BUCERIUS LAW SCHOOL
HOCHSCHULE FÜR RECHTSWISSENSCHAFT

Statutes

for Safeguarding Good Research Practice and Rules of Procedure for Dealing with Suspected cases of Scientific Misconduct at Bucerius Law School

(decided on 3 July 2024 by the Academic Senate)[1]

[1] Disclaimer: This English translation is provided for informational purposes. In the event that the English and German versions permit different interpretations, the German text shall prevail.

Preamble 3
Chapter I Principles of Good Research Practice 3
§ 1 Scope of this Statute 3
§ 2 Individual principles of Good Research Practice 3
§ 3 Professional ethics of researchers 3
§ 4 Organisational responsibility of the university management 3
§ 5 Responsibility of the heads of research work units, especially regarding early career researchers 4
§ 6 Assessment of research performance 5
§ 7 Cross-phase quality assurance 5
§ 8 Stakeholders, responsibilities, roles 5
§ 9 Research design 5
§ 10 Legal and ethical frameworks of research 6
§ 11 Usage rights 6
§ 12 Methods and standards 6
§ 13 Documentation and archiving 6
§ 14 Providing public access to research results 7
§ 15 Authorship 7
§ 16 Publication medium 8
§ 17 Confidentiality and neutrality of review processes and discussions 8
Chapter II Ombudsperson 8
§ 18 Ombudspersons 8
§ 19 Activity of the Ombudsperson 8
Chapter III Procedure for dealing with Research Misconduct 9
§ 20 General principles for dealing with suspected cases of Research Misconduct 9
§ 21 Acts of Research Misconduct 10
§ 22 Initiation of an investigation 11
§ 23 Preliminary investigation 11
§ 24 Commission of inquiry 12
§ 25 Course of the formal investigation 13
§ 26 Conclusion of the procedure 13
§ 27 Possible measures and sanctions 14
§ 28 Transitional provisions / Application upon leaving the university 14
Chapter IV Entry into force; promulgation; expiry 15
§ 29 Entry into force 15

Preamble

The following statutes serve to implement the Code "Guidelines for Safeguarding Good Research Practice" of the German Research Foundation (Deutsche Forschungsgemeinschaft, DFG) as amended in August 2019. They are binding for all persons conducting research or providing research support at or in cooperation with Bucerius Law School - University of Law (hereinafter: university).

Chapter I Principles of Good Research Practice

§ 1 Scope of this Statute

(1) [1]The university shall publish the principles of good research practice to be observed in accordance with these statutes on its website [2]It shall notify all members of the university of the entry into force of these statutes by e-mail.

(2) All researchers of the university are obliged and responsible for complying with the rules of good research practice.

(3) Further rights and obligations under employment and service law are not affected by these statutes.

§ 2 Individual principles of Good Research Practice

The principles of good research practice include in particular,

1. working lege artis,
2. strict honesty in attributing one's own contributions and those of others,
3. rigorously questioning all findings and
4. permitting and promoting critical discourse within the research community.

§ 3 Professional ethics of researchers

(1) Education concerning the principles of good research begins at the earliest possible stage in research training (including teaching) and career path.

(2) Researchers advocate for the fundamental values of research work.

(3) [1]Involving all career levels, researchers undergo a continuous process of learning and ongoing training with regard to good research practice. [2]They maintain a regular dialogue and support each other.

§ 4 Organisational responsibility of the university management

(1) The university management is responsible and has organizational responsibility for ensuring adherence to good research practice at the university.

(2) [1]The university management creates the basic framework for compliant research at the university by establishing an appropriate organizational structure at the institution. [2]In this way, the university management creates the conditions for researchers to comply with legal and ethical standards.

(3) At the university, the following measures establish clear procedures and principles for personnel selection and development in writing, with particular regard to the aspect of equal opportunity and diversity:

- University Statues
- Regulations on Appointment

- Statues for interim and final evaluation of junior professorships
- Equal Opportunity Plan
- Ombudsperson
- Equal Opportunity Person.

