

Leipzig University

Leipzig University's Statutes for Safeguarding Good Scientific Practice

April 17, 2015

Table of Contents

Preamble

I. Safeguarding Good Scientific Practice

- § 1** General remarks
- § 2** Authorship of academic publications
- § 3** Junior researchers

II. Academic Misconduct

- § 4** Academic misconduct
- § 5** Shared responsibility of academic misconduct

III. Ombuds Committee and Standing Committee

- § 6** Basic tenets
- § 7** The Ombuds Committee
- § 8** Role of the Ombuds Committee
- § 9** The Standing Committee
- § 10** Chairmanship and procedures of the Standing Committee
- § 11** Role of the Standing Committee

IV. Procedures Regarding Academic Misconduct

- § 12** Notification of suspected academic misconduct

- § 13** Response of the accused
- § 14** Preliminary investigation by the Standing Committee
- § 15** Rights of the Standing Committee
- § 16** Decision in the formal investigations
- § 17** Support of affected and informing parties

V. Possible Decisions and Punishment for Academic Misconduct

- § 18** Decisions of the Rector
- § 19** Consequences under Labor Law as well as under Public Employment Law
- § 20** Academic consequences
- § 21** Consequences under Civil Law
- § 22** Consequences under Criminal Law
- § 23** Informing Third Parties and the Public

VI. Coming into Effect

- § 24** Coming into Effect

Preamble

Within its statutory mandate, Leipzig University bears responsibility for the organization of:

- Research
- Teaching and
- Promotion of Junior Scholars and Researchers

Teaching and the promotion of future scholars are inseparable from research at Leipzig University. It is especially important for Leipzig University to continually promote an open, creative, and motivating intellectual environment. In exercising responsibility for research, the university must take precautionary measures against academic misconduct.

One prerequisite of academic research is the integrity and honesty of researchers and academics. Different than misconceptions, dishonesty in scholarly work contradicts the standards of academia.

Regulations do not take the place of a researcher's assumed honesty and therefore legal frameworks cannot completely prevent academic misconduct. Legal frameworks do, however, assist in limiting academic dishonesty. In much the same way, academic misconduct cannot be judged solely by applying general rules and guidelines; the appropriate disciplinary action will be determined on a case-by-case basis. With these considerations in mind, the Senate, in agreement with the Office of the Rector of Leipzig University in the meeting on 15 April 2015, issued the following regulations, based on §§ 79, sentence 3 and 13, paragraph 3, sentence 1 of the SächsHSFG, to safeguard good scientific practice.

I. Safeguarding Good Scientific Practice

§ 1

General Remarks

- (1) For academic work at Leipzig University, members active in research must uphold rules of good scientific practice. The following regulations encompass general principles of good scholarly work including but not limited to:
1. Working according to *lege artis*
 2. Accurately documenting results
 3. Persistently challenging all findings
 4. Maintaining utmost honesty concerning contributions by partners, competitors and predecessors.
- (2) The following provisions for the assurance of good scientific practice shall contribute to limiting, as much as possible, academic misconduct, thereby upholding the quality of scholarly work.
- (3) For good scientific practice, the following requirements are necessary:

1. Research must be carried out using the most current information; thus, the knowledge of up to date research and of the best suited methods of inquiry is indispensable.
 2. Primary data sets providing the basis for publications are to be maintained and securely kept for ten years in their respective institutions. A detailed recording and documentation of both the employed method and results is essential for experimental work, as reproducibility is a key characteristic of this type of research.
 3. Results should be made available to the greater academic community through publishing. Thus, the academic publication of the work itself is as much a result of the researcher as is the scientific observation and the scientific experiment.
 4. The respective policies on academic work are to be followed in the individual disciplines. Originality and quality should take precedence over quantity, especially pertaining to exams, the awarding of degrees, hiring for positions, and assessing research achievements
- (4) All members and associates of Leipzig University are obligated to uphold the academic integrity rules according to Sections 2-5.

1. Leipzig University perceives its responsibility for graduates by already conveying the principles of good scholarly work and academic integrity, with reference to this set of rules, to students in lectures during the bachelor studies.

