

# **Statutes of the Commission for Safeguarding Good Scientific Practice of the University of Cologne**

**from 19/11/2020**

On the basis of Section 2 (4) Sentence 1 and Section 22 (1) Sentence 1 No. 3 of the Act on the Universities of the State of North Rhine-Westphalia (Higher Education Act - HG) in the version of the Higher Education Freedom Act (HFG) of 31.10.2006 (GV.NRW. p. 474), last amended by Article 2 of the Act on the Establishment of the University of Applied Sciences for Health Professions in North Rhine-Westphalia of October 8, 2009 (GV.NRW. p. 516), the University of Cologne has issued the following regulations:

## **Preamble**

Pursuant to § 4 para. 4 of the Law on Higher Education Institutions of the State of North Rhine-Westphalia (HG), all academically active persons and students at the university are obligated to academic honesty.

Scientific honesty is the basis of trustworthy science. It is an expression of scientific self-obligation, which includes respectful treatment of each other, 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 with a corresponding responsibility. Taking this responsibility fully into account and anchoring it as the guiding principle of our own actions. It is the primary task of every scientist and every institution in which science is organized to take full account of this responsibility and to anchor it as a guideline for their own actions. Science itself ensures good scientific practice through honest thought and action, not least through organizational and procedural regulations.

The *Deutsche Forschungsgemeinschaft* (DFG, German Research Foundation) supports universities in this endeavour. To this end, it adopted new "Guidelines for Safeguarding Good Scientific Practice" (Code of Conduct) in 2019, which the University of Cologne recognizes as legally binding for all its members.

The present regulations are largely based on recommendations of the DFG. Furthermore, it is based on the recommendations of the German Rectors' Conference (HRK) on dealing with scientific misconduct at universities, which take up a specific aspect of the proposals of the above-mentioned commission of the German Research Foundation. Formulations from the above-mentioned texts have been incorporated into these regulations, in part indirectly and in part directly.

## Part 1

### Safeguarding good scientific practice

#### § 1

(1) The principles of good scientific practice are aimed at honesty in obtaining and publishing research results. The aim is to protect scientific correctness and honesty with regard to the knowledge gained.

The members and staff of the University of Cologne who are engaged in scientific work are obliged to follow the principles of good scientific practice and scientific work in research, i.e. in particular:

- to work *lege artis*,
- to document results,
- to consistently challenge all results,
- to allow a critical discourse in the scientific community,
- strict honesty with regard to the contributions of partners, competitors and predecessors,
- to avoid and prevent scientific misconduct in accordance with § 6 and 7 of these regulations.

(2) Every head of a working group and every teacher shall conduct himself or herself in an exemplary scientific manner. The principles of scientific work and good scientific practice shall be integrated into academic teaching and the training of junior scientists at the earliest possible stage.

(3) Students, junior scientists and scholars are urged by experienced scientists and scholars to be honest and responsible in science. Sensitivity shall also be taught with regard to the possibility of scientific misconduct.

#### § 2

The leaders of a working group or a collective author community are responsible for an appropriate organizational structure of their group, which ensures that the tasks of management, supervision, conflict resolution and quality assurance are clearly assigned and actually performed. They also bear responsibility, without prejudice to the responsibility of third parties, for ensuring that adequate supervision is provided for graduate students, doctoral students, and undergraduate students. For each of them, there must be a primary contact person in the working group.

The publication and exploitation of scientific results that have arisen through collaboration in a working group must be designed in such a way that the individual rights (e.g. copyrights) of all working group members - even after they have left the group - are taken into account and identified.

### **§ 3**

Performance and evaluation criteria for examinations, awarding of academic degrees, promotions, hiring, appointments, and resource allocations shall be established in such a way that originality and quality always take precedence over quantity as a standard of evaluation.

### **§ 4**

When scientific findings are made publicly available, the underlying research data (usually raw data) - depending on the subject area - are generally kept accessible and traceable for a period of ten years at the institution where they originated or in centralised repositories. The person responsible for a research project or publication must ensure this.