(4) In order to support researchers at early career stages, the following supervisory structures and concepts are established:

- Center for Research Qualification („Zentrum für wissenschaftliche Qualifikation", ZQ)
- Mandatory basis course for doctoral candidates
- Supervision agreement in accordance with to the Doctoral Regulations ("Promotionsordnung")
- Ensuring trustworthy, transparent and reliable supervision of doctoral candidates by the supervisors, e.g. by introducing binding supervision standards in the Doctoral Regulations
- Subject-specific offers by the supervisors in the form of seminars for doctoral candidates and general offers by the Center for Research Qualification
- Networking of doctoral candidates via the doctoral platform
- Membership in the Hamburg Research Academy
- Schloarships for research stays abroad
- Reduction of or exemption from teaching load in the final phases of the doctoral/habilitation in accordance with the Teaching Load Regulations ("Lehrdeputatsordnung")
- Guidelines for doctoral candidates.

§ 5 Responsibility of the heads of research work units, especially regarding early career researchers

(1) The head of an institution, a center or a chairholder (research work unit) is responsible for the research executed in the name of the respective unit.

(2) The responsibility of the head of a research work unit particularly comprises the obligation to an adequate individual supervision of early career researchers, integrated in the overall university policy, as well as career development for researchers and research support staff and the education in the principles of good research integrity.

(3) [1]Early career researchers shall be taught, in addition to theoretical, methodological and practical knowledge and skills, a basic attitude of integrity in their own scientific research and in cooperation with other researchers. [2]The responsible researchers assure themselves of the progress of doctoral and postdoctoral projects which they supervise at half-yearly intervals by means of suitable measures. [3]Fundamental concerns must be communicated to the supervisor by the supervised person. [4]Professors ensure that qualification work is completed in an appropriate period of time.

(4) The collaboration within the research work units shall be designed in such a way that the group as a whole can perform its tasks, the necessary cooperation and coordination can be achieved, and all members understand their roles, rights and duties.

(5) Suitable organisational measures are in place at the level of the individual work unit and of the university management in order to prevent the abuse of power and exploitation of dependent relationships.

(6) Researchers benefit from a balance of support and personal responsibility appropriate to their career level.

§ 6 Assessment of research performance

(1) [1]The assessment of the performance of researchers follows a multidimensional approach. [2]It is primarily based on qualitative standards, whereby quantitative indicators can only be included in the overall assessment in a differentiated and reflected manner.

(2) [1]In addition to academic performance and the categories of the General Principle of Equal Treatment, other aspects may be taken into account, if voluntarily indicated. [2]These include, in particular, individual characteristics in the course of life, the academic attitude (openness to understanding and willingness to take risks) as well as personal, family or health-related or comparable circumstances.

§ 7 Cross-phase quality assurance

(1) [1]Researchers carry out each step of the research process lege artis. [2]A continuous quality assurance during the research process takes place.

(2) [1]Researchers disclose the origin of the data, organisms, materials, software and literature used in the research process by citing original sources and show which requirements apply to subsequent use.. [2]If publicly available software is used, this must be documented permanently and in a citable manner, citing the source code, to a possible and reasonable extent.

(3) [1]Researchers describe the nature and the scope of research data generated during the research process . [2]In case of qualification work, if statistic measures with big raw data sets are used, whose inclusion in the research work is not usual, the raw data must be made available to the reviewers in electronic form together with the research work. [3]The raw data must be made publicly available online after the publication of the research work, unless there are reasons to the contrary under data protection, contract or copyright law.

(4) An essential part of quality assurance is that researchers enable other researches to replicate results and findings.

(5) [1]When research findings are made publicly available (including via channels other than publication), the quality assurance mechanisms used must always be explained. [2]When inconsistencies or errors regarding the findings subsequently become aware or are pointed out, they are to be corrected.

§ 8 Stakeholders, responsibilities, roles

(1) The roles and responsibilities of the researchers participating in a research project must be clearly and transparently defined in an appropriate manner.

(2) If needed, adaptations of roles and responsibilities will be made.

§ 9 Research design

(1) [1] When planning a project, researchers take into account the current state of research and build their research on it. [2]This regularly requires the careful identification of relevant existing research in the public domain.

(2) The university management ensures within their scope of budgetary possibilities that the necessary basic framework for this research is in place.

