

Please note:

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Statutes of the University of Mannheim on Procedures for Handling Research Misconduct

as at

¹Based on section 3 subsection 5(4) in conjunction with section 8 subsection 5 of the Act on Higher Education of the Land of Baden-Württemberg (LHG) as at 1 April 2014 (p. 99 of the first book) the senate of the University of Mannheim passed the following Statutes of the University of Mannheim on Procedures for Handling Research Misconduct on 3 December 2014 according to section 19 subsection 1 (2) No. 10 LHG.

²In the German language version of the Statutes, sentences 2 and 3 deal with the subject of gender-neutral language. For the English language version, this is not relevant and therefore omitted.

Preliminary Note

¹Research integrity of all scholars and students at the university is the cornerstone of successful academic work. ²The University of Mannheim acknowledges the recommendations of the German Research Foundation (DFG) on Safeguarding Good Scientific Practice¹ and the recommendations of the German Rector's Conference on handling research misconduct at higher education institutions². ³These Statutes govern the procedures for handling research misconduct at the University of Mannheim. ⁴The following regulations are based on said recommendations. ⁵Furthermore, all responsible persons shall adhere to the most current version of the *Code of Good Research Practice at the University of Mannheim*.

Part 1: Research Misconduct

Section 1 - Research Misconduct

(1) Research misconduct is defined as the intentional or reckless use of false or incomplete information or omission of necessary information, the infringe-

¹ German Research Foundation, "Safeguarding Good Scientific Practice", 1998; in the updated version of 2013.

² German Rector's Conference, "Zum Umgang mit wissenschaftlichem Fehlverhalten in den Hochschulen, Empfehlung des 185. Plenums vom 6. Juli 1998" and "Recommendations of the 14th General Meeting of the German Rectors' Conference (HRK) on 14 May 2013 in Nuremberg, Good scientific practice at German higher education institutions".

ment of intellectual property rights of others or the obstruction of the research of others in any way.

(2) The following offenses will be considered as serious research misconduct:

1. False statements by
 - a) fabricating data,
 - b) misrepresenting data or results or manipulating a presentation or images,
 - c) giving false or incomplete information in a job application or a grant application, this includes false information about publication institutions and publications in press;
2. infringement of intellectual property rights in regard to the copyright of others or in regard to essential research findings, hypotheses, teachings or research approaches by
 - a) appropriation of another person's ideas, processes, results, or words without giving appropriate credit (plagiarism),
 - b) exploiting research approaches and ideas, in particular in the position of evaluator or superior (intellectual property theft),
 - c) appropriation or unjustifiable acceptance of academic authorship or co-authorship,
 - d) misrepresenting content,
 - e) unauthorized publishing of unpublished works, findings, hypotheses, teachings or research approaches or granting third parties access without authorization;
3. giving (co-)authorship of a publication to another party without their authorization;
4. sabotage of research activities, including damaging, destroying or manipulating experiment set-ups, tools, documents, hardware, software, chemicals or other equipment necessary for the experiment;
5. elimination of primary data if this constitutes a breach of legal regulations or acknowledged principles of scientific work particular to the discipline;
6. intentional or reckless false allegations of research misconduct against a third party. Section 2 subsection 2 remains unaffected.

(3) Shared responsibility for research misconduct may result from

1. active involvement in the research misconduct of others,

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2. tolerating serious research misconduct of others, such as fabrication or misrepresentation of data,
3. assuming co-authorship of publications that contain false information,
4. gross neglect of supervision obligations.

Part 2: Bodies

Section 2 - Ombudsman or woman

(1) ¹The senate appoints a professor to be the person of contact for allegations of research misconduct (ombudsman or woman) and one other professor to be his or her deputy, who shall be in charge if the ombudsman or woman is partial or cannot pursue the task for other reasons. ²Persons who, due to their position, may receive information and are consequently bound to take certain actions may not be ombudsmen or women; this includes in particular the president, vice presidents, deans or other executives. ³The term of office of the ombudsman or woman and his or her deputy is four years. ⁴They may be reappointed.

(2) The ombudsman or woman advises persons who inform him or her of alleged research misconduct and investigates suspicions he or she is informed of.

(3) ¹All members and affiliates of the university have the right to personally speak to the ombudsman or woman within his or her working hours. The official contact information for the ombudsman or woman shall be published on the university website.

Section 3 - Committee

(1) ¹The senate appoints a Standing Committee for the Investigation of Research Misconduct Allegations (Committee). It consists of

1. three professors,
2. one member of the academic staff,
3. one student representative.

