unauthorised utilisation of patents, prototypes or software,

d. assumption of academic (co-)authorship without any personal independent academic contribution,

e. falsification of content, e.g. by arbitrary omission or addition of results and/or of information that is relevant to the topic,

f. unauthorised publication and unauthorised disclosure to third parties as long as the work, the knowledge, the hypothesis, the teaching or the research method have not yet been published,

g. asserting the (co-)authorship of another person without their consent,

h. arbitrary delaying of the publication of an academic work, in particular when acting as an editor, expert or co-author.

3. Impairing others' research work by:

a. sabotaging research work (including damaging, destroying, removing or manipulating test instructions, equipment, documents, hardware, software, chemicals, materials or other articles needed to implement an experiment),

b. the removal of primary data or biomaterials, insofar as this is in breach of statutory or in-house regulations or recognised principles of academic work related to discipline,

c. intentional dissimulation or misappropriation of scientific materials, e.g. books, records, manuscripts, datasets,

d. intentionally making academically-relevant information media unusable,

e. unauthorised destruction or unauthorised forwarding of research material (the loss of original data from a laboratory constitutes a breach of the basic principles of careful research practice, and justifies *prima facie* the suspicion of grossly-negligent dishonest conduct),

f. prevention of the publication of research results,

g. breach of confidentiality in ombuds or investigation proceedings,

h. negligent dealing with accusations of misconduct in research, in particular asserting knowingly incorrect, unverified accusations voiced without sufficient knowledge of the facts.

4. Violation of the recognised rules of authorship

See obligations set out in Annex II (B).

Annex II - Recognised rules of authorship

A. Principles

1. Only those may be referred to as the authors of an original academic publication who themselves have made a major contribution towards the conception of the studies or experiments, to drafting, analysing and interpreting the data and to formulating the manuscript, and have consented to its publication, so that they also share responsibility for it. Co-authorship can be established neither from the status as the former or current management of a facility, nor from the status of superior; so-called ‘honorary authorship’ shall not be permitted.

2. The following contributions shall customarily satisfy the criteria for authorship or co-authorship, each for themselves, and taking subject-research practice into account:

a. major contribution towards the conception of the research project, including the development of methods to implement this research project,

b. major involvement in the drawing up of the text version of the publication, including the approval of the text version for publication,

c. collection, analysis or interpretation of data to a considerable degree, or model forming for this research project,

d. major contribution of experimental or investigation materials, including a major technical and scientific contribution.

3. Anyone who is only involved in a publication to a non-considerable degree, in particular anyone who only makes individual corrections to a manuscript, only makes suggestions or provides certain methods, as for instance in the guidance of academic work or in the editorial processing of publications, shall not be thereby made a (co-)author. In particular against the background of joint responsibility for the whole publication, the following contributions, each by themselves, shall *not* be sufficient as a matter of principle to give rise to authorship or co-authorship:

a. organisational responsibility for the acquisition of project funds,

b. provision of standard investigation materials,

c. instructing staff in standard methods,

d. technical collaboration in data collection, e.g. purely technical drawing up of graphs or tables from existing data,

e. management of an institution or organisational unit in which the research work intended for publication was carried out,

f. provision of datasets,

g. involvement in the collation, collection or compilation of data,

h. the drafting of graphs or tables from existing data,

i. support of a merely technical nature, e.g. merely providing equipment and test material,

j. contributing important investigation materials,

k. reading the manuscript without a substantial creative contribution towards its content.

It shall be possible to derogate from individual standards for reasons of international cooperation in individual cases, with the consent of the ombuds body.

4. A repeated publication of the same results without explicitly pointing to the repetition shall not be permissible as a matter of principle. This shall also apply to translations of academic publications.

B. Obligations

1. All persons named as the authors of a publication must be entitled to authorship, and all persons entitled to authorship must be named as authors. Authors shall be entitled to authorship if they have made an adequate contribution to the publication in order to be able to take public responsibility for a part of the content of the publication which can be attributed to them.

2. Authorship shall be established if at least one of the following services was provided:

a. major contribution to the conception of the research project, including the development of methods to implement this research project,

b. major involvement in the drafting of the text version of the publication, including approval of the text version to be published,

c. collation, analysis or interpretation of data to a major degree, or model formation for this research project,

d. major contribution of test or investigation materials, including a major technical and scientific contribution.

3. In the case of a collective of authors, the prominent members of the collective of authors (e.g. first, corresponding and senior authors) must assume responsibility for compliance with good research practice in relation to the entirety of the work, from its commencement up to publication.

4. Insofar as research work has been drawn up jointly by several research groups, they shall be entitled to authorship as a joint group. All members of this group who are named as authors must satisfy Nos. 2 (a) to 3.