(3) If possible and reasonable, researchers use methods to avoid (unconscious) distortions in the interpretation of findings.

(4) Researchers examine whether and to what extent gender and diversity approaches may be of significance to the research project.

§ 10 Legal and ethical frameworks of research

(1) Researchers adopt a responsible approach to the constitutionally guaranteed freedom of research.

(2) [1]The university management is responsible for ensuring that the university members' and employees' actions comply with regulations and promotes this through suitable organizational structures.
[2]When qualitative or quantitative research is conducted, the research ethics principles and review procedures of the social and economic sciences apply.

(3) [1]The university endeavors to promote high-quality interdisciplinary dissertations in law. [2]For this purpose, it is possible to appoint a second supervisor who has special knowledge of the neighboring science, basic science or empirical methods relevant to the research.

(4) Researchers comply with rights and obligations, particularly those arising from legal requirements and contracts with third parties.

(5) Where necessary, researchers seek approvals and ethics statements and present these at the competent authorities.

(6) [1]Researchers maintain a continual awareness of the risks associated with the misuse of research results, especially in case of security-relevant research. [2]The potential consequences and ethical implications of the research shall be evaluated in detail.

§ 11 Usage rights

(1) Researchers conclude documented agreements on usage rights related to the results generated by the research project at the earliest possible stage.

(2) [1]The use of results is in particular the right of those researchers who have produced the results. [2]This shall not affect the university's eventual rights of use.

(3) Those entitled to use the data decide whether third parties should have access to them.

§ 12 Methods and standards

(1) Researchers apply scientifically sound and transparent methods for their research.

(2) When developing and applying new methods, they attach particular importance to quality assurance and the establishment of standards.

§ 13 Documentation and archiving

(1) [1]Researchers shall store research data or results that are made publicly accessible, as well as the central raw data or materials on which they are based, in an accessible and transparent manner appropriate to the subject area of law at the university or in repositories across locations. [2]As a rule, the research data to be archived shall be saved as raw data. .

(2) [1]The storage in accordance with paragraph 1 shall take place for an appropriate period of time, but at least 10 years. [2]The retention period shall begin with the establishment of public access to the respective data or results.

(3) Paragraphs 1 and 2 also apply to the research software used.

(4) 1Individual results that do not support the hypothesis are also documented. [2]A selection of results is not permitted.

(5) If the documentation does not satisfy the requirements of paragraph 1 and 2, the constraints and the reasons for them are clearly explained.

(6) [1]Documentation and research results must not be manipulated. [2]They are to be protected against manipulation as effectively as possible.

(7) The university management shall ensure that the infrastructure required for appropriate archiving is available.

§ 14 Providing public access to research results

(1) As a rule, researchers make all results available as part of scientific discourse.

(2) [1]In specific cases there may be reasons not to make results publicly available. [2]In general, this decision must not depend on third parties; instead researchers decide autonomously with due regard for the conventions of legal sciences whether, how and where to disseminate their results. [3]Exceptions are permitted in particular where the rights of third parties are affected or in the case of contract research or security-relevant research.

(3) [1]If it has been decided to make results available in the public domain, researchers describe them clearly and in full. [2]Where possible and reasonable, this includes making the research data, materials and information on which the results are based, as well as the methods and software used, available. [3]This happens in accordance with the FAIR principles: Findable, Accessible, Interoperable, Reusable.

(4) [1]Software programmed by researchers themselves is made publicly available along with the source code where this is possible and reasonable. [2]In some cases a license will be provided. [3]The work processes will be fully explained.

(5) [1]Researchers provide full and correct information about their own preliminary work and that of others, unless this can be waived on a discipline-specific basis as an exception in the case of own results that are already publicly available.

(6) [1]The publication of research results in inappropriately small publications should be avoided. [2]Researchers shall limit the repetition of the research content of their publications as (co-)authors to the extent necessary for an understanding of the context and shall refer to the prior publication in accordance with the rules of good scientific practice.

§ 15 Authorship

(1) [1]An author is an individual who has made a genuine, identifiable contribution to the content of a research publication of text, data or software. [2]What constitutes a genuine and identifiable contribution depends on the principles of research work specific to the legal sciences and must be evaluated on a case-by-case basis.