Student attention should also be drawn to the dangers and possible consequences of academic misconduct.

2. Leipzig University takes measures to ensure that the principles of good scholarly work and academic integrity are imparted at the faculty level to university personnel. Instruction of these rules is provided in written

format and is confirmed by individual signature. This instruction is typically part of the hiring process.

3. It is recommended to the faculties that scholars who have recently finished their doctoral studies be required to sign an academic integrity statement declaring they have upheld the principles of good scientific practice in their research before beginning the habilitation process. All doctoral candidates should likewise include an academic integrity statement in their dissertation. Habilitation and doctoral regulations of the faculties shall be supplemented accordingly, to the extent necessary.

§ 2

Authorship of Academic Publications

- (1) In case more than one person is involved in either research or in composition of a scholarly article, such persons shall be named as co-authors if they have contributed significantly to the development of the research question, method of inquiry, implementation of research plan, or analysis and interpretation of results, as well as to the preparation of the written draft or the revision of the manuscript.

Co-authorship cannot be granted to those who simply contributed technical resources used in the collection of data or to those who merely allocated funding or materials, such as samples or specimens. Similarly, co-authorship cannot be granted to those who merely provide technical support leading to data collection or chairs of departments in which the research was carried out. The same applies to those who marginally contributed by only reading the manuscript without helping to create its content.

All co-authors shall agree to the release of a manuscript for publication, either in writing or electronically. The contribution of individuals or teams shall be documented. All co-authors shall be given reasonable time to review the original data, which underlies a publication. If unpublished research of others is quoted or findings from other institutions are used,

prior written consent has to be obtained from the respective author, subject to expert review.

- (2) Agreeing to be named as a co-author carries the responsibility that the publication fulfills the academic requirements necessary for the field. This is especially true for the section in which the co-author has contributed. The co-author is responsible not only for their contribution, but also that the contribution is implemented correctly in the publication.
- (3) If a researcher is listed in a publication without his/her express consent or if he/she is unwilling to be named as co-author, then he/she has the right to object being listed. In this instance, they may specifically address their concerns and objections to the individuals responsible, the editor of the journal in which the manuscript appeared, or the publishers themselves.
- (4) It is contrary to the rules of good scientific practice for a co-author to terminate collaboration on a research project without supplying sufficient reasons or to withhold permission to publish results if there are no good reasons. Denying permission to publish must be justified by verifiable reasons related to data, method, or results.
- (5) As part of cooperating with other colleges, research institutes and/or industrial partners, terms for publication of results should be agreed upon in writing before collaboration begins. Contributing or agreeing to publish research results may not be withheld primarily on the grounds of intellectual property rights (e.g., patents, intellectual property rights, know-how, etc.). If a contributing scientist or researcher has a justified contrary interest, the publication may be suspended for an appropriate period of time, given the period of retention was formerly agreed upon in writing. Such periods of retention should be agreed upon before collaboration begins or, at the very latest, when justified contrary interests for a period of retention have been recognized. Justified interests include but are not limited to personal rights and/or economic concerns related to founding a new company, and cooperating with external organizations and enterprises. Section 42 of the

Employee Inventions Act remains unaffected. In cases of doubt, the Ombuds Committee (Section 7) may be contacted.

(6) The Ombuds Committee (Section 7) may be contacted in the case of conflict:

- by a coauthor, who feels his/her work has not been properly acknowledged
- by a researcher or scholar, who has been listed as a co-author without providing express consent
- by co-authors, who suspect another co-author has refused publication for unfound reasons

§ 3

Junior Researchers

(1) Junior researchers begin at the very latest to work academically with their Bachelor's, Master's, or Doctoral thesis or with the Staatsexamen or Diplom. The university not only imparts the necessary methodological and research skills, but also provides the basic ethical standard necessary for conducting academic research, including dealing with results responsibly and collaborating with fellow scholars and researchers.