³The term of office of the student representative is one year; the term of office of the professors and the member of the academic staff is two years. ⁴They may be reappointed. ⁵The ombudsman or woman may participate in the deliberations of the Committee assuming an advisory function. ⁶He or she shall be invited to the deliberations in the same manner as members. ⁷The Committee may invite other suitable persons who assume an advisory function to take part in the proceedings.

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(2) The Committee appoints one of the professors who is a Committee member to be the chair of the Committee and one other member to be his or her deputy.

(3) The Committee is independent and not subject to any instructions.

Part 3: Procedures in Cases of Research Misconduct Allegations

Section 4 - General Procedures

(1) ¹If not determined otherwise in these Statutes, the ombudsman or woman and the Committee decide on the appropriate procedure to investigate research misconduct. ²Sections 20 and 21 of the Act on Administrative Procedures of the Land of Baden-Württemberg (LVwVfG) apply accordingly. ³The Rules and Regulations on the Procedures of Decision-Making Bodies of the University of Mannheim according to section 10 subsection 8 LHG do not apply to the ombudsman or woman and the Committee.

(2) ¹The ombudsman or woman and the Committee shall employ the means of evidence they consider appropriate for the investigation of the case; section 26 LVwVfG applies accordingly. ²The ombudsman or woman and the Committee shall be mindful of the justified interests of the person who is the subject of an allegation of research misconduct (the respondent), the person who brought forward information on possible research misconduct (the informant) and third parties.

(3) ¹These Statutes grant the respondent the right of access to records until the case is closed. ²Access to records shall be granted to the extent set out in section 29 LVwVfG. ³Access to records may be denied particularly for reasons concerning

1. the success of the investigation and
2. the protection of the identity of the informant or other persons who have been promised confidentiality.

(4) All steps of the procedure shall be handled in a timely manner.

(5) ¹The procedure shall be confidential. ²Subsection 2, section 7 subsections 2 and 3 and section 8 remain unaffected.

(6) In case of simultaneously instituted legal proceedings which are concerned with the same allegations, the ombudsman or woman may decide to halt the preliminary inquiry at the longest until the closure of the legal proceedings; the same applies for the Committee procedure.

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(7) In case of new allegations or new information, a case which has been closed by the ombudsman or woman or the Committee may, at any point, be reopened.

Section 5 - Preliminary Inquiry by the Ombudsman or Woman

(1) ¹The identity of the informant shall only be disclosed in the preliminary inquiry if he or she agrees to this. ²At the beginning of the preliminary inquiry the ombudsman or woman shall inform the informant that if the case is forwarded to the Committee, legal regulations allow disclosure even without the agreement of the informant.

(2) ¹The ombudsman or woman shall exercise free evaluation of evidence throughout the inquiry. ²If the ombudsman or woman decides that the allegations of research misconduct are justified, the case shall be confidentially forwarded to the Committee for further investigation. ³If no justification for the allegation can be found, the ombudsman or woman shall close the case and notify the informant of this.

(3) ¹Within two weeks after the informant has been notified of this decision, he or she may request it be reviewed by the chair of the Committee. ²The Committee shall hear the informant before making a decision. ³The Committee shall let the informant know of its decision and the reason for the decision. ⁴If the Committee accedes to the request, a Committee procedure shall be opened.

Section 6 - Committee Procedure

(1) For the Committee procedure, sections 89 through 93 LVwVfG apply accordingly.

(2) ¹The Committee procedure shall be opened when the Committee has received the records of the preliminary inquiry; section 5 subsection 3 (4) remains unaffected. ²The Committee shall inform the President's Office of the opening of a Committee procedure and inform the respondent of the allegations and evidence, and give him or her the immediate opportunity to respond in an appropriate manner.

(3) ¹The Committee holds oral proceedings which are not open to the public. ²In case of simple matters, the Committee may make decisions by way of circulation if no member of the Committee objects. ³As a rule, the respondent shall respond orally in person and may bring a person of his or her confidence for assistance. ⁴This also applies for all other persons to be heard.

(4) ¹Consulted experts can be assured that their identity will not be revealed to the informant or the respondent providing that this does not impair the re-

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spondent's defense. ²Experts shall be informed that, in case of later administrative procedures or legal proceedings, legal regulations may allow disclosure even without the agreement of the expert.

(5) The chair of the Committee may consult administrative employees who are particularly competent in the field that is the subject of the deliberations and assign them the presentation of a certain topic.