(2) A identifiable, genuine contribution exists in particular if a researcher has contributed in a scientifically relevant manner to the development and conception of the research project or to the preparation, collection, procurement, provision of the data, software, sources or the analysis/evaluation or interpretation of the data, sources and the conclusions drawn from them or to the writing of the manuscript.

-

(3) [1]If a contribution is not sufficient to justify (co-)authorship, this support can be appropriately acknowledged in footnotes, in the foreword or in an acknowledgement. [2]Honorary authorship for which no such independent author contribution was made is inadmissible. [3]A management or supervisor function does not in itself constitute co-authorship. [4]Researchers shall agree on who is to be author of the research results. [4]The order of authors shall be agreed on in good time, as a rule at the latest when the manuscript is formulated, on the basis of objective and transparently comprehensible criteria, taking into account the conventions of each subject area. [5]The scientific seniority of a co-author is not a suitable criterion.

(4) [1]All authors agree on the final version of the work to be published; Unless explicitly stated otherwise, they share responsibility for the publication. [2]Researchers may not refuse to give their consent to publication of the results without sufficient grounds. [3]Refusal of consent must be justified with verifiable criticism of data, methods or results.

§ 16 Publication medium

(1) [1]The scientific quality of a contribution does not depend on the medium in which it is published. [2]In addition to publication in books and journals, authors may also consider academic repositories, data and software repositories and blogs.

(2) [1]Authors select the publication medium carefully and independently, with due regard for its quality and visibility in the relevant field of discourse. [2]A new publication medium is evaluated to assess its scientific seriousness.

(3) Who assumes the role of editor carefully selects where they will carry out this activity.

§ 17 Confidentiality and neutrality of review processes and discussions

(1) Fair behaviour is the basis for the legitimacy of any judgement-forming process.

(2) [1]Researchers who evaluate, in particular, submitted manuscripts, funding proposals or personal qualifications are obliged to maintain strict confidentiality with regard to this process. [2]They disclose all facts that could give rise to the appearance of a suspicion of bias to the responsible body.

(3) The confidentiality of contents to which a reviewer gains access precludes sharing the material with third parties or making personal use of it.

(4) Paragraph 1 and 2 also apply to members of research advisory and decision-making bodies.

Chapter II Ombudsperson

§ 18 Ombudspersons

(1) [1]The university appoints an Ombudsperson and a deputy. [2]The deputy shall take action in case there is any suspicion of bias or the Ombudsperson is unable to carry out their duties for other reasons. [3]The question of whether there is any suspicion of bias shall be assessed in accordance with Section 21 of the Hamburg Administrative Procedure Act (HmbVwVfG). [4]In case of doubt, the commission of inquiry shall decide in accordance with Chapter III.

(2) [1]Professors may be elected as Ombudsperson and deputy. [2]Researchers with integrity and management experience are selected as ombudspersons. [3]The Ombudsperson and the deputy may not serve as members of the commission of inquiry or the university management.

(3) The appointment is made by the President after election by the Senate of the university.

(4) [1]The Ombudsperson and the deputy are elected for the period of two years. [2]A single re-election is permissible.

(5) Ombudspersons and their deputies shall receive the necessary support and acceptance from the university management with regard to the performance of their duties.

§ 19 Activity of the Ombudsperson

(1) [1]The Ombudspersonsshall carry out the Ombudperson's activities independently in accordance with Sec. 18; they are, in particular, independent of instructions or informal case-related influence by the university management and other university bodies or university affiliates. [2]The Ombudsperson's activities shall be carried out confidentially and with due observance of discretion.

(2) [1]All members and affiliates of the university may contact the Ombudsperson in questions of good research practice, but also about suspected research misconduct. [2]Affiliates of the university have the additional option to turn to the nationally active committee "Ombudsman Committee for Research Integrity in Germany".

(3) [1]The university management shall ensure that the Ombudsperson and the deputy is known at the university. [2]The identity and contact details of the persons in office shall be made known to the members of the university in an appropriate manner.