### **§ 5**

An author is only considered to be an author if he or she has made a significant contribution to a scientific publication. Authors of a joint scientific publication are jointly responsible for its content. A so-called "honorary authorship" is not permissible.

## **Part 2**

### **Scientific Misconduct**

### **§ 6**

Scientific misconduct occurs when scientific work is deliberately or grossly negligently misrepresented, infringes the intellectual property of others, or otherwise sabotages their research activities. Scientific misconduct also occurs when incorrect or wanton accusations are made against others. Misconduct may include in particular:

1. misrepresentation such as
  - a) the fabrication of data,
  - b) falsifying data (e.g., by selecting and rejecting undesirable results without disclosing; by manipulating a representation or illustration),
  - (c) providing incorrect information in an application letter or grant proposal (including false information about the publication organ and publications being accepted or in print),
2. infringement of intellectual property relating to a copyrighted work created by another or to essential scientific knowledge, hypotheses, doctrines or research approaches originating from others, such as in particular
  - a) the unauthorized exploitation with presumption of authorship (plagiarism),

- b) the exploitation of research approaches and ideas, in particular as a reviewer (theft of ideas),
- c) the presumption or unfounded assumption of scientific authorship or co-authorship,
- d) the falsification of the content,
- e) the unauthorized publication and unauthorized making accessible to third parties as long as the work, finding, hypothesis, teaching or research approach has not yet been published,
- f) claiming the (co-)authorship of another person without his or her consent,
- g) the output of texts written by other authors with their consent as one's own (so-called ghost writing).

3. sabotage of research activities, such as

- (a) the serious interference with research activities (including the damaging, destroying, or tampering with experimental setups, equipment, records, hardware, software, chemicals, or other things that another person needs to perform scientific work),
- b) the disposal of primary data, insofar as this violates legal provisions or discipline-related recognized principles of scientific work.

4. allegations made falsely or wantonly.

A whistle blower's report must be made in good faith. Deliberately false or wanton allegations may themselves constitute scientific misconduct.

## **§ 7**

Shared responsibility for scientific misconduct may result from, among other things

- a) participation in the misconduct of others,
- b) joint knowledge of falsification by others,
- c) co-authorship or editorship of publications containing falsification,
- d) gross neglect of supervisory duties.

## **Part 3**

### **Handling scientific misconduct**

#### **Section 1**

##### **Jurisdiction**

###### **§ 8**

The Commission for Safeguarding Good Scientific Practice investigates allegations of scientific misconduct and advises the Rectorate of the University of Cologne in this regard. To this end, it submits recommendations for resolutions to the Rectorate.

In the case of qualification theses, doctoral or post-doctoral procedures, the faculties concerned always investigate any scientific misconduct. The faculties are responsible for deciding on the possible revocation of academic degrees.

#### **Section 2**

##### **Composition of the commission**

###### **§ 9**

(1) The Commission for Safeguarding Good Scientific Practice comprises the following voting members:

- one university lecturer from each faculty,
- two representatives from the group of academic staff,
- and an equal number of deputies.

(2) The commission is chaired by the Vice-Rector for Research and Innovation. The voting members of the commission elect a deputy chairperson for a period of two years by simple majority.

(3) All members of the commission are independent in the performance of their duties and are not bound by instructions. They are bound to secrecy.

(4) If a member of the commission suspects that he or she is biased, he or she shall inform the chairperson without delay. In this case, the chairperson shall decide to replace the member concerned with a deputy.

## **§ 10**

### **Quorum**

The commission has a quorum if at least half of the voting members are present.

## **§ 11**

### **Ombudsperson, jurisdiction**

(1) Upon proposal of the rectorate, the senate appoints an ombudsperson and a deputy. The ombudsperson is the contact person for anyone who has allegations of academic misconduct against a member of the University of Cologne. This also applies if the status of membership no longer exists, but existed at the time of the alleged scientific misconduct. Those who are suspected of scientific misconduct may also contact the ombudsperson.