(6) ¹In cases of temporary absence or the resignation of a member of the Committee, the Committee may decide whether certain steps of the procedure are to be repeated. ²If a proper decision cannot be made in such a constellation, the relevant step of the procedure shall be repeated. ³As a rule, a step of the procedure shall not be repeated if the majority of the members were involved in the decision.

(7) ¹The informant's identity may be revealed if the respondent is not able to sufficiently defend him- or herself without the disclosure; this is of particular importance with regard to the informant's credibility and his or her motives for reporting misconduct. ²The Committee decides on this upon request of the respondent.

(8) ¹If the Committee receives information on further suspicions of research misconduct by the respondent, it may decide to include these in the Committee procedure. ²In this case, a preliminary inquiry according to section 5 of these Statutes is not necessary. ³The respondent shall be informed of this.

(9) ¹In justified exceptional cases, the Committee may also directly open a Committee procedure if it receives information on possible research misconduct directly. ²In this case, a preliminary inquiry according to section 5 of these Statutes is not necessary.

Section 7 - Decision; Storage of Records

(1) ¹The evaluation of evidence shall take place at the Committee's discretion and conviction. The Committee decides whether the respondent did indeed commit research misconduct and evaluates its severity. ²If the Committee comes to the conclusion that no research misconduct has been committed, it closes the case.

(2) ¹It shall write a report on its decision and the reasons on which the decision was based. ²In the report, the Committee may include suggestions as to how research misconduct may be punished and how the rights of the informant and third parties may be protected. ³The report shall be sent to the President's Office and the respondent.

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(3) ¹The informant shall be informed of the decision. ²Furthermore, the Committee may inform the informant of the reasons for its decision if this does not harm the interests of the respondent; the respondent shall be given the opportunity to comment beforehand.

(4) It is not possible to appeal the decision of the Committee internally.

(5) The records of the Committee procedure shall be kept for 30 years.

Section 8 - Following Procedures

(1) If the Committee comes to the conclusion that the respondent did indeed commit research misconduct, the President's Office shall evaluate whether it is necessary to take action against the research misconduct or to protect the rights of the informant and third parties.

(2) ¹If necessary, the President's Office shall inform other authorities at the university of the decision, in particular the concerned school and the superiors of the respondent. ²The report by the Committee may be sent to said institutions or persons; the interests of the responsible authorities in regard to corrective measures, in particular the revoking of academic degrees and organizational changes, and the justified interests of the respondent, shall be taken into account.

(3) In coordination with the other responsible authorities, the President's Office decides if and to what extent other scholars, in particular former and potential research partners and co-authors, scientific institutions, scientific journals and publishers (in case of publications), funding institutions and scientific organizations, professional associations, government departments and the public shall be informed.

(4) According to the individual case, the responsible authorities shall take the necessary measures in conformity with higher education acts, examination regulations, employment law, civil service law, civil law, criminal law or other legal requirements.

Part 4: Final Provisions

Section 9 - Commencement, Final Provisions

(1) ¹These Statutes will come into effect on the day after their publication in the Bulletin of the President's Office (Amtliche Bekanntmachungen des Rektorats). ²They apply only to procedures having begun with the preliminary inquiry according to section 5 or independent Committees actions according to section 6 subsection 9 (1) after the Statutes became effective.

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(2) ¹At the same time, the *Richtlinien zur Sicherung guter wissenschaftlicher Praxis* of the University of Mannheim as at 18 September 2000 cease to be effective. ²They continue to apply to procedures having begun before these Statutes became effective. ³Those procedures shall be conducted according to said document.

(3) ¹The ombudsman or woman appointed according to the *Richtlinien zur Sicherung guter wissenschaftlicher Praxis* of the University of Mannheim as at 18 September 2000 continues his or her term of office. ²He or she is recognized as ombudsman or woman within the meaning of section 2 of the present Statutes. Sentence 1 and 2 apply accordingly for the appointed deputy of the ombudsman or woman.

(4) ¹The members of the Standing Committee for the Investigation of Research Misconduct Allegations appointed according to the *Richtlinien zur Sicherung guter wissenschaftlicher Praxis* of the University of Mannheim as at 18 September 2000 continue their terms of office. ²They are recognized as members of the Committee within the meaning of section 3 of the present Statutes. ³Sentence 1 and 2 apply for the appointed deputies accordingly. ⁴The regulation of section 3 subsection 2 of the present Statutes, which sets out that the chair of the Committee shall be a professor selected from among the members of the Committee, will apply for the first time in the election after the next regular appointment of professors and academic staff to the Committee.

Issued:

Mannheim,

Prof. Dr. Ernst-Ludwig von Thadden
President

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