(4) [1]As neutral and qualified contact person, the Ombudsperson advises on issues relating to good research practice and in suspected cases of research misconduct. [2]If possible, they contribute to solution-oriented conflict mediation.

(5) The Ombudsperson maintains confidentiality in dealing with queries and, if necessary, notifies the responsible body at the university in accordance with Chapter III.

Chapter III Procedure for dealing with Research Misconduct

§ 20 General principles for dealing with suspected cases of Research Misconduct

(1) [1]The bodies responsible at the university examining allegations of misconduct take appropriate measures to protect both the complainant and the concerned person. [2]The responsible bodies are aware that the conduct of proceedings and the final, possible imposition of sanctions can be considerable interference in the legal interests of the accused person.

(2) [1]The investigation of allegations concerning research misconduct must be carried out according to the rule of law, fairness and adhere to the presumption of innocence. [2]The investigation is confidential. [3]Investigations shall be conducted without regard to the person, decisions shall be taken without regard to the person.

(3) [1]The information disclosed by the complainant must be provided in good faith. [2]The complainant must have objective reasons for suspecting that an infringement of the standards of good research practice may have occurred. [3]If the complainant is unable to verify the facts personally, or if there is uncertainty with regard to the interpretation of the guidelines on good research practice in relation to Chapter I, the complainant should consult the persons pursuant to Sec. 19 Paragraph 1 and 2.

(4) [1]The disclosure should not disadvantage the research or professional career prospects of either the complainant or the concerned person. [2] This applies to the concerned person until such time as research misconduct has been proven and established in the proceedings provided for this purpose. [3]In the case of early career researchers, the disclosure should not lead to delays in their qualification phase. [4]With regarding to the writing of final dissertations or doctoral theses no disadvantage should arise. [5]The same applies to working conditions and possible contract extensions.

(5) [1]If research misconduct is not proven, the complainant must continue to be protected. [2]This does not apply if the allegations have been made against better knowledge.

(6) [1]All bodies involved in the procedure ensure that the entire process is conducted promptly. [2]They implement the steps necessary to complete each stage of the procedure within an appropriate time frame.

(7) Disclosures made anonymously can only be investigated if the complainant provides the allegation with solid and sufficiently concrete facts which ensure that an investigation is possible and can be conducted with reasonable effort.

(8) [1]If the complainant's identity is known to the responsible body, the body will keep the individual's name confidential and will not share it with third parties without the individual's consent. [2]The consent shall be given in text form. [3]The name can be shared without consent if there is a legal obligation to do so. [4]The name can be shared if the concerned person cannot otherwise properly defend themself, because the case concerns the identity of the complainant. [5] Before the identity of the complainant is disclosed, they shall be informed of the intended disclosure. [6]The complainant can decide whether to withdraw the allegation. [7]In the event of a withdrawal, disclosure shall not

be made unless there is a legal obligation to do so. [8]Nevertheless, the investigation procedure may be continued if a balancing of interests shows that this is in the interest of research integrity in Germany or in the legitimate interest of the university.

(9) [1]The confidentiality of the process is limited if the complainant makes their suspicion public. [2]The investigating body will decide on a case-by-case basis according to dutiful discretion how to handle the breach of confidentiality on the part of the complainant.

§ 21 Acts of Research Misconduct

(1) [1]Research misconduct occurs if a person who works scientifically at the university deliberately or grossly negligently makes false statements in a context relevant to research, unjustifiably appropriates the research achievements of others or impairs the research activities of others. [2]The special acts in accordance with paragraph 5 to 8 shall remain unaffected.

(2) False statements are

a) inventing scientifically relevant data or research results,

b) falsifying scientifically relevant data or research results, in particular by suppressing or eliminating data or results obtained in the research process without disclosing this, or by falsifying a representation or illustration,

c) incongruent representation of image and the associated statement,

d) making incorrect science-related statements in a funding application or in the context of the reporting requirement,

e) claiming authorship or co-authorship of another person without that person's consent.