Junior researchers are entitled to regular scholarly supervision, advice and support. Professors/instructors are especially responsible for providing supervision to those writing a thesis or dissertation or completing an academic qualification. Professors/instructors should serve as role models to students and doctoral candidates by abiding by the principles of ethical scholarly practice in their own work. For dissertations, professors/instructors and doctoral candidates shall enter into a binding supervisory agreement according to the guidelines provided by the DFG (German Research Foundation).¹

¹ For this purpose, the Research Academy Leipzig has created a standard agreement.

- (2) The academic qualification shall be actively fostered within a suitable time frame and promptly assessed.

II. Academic Misconduct

§ 4

Academic Misconduct

Academic misconduct occurs:

- (1) If fraudulent results are presented deliberately or gross negligently in an academic context or if intellectual property rights of others are violated. Relevant are the circumstances of each case.

1. Fraudulent statements are in particular:

- The fabrication of data
- The distortion of data, such as:
 - The selection and withdrawal of unwanted results without making them public
 - The manipulation of a description or representation
- Providing false statements in a letter of application or a grant proposal (this includes false statements to/about a publishing body and about forthcoming publications);
- Claiming falsely that submitted work has been approved by an expert scientist
- Supporting the publication of others' works without reviewing them

2. Infringement of intellectual property rights entails:

- The unauthorized use of others' work as if it were one's own (plagiarism);
- The exploitation of others' research results or methodological approach and of new, unpublished ideas of others, especially if one assesses such work;

- An exploitative or unfounded assumption of authorship or co-authorship;
 - Refusal to credit co-authors who have made significant academic contribution;
 - Falsifying the content of others' research results;
 - The unauthorized publication of and unauthorized granting of access to works of third parties who have yet to publish their own work, insights, hypotheses, theories or methodological approach.
- (2) Through claiming co-authorship without the other's consent;
- (3) Through the intentional or gross negligent interference with another scholar's research activity and the careless and dishonest attempt to diminish the reputation of another scholar;
- (4) By sabotaging the research activity of others (including damaging, destroying or manipulating experimental designs, devices, documents, hardware, software, chemicals or other elements, which someone else requires to carry out research)
- (5) By disposing primary data sets and violating the mandatory requirement to document and store results (Section 1, Paragraph 2, Number 2)
- (6) If collaboration is ended without sufficient reasons or if as a co-author, the publication of results is prevented without compelling reasons to do so (Section 2, Paragraph 4).

§ 5

Shared Responsibility of Academic Misconduct

- (1) Shared responsibility for academic misconduct occurs in particular from instances of deliberate or gross negligent behavior, such as:
- Participating in the academic misconduct of others
 - Concealing or withholding falsifications done by others

- Co-authorship of publications tainted by falsifications
- The neglect by professors/instructors to supervise the work of students and doctoral candidates to ensure they adhere to and uphold good academic practices as they conduct research to fulfill an academic qualification

(2) The Standing Committee and the Ombudsman will determine, on a case-by-case basis, if shared responsibility for academic misconduct constitutes an individual academic misconduct.

III. Ombuds Committee and Standing Committee

§ 6 Basic Tenets

Leipzig University will investigate any concrete suspicion of academic misconduct, irrespective of the person.

§ 7 The Ombuds Committee

- (1) On recommendation of the Office of the Rector, the Senate appoints up to six experienced scholars and researchers with national and international networks, as well as up to two additional representatives, as contacts (Ombudsmen) for academics who have allegations of academic misconduct to pose. These Ombudsmen, who are either members or associates of the university, constitute the Ombuds Committee. The tenure of the Ombuds Committee corresponds to that of the Senate. Re-election is possible. The liaison of the DFG (German Research Foundation) should not simultaneously be a member of the Ombuds Committee. The members of the Ombuds Committee should belong to different departments.
- (2) Every member and every associate of Leipzig University has the right to speak to the Ombudsman at short notice. This also applies for former members and associates of the university.
- (3) The Ombuds Committee allocates incoming requests to its members through a detailed schedule of responsibilities. The Committee's office administratively

supports all Ombudsmen and forwards the incoming requests corresponding to the schedule of responsibilities.

- (4) If a scholar is a member of another university or institution when it is determined they have engaged in academic misconduct during their employment at Leipzig University, the Ombuds Committee will inform the respective university regarding the academic misconduct.
- (5) The same applies for a scholar or researcher for whom, in conjunction with their activity at Leipzig University, academic misconduct was determined, even if the researcher was not employed at Leipzig University during the time frame in which the academic misconduct was discovered.