5. The sequence of the authors must be a joint decision on the part of all co-authors.

6. All co-authors must grant the approval of a manuscript for publication in writing or confirm same in electronic form.

7. The share of the individual persons or working groups shall be documented.

8. If the manuscript quotes unpublished research outcomes of other persons, or if findings of other institutions are used – on proviso of other recognised specialist academic examination – their written consent must be obtained.

9. Consent to be named as co-author shall give rise to co-responsibility that the publication meets academic requirements.

10. The co-author shall be responsible both for the correctness of his or her own contribution, and responsible for it being incorporated into the publication in an academically-justifiable manner.

11. If individual researchers are named as co-authors in a publication without their consent, and if they find themselves unable to subsequently consent, they shall be expected to explicitly challenge their designation as a co-author vis-à-vis the main party responsible and/or the editorial team of the periodical in question or the publishing house.

12. In the event of refusal by a (co-)author to consent to a publication without adequate reason, the service superior may grant consent to publication.

Annex III – List of possible consequences of scientific misconduct

The list below contains possible sanctions and consequences of the ruling of a body that is competent in accordance with the present Rules, as well as other legal consequences in case of misconduct in research. If the investigation commission formally finds that there has been misconduct in research, the service superior may consider decisions of varying kinds and scope. Since each case may differ, and also the grievousness of the misconduct in research that has been found is relevant to the respective decision, there can be no uniform rules for the consequences that are suitable in each individual case. These shall, rather, be dependent on the circumstances of the individual case. Without claiming completeness, the following consequences in particular can be considered, depending on the circumstances of the case:

1. Consequences under service law and labour law:

If there is an existing relationship with the University under civil service law or labour law, consequences under service law and labour law might be considered.

a. consequences under service law for tenured civil servants:

implementation of disciplinary proceedings with the imposition of disciplinary measures. The following can be considered here: reprimand, fine, reduction in remuneration, demotion, removal from tenured civil service employment

With retired tenured civil servants:

reduction in pension, demotion, revocation of the pension

b. consequences under labour law in the case of non-tenured employees

- caution
- ordinary and extraordinary termination
- dissolution of contract.

2. Academic consequences:

It shall be particularly possible to consider the removal of the corresponding academic degree or non-admission to the doctoral procedure by the faculties. If the academic degree was awarded by another facility, the latter shall be informed of the misconduct in research.

3. Civil or administrative law consequences,

such as

a. exclusion order,

b. surrender claims against the person concerned, for instance to surrender misappropriated academic material,

c. claims for disposal and omission, in particular under copyright, patent law and competition law,

d. compensation claims of the University or third parties in case of personal injury, material damage or the like,

e. repayment claims (for instance with regard to grants, third-party funding, budget allocations).

4. Consequences under criminal or regulatory offence law

in the shape of criminal charges or criminal complaints if the suspicion exists that misconduct in research at the same time corresponds to an offence under the German Criminal Code (*Strafgesetzbuch – StGB*) or other criminal provisions or regulatory offences, in particular with regard to

a. violation of personal life and secrecy (e.g. section 202a of the Criminal Code: data espionage, section 204 of the Criminal Code: exploitation of the secrets of another),

b. property crimes (e.g. section 242 of the Criminal Code: theft; section 246 of the Criminal Code: unlawful appropriation; section 263 of the Criminal Code fraud; section 264 of the Criminal Code: subsidy fraud; section 266 of the Criminal Code: embezzlement. Also including the misappropriation of or fraudulent obtaining of funding)

c. forgery (e.g. section 267 of the Criminal Code: forgery; section 268 of the Criminal Code: forgery of technical records)

d. criminal damage, including data tampering (e.g. section 303 of the Criminal Code: criminal damage; section 303a of the Criminal Code)

e. breaches of copyright (e.g. section 106 of the Copyright Act (*Urheberrechtsgesetz*): unauthorised exploitation of copyrighted works)

f. murder or causing bodily harm (e.g. section 211, 212 and 223 of the Criminal Code)

5. Withdrawal of academic publications, informing the public and the media

a. Academic publications which contain errors as a result of misconduct in research shall be withdrawn where they have yet to be published, and are to be corrected where they have been published. Cooperation partners are to be informed where necessary. The authors and the publishers involved shall be obliged to do so as a matter of principle; if they fail to act, the University is to take whatever action is within its power.

b. The University is to inform other research facilities or scientific organisations that are involved, in particular in the case of particularly grievous misconduct in research. If there is an important reason, it may be appropriate to inform professional organisations or specialist academic societies.

c. The University may be obliged to inform involved third parties and the public, in particular for the protection of third parties, in order to maintain confidence in academic probity or to restore its academic reputation (including the reputation of one of its researchers), to prevent collateral damage, as well as in the general public interest.