(3) Inadmissible appropriation of third-party scientific work is deemed to have occurred in the case of:

a) Unmarked adoption of third-party content without the required citation of the source (plagiarism),

b) Unauthorized use of research approaches, research results and scientific ideas (theft of ideas),

c) Unauthorized disclosure of scientific data, theories and findings to third parties,

d) Presumption or unfounded assumption of authorship or co-authorship of a research publication, especially if no genuine, traceable contribution to the scientific content of the publication has been made,

e) Falsification of the scientific content,

f) Unauthorized publication and unauthorized making available to third parties as long as the research work, finding, hypothesis, teaching or research approach has not yet been published.

(4) Interference with the research activities of others occurs in particular in the following cases:

a) Sabotage of research activities (including damaging, destroying or tampering with equipment, documents, hardware, software or other items required by others for research purposes),

b) Falsification or unauthorized disposal of research data or research documents,

c) Falsification or unauthorized disposal of the documentation of research data.

(5) Research misconduct on the part of researchers working at the university shall - in the case of malice or gross negligence - also result from

a) co-authorship of a publication which contains false statements or inadmissibly appropriated third-party scientific achievements,

b) neglect of supervisory duties, if another person has objectively committed the offence of research misconduct within the meaning of paragraph 1 to 4 and this would have been prevented or made considerably more difficult by the necessary and reasonable supervision.

(6) Research misconduct further results from the deliberate participation (in the sense of aiding and abetting) in the deliberate misconduct of others which is a misconduct under these Statutes.

(7) Research misconduct on the part of reviewers or committee members of the university occurs if they deliberately or through gross negligence

a) unauthorizedly exploit research data, theories or findings of which they have become aware in the course of their activities as reviewers or committee members for their own scientific purposes,

b) disclose data, theories or findings to third parties without authorization in violation of the confidentiality of the proceedings within the scope of their activities as reviewers or committee members,

c) fail to disclose facts or circumstances to the competent body which could give rise to suspicion of bias in the course of their activities as reviewers or committee members.

(8) Moreover, research misconduct occurs if, within the scope of their activities, a reviewer or a member of a university committee, with the intention of obtaining an advantage for themself or another person, fails against their better knowledge to disclose facts from which research misconduct on the part of the other person within the meaning of paragraph 1 to 5 may be inferred.

§ 22 Initiation of an investigation

(1) [1]The complainant shall contact an Ombudsperson or the deputy in accordance with Sec. 19 with a suspect notification. [2]A suspect notification report shall be made in text form. [3]It may be made orally; in this case, a transcript shall be prepared by the receiving body. [4]If a complainant directly contacts a member of the commission of inquiry, the member shall forward the suspect notification to a competent Ombudsperson.

(2) [1]Regarding the suspicion of bias of Ombudspersons in their role in the proceedings pursuant to Chapter III, departing from Sec. 18 para. 1 of these Statutes, Sections 22 et seq. of the German Code of Criminal Procedure ("Strafprozessordnung") shall apply accordingly. [2]The commission of inquiry shall decide in accordance with Sec. 24 of these Statutes.

(3) [1]The competent Ombudsperson or deputy shall examine confidentially whether there are sufficiently concrete grounds that a person has committed an act under Sec. 21 in a prosecutable manner. [2]The Ombudsperson may conduct preliminary investigations in this context; Sec. 23 para. 2 shall apply accordingly.

(4) If the Ombudsperson comes to the conclusion that there are sufficiently concrete grounds for suspicion pursuant to paragraph 3, they shall initiate a preliminary investigation (Sec. 23).

§ 23 Preliminary investigation

(1) [1]In the course of the preliminary investigation, the Ombudsperson shall immediately request the concerned person in writing to comment on the allegation. [2]In doing so, they shall list the incriminating facts and evidence towards the accused person. [3]A time limit shall be set for the statement; as a rule, it shall be four weeks. [4]The time limit may be extended. [5]The statement must be made in writing or in text form. [6]Concerned persons are not obliged to incriminate themselves.

(2) [1]In the course of the preliminary investigation, the Ombudsperson may conduct the investigations necessary to clarify the facts of the case insofar as these are permissible by virtue of higher-ranking law. [2]The Ombudsperson may, for example, request, obtain and view documents, obtain and secure other evidence, obtain statements or - if necessary - obtain external expert opinions. [3]All persons involved shall be requested to treat the inquiry confidentially.