§ 8 Role of the Ombuds Committee

The members of the Ombuds Committee have the following tasks:

1. They serve as contact person for those members and associates of Leipzig University who inform them of academic misconduct according to Section 4.
2. They follow up on indications of misconduct that they have obtained from third parties and attempt to clarify them.
3. They examine allegations for their plausibility and clarify through consultation with all parties involved whether the allegations in the course of the preliminary review are to be refuted and/or whether an amicable agreement between the claimant and the accused can be made. Preliminary investigations will be carried out according to Section 12 Paragraph 3.
4. They apply for a preliminary investigation with the Standing Committee as per Section 12 Paragraph 5 and Section 12 Paragraph 6.
5. After the completion of a formal investigation proceeding, they assist both affected and informing parties according to Section 17.
6. They are obligated to document their dealings with claimants and accused, observing the privacy rights of both.

§ 9

The Standing Committee

- (1) On recommendation of the Office of the Rector, the Standing Committee for examining allegations of academic misconduct will be voted for a period of tenure which corresponds to that of the Senate. A re-election of members is possible. The Standing Committee is comprised of the following voting members:
- The Vice Rector for research and young scholars (by virtue of office)
 - The liaison lecturer of the German Research Foundation (by virtue of office)
 - Three professors/instructors, one of which must have the ability to serve as judge
 - An academic staff member
 - A student or doctoral candidate who will only be involved if another student or doctoral candidate is being accused
- (2) In addition to the above members, the Standing Committee consists of advisors without the right to vote—the responsible Ombudsman and up to two experts, who can be invited to any case. The experts do not have to be college instructors or professors at Leipzig University.
- (3) The Committee will only act upon official request by the responsible Ombudsman. The process before the Committee does not replace other legal or statutory procedures, especially according to Sections 19-22. Each of them will be initiated by the responsible body

§ 10

Chairmanship and Procedures of the Standing Committee

- (1) The Standing Committee chooses from their midst a chair and a vice chair. The chair or, if the chair is unable to do so, the vice chair, summons the Standing Committee to a meeting, directs it and carries out its decisions.
- (2) The Standing Committee is able to make a decision when at least four voting members are present. The Standing Committee decides with the majority of the votes of those present. A detailed record of proceedings that includes the date, the names of those present and the outcome of the meetings shall be produced.

- (3) For statements, hearings, negotiations and decisions, the Standing Committee should set deadlines so that a swift and efficient investigation is ensured.

§ 11

Role of the Standing Committee

The Standing Committee investigates allegations of academic misconduct. To that end, it carries out the preliminary investigations (Section 14) as well as the formal investigation proceedings (Section 15). It can cease proceedings or make suggestions, as to which manner determined academic misconduct shall be sanctioned. The Standing Committee recommends, if necessary, structural consequences to avoid repeated academic misconduct.

IV. Procedures Regarding Academic Misconduct

§ 12

Notification of Suspected Academic Misconduct

- (1) Members, former members, associates and former associates of Leipzig University should inform the Ombuds Committee when they have a concrete suspicion of academic misconduct.
- (2) The notification should be made in writing and include the incriminating facts and evidence. If a notification of academic misconduct is delivered verbally, a written report must be drafted, including the suspicion as well as the incriminating facts and evidence.
- (3) The Ombudsman responsible for the process investigates the allegations for plausibility, correctness and implications. Both the informing party and the accused will be heard. In this way it will be determined if the allegations can be cleared and/or if an amicable settlement between the plaintiff and defendant can be reached. If such a settlement is reached, the Ombudsman will inform both parties.
- (4) If the informing party is not in agreement with the decision of the responsible Ombudsman in the preliminary investigation, he or she may appeal to the Standing Committee.

- (5) If the Ombudsman conducting the preliminary investigation cannot dispel the allegations, a written notification or report, including a statement on the preliminary investigations, will be relayed to the Standing Committee.
- (6) Personal and privacy rights of both the informing party and accused must be observed so that no disadvantages for their academic and occupational advancement arise from the preliminary investigation.