(2) A tenured professor is appointed as ombudsperson. The ombudsperson may not be a member of a central governing body of the University of Cologne while holding this office. The appointment is for three years with the possibility of one reappointment. The same applies to the appointment of the deputy who takes the place of the ombudsperson in case of bias or unavailability.

(3) The appointment of the ombudsperson and his/her deputy is announced in the official notices of the University.

## **Section 3**

### **Management**

## **§ 12**

The day-to-day business of the commission is conducted by the chairperson. For the administrative support of this activity, the chairperson is provided with the necessary personnel and administrative resources.

The chairperson of the commission shall inform the rectorate at least once a year about his or her activities, if necessary in anonymous form.

## **Section 4**

### **Investigation**

## **§ 13**

The University of Cologne investigates every concrete suspicion of scientific misconduct.

If the ombudsperson receives indications of scientific misconduct, for example from a whistle blower, he or she investigates the facts of the case. The ombudsperson examines the allegations from the point of view of plausibility and also for possibilities to dispel the

allegations. If the ombudsperson concludes that there is suspicion of scientific misconduct, the ombudsperson informs the commission.

#### **§ 14**

(1) The commission investigates allegations of scientific misconduct upon notification by the ombudsperson or at the request of one of its members. In the latter case, the commission may first initiate the procedure according to § 11. The ombudsperson attends the meetings in an advisory capacity.

As part of preliminary investigations, the commission may ask the informant for a written statement. Furthermore, it may decide to hear the person concerned.

(2) If the commission comes to the conclusion that there is a suspicion of scientific misconduct, it shall decide by simple majority to initiate an investigation procedure.

(3) The person concerned and the informant shall be informed in writing of the incriminating facts and, if necessary, of the evidence.

(4) Both the person concerned and the informant shall be given the opportunity to comment. Statements are in principle made in writing. Alternatively, the statement of the person concerned may be made orally (hearing) at his or her request; for this purpose, they may call in a person of their confidence as an advisor.

(5) The commission is entitled to take all steps necessary to clarify the facts of the case. To this end, it may obtain all necessary information and, in individual cases, to call in experts from the scientific field concerned.

(6) If the identity of the informant is not known to the person concerned, the informant's name shall be disclosed to the person concerned if this information is necessary for his or her proper defence; such disclosure may be required in particular if the informant's credibility is essentially important to determine the misconduct.

#### **§ 15**

If the commission concludes by a simple majority that scientific misconduct has not been proven, it shall recommend to the rectorate that the proceedings be discontinued.

If the commission considers scientific misconduct to be proven by a simple majority, it discusses possible further action, in particular possible consequences. Here, in addition to consequences under employment or service law, the initiation of academic, civil or criminal consequences may be considered.

#### **§16**

The commission reports to the rectorate on the results of its investigation and submits a recommended resolution.

### **§ 17**

(1) The rectorate decides on the basis of the report and recommendation of the Commission on whether it will follow the Commission's recommended resolution. If the rectorate considers academic misconduct to be proven, it decides on further action.

(2) Both the person concerned and the informant are informed in writing of the decision of the rectorate. The essential reasons which led to the decision shall also be communicated.

### **§18**

Upon entry into force of these regulations, the Guidelines for Safeguarding Good Scientific Practice and Dealing with Scientific Misconduct of 22/07/2011 (*Amtliche Mitteilungen* 24/2011) shall cease to apply.

Issued on the basis of the resolution of the University Senate of 16/09/2020.

Cologne, November 19, 2020

The Rector of the University of Cologne

signed

University Professor Dr Axel Freimuth

Based on *Amtliche Mitteilungen* 132/2020; *Satzung der Kommission zur Sicherung guter wissenschaftlicher Praxis der Universität zu Köln*, AM 132/2020 vom 19. November 2020

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