(3) The files must show which steps have been taken to clarify the facts.

(4) [1]After completion of the relevant investigations and evaluation of all relevant evidence, including the statement of the accused person, the competent Ombudsperson or without delay on the further progress of the proceedings. [2]The decision shall be based on whether, on the basis of the facts, a finding of research misconduct by the commission of inquiry (Sec. 24) appears more likely than a discontinuation of the proceedings (probable cause). [3]If there is no probable cause of prosecutable research misconduct, the Ombudsperson shall close the proceedings. [4]If there is probable cause, the Ombudsperson shall transfer the facts to the Commission of inquiry, which initiates a formal investigation..

(5) [1]If the Ombudsperson closes the proceedings, they inform the complainant in writing or text. [2]The essential reasons that led to the decision shall be stated. [3]The complainant has the right to object against the decision; the objection deadline is two weeks. [4]The objection must be made towards the commission of inquiry. [5]I If it sustains the objection, it immediately initiates the formal investigation procedure.

(6) If the objection period has expired or if or if the commission of inquiry has rejected the objection, the decision to close the proceedings shall be communicated to the accused person in writing and, if an objection is rejected, also to the person who submitted the objection, stating the essential reasons for the decision.

(7) [1]If the proceedings are transferred to the formal investigation, this decision shall be communicated in writing to the complainant and to the concerned person. [2]If the concerned person has denied the allegation, the decision must also state the reasons why the allegation has not yet been refuted.

§ 24 Commission of inquiry

(1) [1]An Commission of Inquiry appointed by the Academic Senate on the proposal of the President shall be responsible for conducting the formal investigation. [2]The commission of inquiry consists of four members; a deputy is appointed for each member. [3]Three members of the commission of inquiry are professors, one member represents the academic staff of the university. [4]All subject pillars should be taken into account appropriately with regard to the composition of the commission. [5]The members shall elect the chairperson of the commission and their deputy from the group of professors. [6]The chairperson manages the business of the commission of inquiry.

(2) [1]The members of the Commission and their deputies are appointed by the President after election by the Senate of the university. [2]They are elected for a period of four years; Re-election is possible. [3]In individual cases, the committee of inquiry may call in up to two non-voting experts from the field of law or the neighboring discipline affected by the scientific misconduct as additional guests for consultation.

(3) [1]If a member of the commission is suspected of bias or is unable to attend for more than a short period of time, their deputy shall take over. [2]For the suspicion of bias, Sections 22 et seq. of the German Code of Criminal Procedure shall apply accordingly. [3]Suspicion of bias may be raised by all commission members with voting rights, by Ombudspersons of the university or by accused persons. [4]The commission shall decide to the exclusion of the person against whom the suspicion of bias is directed. [5]Procedural acts that cannot be postponed may still be carried out.

(4) [1]All members of the commission, including the chairperson, shall have equal voting rights. [2]Decisions shall be taken by simple majority; in the event of a tie, the chairperson shall have the casting vote. [3]The commission shall have a quorum if at least three persons are present and can vote.

(5) [1]The members of the commission and their deputies shall perform their activities independently, in particular independently of instructions or informal case-related influence by the university management and other university bodies. [2]The activities shall be carried out confidentially and with due observance of discretion.

(6) The commission of inquiry works and meets confidentially and non-publicly.

(7) The university management shall provide appropriate information about the current composition of the commission of inquiry.

§ 25 Course of the formal investigation

(1) [1]The commission of inquiry shall schedule a timely date for a meeting. [2]The person concerned shall be given the opportunity in good time before the meeting to make an oral statement to the Commission (hearing) or to make a written statement on the allegation. [3]Sec. 23 paragraph 1 sentence 6 shall apply accordingly. [4]The complainant shall also be given another opportunity to make a statement. [5]If the concerned person does not make a further statement, this alone may not be taken into account to their disadvantage.

(2) [1]According to its due discretion, the commission may orally hear further persons whose opinion it considers useful for the proceedings. [2]With regard to possible rights to refuse to testify, the provisions of the German Code of Criminal Procedure shall apply accordingly.