§ 13 Response of the Accused

- (1) The Standing Committee will promptly inform the accused party of the accusations of academic misconduct, providing the incriminating information and evidence s (including the written notification or report). The Committee will set a time limit for the accused party to respond.
- (2) The deadline for responding is typically four weeks.

§ 14 Preliminary Investigation by the Standing Committee

- (1) After receiving a response from those accused or after the time period for responding has ended, the Standing Committee usually decides, within a period of two months:
 - whether the preliminary investigation should be ceased because the suspicion was not sufficiently confirmed, or the allegation of academic misconduct was completely cleared up, or the instance of academic misconduct was not grave. Both the accused and the informing party must be informed of the reasons or
 - whether the preliminary investigation should lead to a formal investigation. In this instance, the reasons for the formal investigation are to be drafted in written format.
- (2) If the informing party is not in agreement with the dismissal of the preliminary investigation, they shall appeal to the Standing Committee, either in writing or orally, within a period of four weeks. The Standing Committee will discuss the filed objection and decide within a period of

four weeks. This will be conducted according to Paragraph 1 and, where necessary, include a further hearing of the parties affected.

§ 15 Rights of the Standing Committee

- (1) The Standing Committee initiates the formal investigation by informing the accused regarding the result of the preliminary investigation. The Standing Committee will inform the Rector concerning the initiation of the formal investigation.
- (2) The Standing Committee meets in closed session. The Standing Committee shall identify not only incriminating but also exonerating circumstances. By taking all evidence into unbiased consideration, the Standing Committee determines whether or not an instance of academic misconduct has occurred.
- (3) Those accused of a possible instance of misconduct have the possibility to refute the accusation.

Both the informing party and the accused can be heard in person upon their request. In addition, each party may bring a trusted witness or confidant to assist and aid them.

The same applies to all witnesses.

§ 16 Decisions in the Formal Investigations

- (1) If the Standing Committee finds no evidence of academic misconduct, it will cease the investigation. The same applies if the Standing Committee determines that the academic misconduct is not serious.

The Rector is informed about the dismissal of the investigation. It is possible to file an appeal once with the Standing Committee against the dismissal of the investigation. For further proceedings, Section 15 applies accordingly.

- (2) If the Standing Committee finds academic misconduct to have been proven, it informs the Rector in writing of the investigation's outcome and recommends in which manner the proceedings should be continued (Section 19), taking into account the rights of third parties.
- (3) The main reasons, which led to either a dismissal of the investigation or to a referral to the Rector, shall be communicated in writing to both the accused and the informing party.
- (4) The accused may file an appeal once with the Standing Committee against a decision in which academic misconduct was determined. For further procedures, Section 15 and Paragraphs 1-3 apply accordingly.
- (5) All documentation related to official investigations shall be kept for 30 years. The involved parties must be informed accordingly.

§ 17

Support of Affected and Informing Parties

- (1) After the completion of the formal investigation, the innocent, whose involvement in the investigation of academic misconduct was through no fault of their own, will be protected from any discrimination and consequences that may affect their personal and academic integrity.

Protecting the personal and academic integrity of these individuals might also involve:
 - Consultation with the Ombudsman who oversaw the procedure
 - A written statement from the chair of the Standing Committee confirming that the accused party either did not commit academic misconduct (Section 4) or was not responsible for it (Section 5).
- (2) The informing party shall be protected appropriately from discrimination. The accusation must be made in good faith.

V. Possible Decisions and Punishment for Academic Misconduct

§ 18 Decisions of the Rector

Once the Standing Committee has determined an instance of academic misconduct and has reported it according to Section 16 Paragraph 2, the Rector decides on further procedures after evaluating the Standing Committee's proposal. The Rector regards the recommendations of the Standing Committee regarding necessary structural changes to avoid a repeated instance of academic misconduct and considers – if applicable, in conjunction with other concerned entities – its implementation. The criterion for implementation are the protection of academic standards, the rights of all parties directly or indirectly involved, the type and severity of the academic misconduct and the necessity of punishment. Deviating responsibilities for proceedings and measures according to Sections 19-22 remain unchanged.

§ 19 Consequences under Labor Law as well as under Public Employment Law

- (1) If the accused is in an employment relationship with the state of Saxony and employed at Leipzig University, the following work-related consequences come into consideration when academic misconduct has been confirmed:
 1. Formal written warning
 2. Dismissal with due notice
 3. Immediate termination (including dismissal on grounds of suspicion)

- (2) If the accused is in a working relationship with the state of Saxony as a civil servant, the appropriate and relevant disciplinary consequences are derived from the applicable disciplinary rules.

§ 20

Academic Consequences

- (1) Academic consequences of academic misconduct are taken at different levels and to varying degrees.
- (2) Grave/serious shortcomings in a professor's supervision of students or doctoral students, as determined by the Rector, shall be made known in a meeting with the respective department of the affected professor and shall be documented in the minutes. Furthermore it is at the discretion of the department to decide whether the affected professor shall be able to serve as a reviewer of such academic qualification works, within which misconduct was determined.
- (3) The policies of Leipzig University adhere specifically to Section 39 Paragraph 4 of Saxony's Higher Education Autonomy Act. At Leipzig University, according to Section 39, Paragraph 4 of Saxony's Higher Education Autonomy Act, it is possible to withdraw an academic degree (Diplom degree, Magister degree, Doctorate, Bachelor's or Master's degree), or academic titles (such as private lecturer, affiliate or adjunct professors), or the authorization to teach. In case academic misconduct of such severity justifies the aforementioned repercussions, the Rector will inform the respective responsible committees, asking for investigation and decision.
- (4) Non-university institutions and organizations have to be informed by the Rector about the academic misconduct if the institutions or organizations are directly affected or the implicated scholar has a leading position in the respective institution or organization or is a member of a grant committee or similar organization.
- (5) If the academic misconduct consists of the misrepresentation of facts (Clause 1 of Paragraph 1, Section 4), or of infringing intellectual property rights (Clause 2 of Paragraph 2, Section 4), or of participating in other academic misconduct (Section 5), the affected author has to withdraw the publication. If the concerned texts have yet to be published, their publication must be prevented. If the works have already been published, all tainted parts of the work must be retracted.

All authors and co-authors responsible for publications containing such sections have a set deadline determined by the Standing Committee to report their actions in retracting the affected publication and/or in preventing its

publication. If necessary, the Rector is to take measures upon request of the Standing Committee to recall the affected study or to prevent its publication. Publications determined by the Standing Committee to contain such sections must be either withdrawn from the affected author's list of publications or labeled accordingly.

§ 21

Consequences under Civil Law

Consequences possible under civil law for academic misconduct are:

- 1) Prohibition from university premises
- 2) Actio in rem (e.g., stolen material)
- 3) Injunction and removal claims based on copyright law, personal rights, industrial property rights and competition law
- 4) Repayment claims (such as from scholarships, grants)
- 5) Damage claims of Leipzig University or third parties due to personal injury or property damages.

§ 22

Consequences under Criminal Law

Criminal prosecution for academic misconduct is possible if the academic misconduct warrants a criminal offense. In such cases, the Rector can file a report with the responsible law enforcement agency. Sentences 1 and 2 likewise apply when it's possible that the case of academic misconduct is a misdemeanor.

§ 23

Informing Third Parties and the Public

Third parties and the general public shall be informed regarding the decision of the formal investigation as well as further measures to be taken, if it is for the protection of third parties, for ensuring trust in academic honesty, for restoring academic reputation, for preventing subsequent damages, or if it is in the general public interest.

VI. Coming into Effect

§ 24 Coming into Effect

These statutes come into effect on the day after their official announcement in Leipzig University's bulletin.

17 April 2015
Leipzig

Professor Dr. Beate A. Schücking
Rector

These statutes were prepared using the German Research Foundation's (Denkschrift der Deutschen Forschungsgemeinschaft) "Sicherung guter wissenschaftlicher Praxis" (Bonn 2013).

(This is an unofficial translation provided for your information only. In any case, the German version prevails.)