(3) [1]Any person who is heard before the commission may appoint a person of his or her confidence as an adviser. [2]The commission shall be informed about this in good time.

(4) [1]The commission of inquiry shall examine whether research misconduct has been proven to its conviction in accordance with the traditional rules of free evaluation of evidence. [2]Research misconduct may only be ascertained if a majority decision has been passed by the commission. [3]The consultations shall be subject to the secrecy of consultation. [4]The commission's authority to close the proceedings due to lack of sufficient suspicion or, in case of less serious misconduct, due to insignificance shall remain unaffected. [5]The closure of the proceedings is final.

(5) Sec. 20 paragraph 8 and 9 shall apply accordingly to any disclosure of the identity of the complainant.

(6) In the event of suspected breaches of disciplinary or employment law, the proceedings shall be suspended.

(7) [1]The commission of inquiry shall promptly submit a final investigation report to the President, which shall also contain the sanction proposals. [2]The report sets out the main factual and legal basis for the Commission's decision.

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

§ 26 Conclusion of the procedure

(1) [1]After submission of the investigation report, the President decides at their due discretion whether the concerned person has been found guilty of research misconduct as well as whether and which sanctions and measures shall be imposed on them. [2]If the withdrawal of an academic degree is a possible measure, the competent authorities shall be involved in the decision.

(2) If the President is the concerned person, their deputy shall decide.

(3) [1]The decision and its essential reasons shall be communicated in writing to the complainant and to the concerned person. [2]The involved shall only have the legal remedies granted by law against the decision.

(4) [1]The university shall communicate the decision to affected research organisations and third parties who have a justified interest in the decision. [2]The President shall decide whether and in what manner this is the case at their due discretion. [3]They shall also decide whether and in what manner the public needs to be informed. [4]Notifications under this paragraph may be accompanied by a statement of reasons.

§ 27 Possible measures and sanctions

(1) If the President considers research misconduct to be proven, they may, within the framework of proportionality, impose, among others, one or more of the following sanctions or measures:

a) Written reprimand,

b) Requesting the concerned person to withdraw or correct concerned publications or to refrain from publishing manuscripts with scientific misconduct,

c) Withdrawal of funding decisions or rescission of funding contracts, insofar as the decision was made by the university or the contract was concluded by the university, including a reclaim of funds,

d) Exclusion from working as a reviewer or committee member of the university for a period of one to five years, depending on the seriousness of the misconduct,

e) Against employees of the university: warning under labour law, ordinary termination, termination of contract, extraordinary termination,

f) Criminal complaint and criminal application (Strafanzeige und Strafantrag),

g) Reporting administrative offences to the competent authority,

h) Assertion of claims under civil law - also by way of interim legal protection -, in particular for damages, restitution or removal and injunction,

i) Assertion of any claims under public law, also by way of interim legal protection,

j) Initiation of proceedings for the withdrawal of an academic degree or suggestion of the initiation of such proceedings.

(2) Sanctions and measures other than those referred to in paragraph 1 may only be imposed if they are proportionate to the legal interests and legitimate interests of the accused person.

(3) Measures under paragraph 1 shall not be unlawful on the grounds that they have not been pronounced in the statement of reasons pursuant to Sec. 26 paragraph 3.

§ 28 Transitional provisions / Application upon leaving the university

(1) The offences of research misconduct under Sec. 21 shall apply only to acts committed after this Statute came into force.

(2) [1]The procedural provisions of this Chapter shall apply to reports received after the entry into force of this Statute. [2]Preliminary investigation, preliminary examination and inquiry proceedings which

have already been in progress when this Statute comes into force shall be completed in accordance with the procedural rules previously in force.

(3) An offence may be prosecuted even if the accused person is no longer working academically at the university but was working academically at the time of the offence.

Chapter IV Entry into force; promulgation; expiry

§ 29 Entry into force

[1]These statutes enter into force on July 3, 2024 and are published publicly at the university. The Statutes for Safeguarding Good Research Practice and Rules of Procedure for Dealing with Suspected cases of Scientific Misconduct dated November 30, 2022 will expire on July 3, 2024.