



Guidelines for Safeguarding Good Scientific Practice and Avoiding Scientific Misconduct at Universität Hamburg

9 September 1999

Amended on 08.03.2001 and 17.02.2005

The Academic Senate of Universität Hamburg has resolved to adopt the following set of guidelines, which take into consideration the recommendations on safeguarding good scientific practice adopted by the German Research Foundation. Recommendations and regulations on good scientific practice laid down by other organizations, either generally or for individual disciplines, will supplement these guidelines.

§ 1

Good scientific practice

- (1) Scientific¹ work is based upon founding principles applying to all scientific disciplines. The highest principle is truthfulness towards oneself and others. Truthfulness is both an ethical norm and the cornerstone of the rules governing scientific professionalism, which vary from discipline to discipline – i.e. good scientific practice.
- (2) Examples of good scientific practice are particularly:
 - the general principles of scientific work, especially
 - * to work *lege artis*²,
 - * to document results,
 - * to always doubt one's own findings,

¹ In this document "science" (German: "*Wissenschaft*") denotes scholarship in all academic disciplines, not just those belonging to the natural and applied sciences.

² "*lege artis*" is used as a legal term in liability law and means "according to the rules of the art".

* to uphold strict honesty with respect to the contributions of partners, competitors and predecessors,

- cooperation and leadership responsibility in working groups,
- mentoring young scientists and scholars,
- securing and storing primary data,
- utilizing scientific publications as a means of ensuring scientists are accountable for their work,
- respecting the intellectual property of others,
- conforming to ethical standards when conducting data surveys,

(3) Good scientific practice may only be achieved when all members of the University cooperate. Individual scientists are first and foremost responsible for upholding and communicating the rules governing good scientific practice, and this is also the case when they are in the role of project leader, working group leader, supervisor or other superior. The Departments and the scientific institutes exercise the tasks entrusted to them in the areas of teaching, promoting young scientists, and organizing research and scientific activities. The individual and collegiate bodies in the Departments are thus responsible for creating the organizational and institutional conditions for safeguarding good scientific practice.

§ 2

Scientific Misconduct

(1) Scientific misconduct, on the other hand, arises when in a scientifically significant context ethical norms are breached either knowingly or through gross negligence, information is falsified, the intellectual property of others is violated, or their research activities compromised in any other way. Individual circumstances are key factors in these situations.

(2) A case of misconduct by scientists and scholars is to be considered in particular when:

1. Information is falsified by:

- fabricating data,
- distorting data and sources, for example by

*suppressing relevant sources, evidence or texts,

*manipulating sources, statements, depictions or images,

*selecting and rejecting undesirable results without disclosure,

- providing incorrect information in an application letter or in an application for funding (including incorrect information regarding the publishing body and forthcoming publications),
- providing incorrect information about the scientific performance of applicants in selection or review committees.

2. Violation of intellectual property

With respect to the copyright-protected work of another person or to important scientific findings, hypotheses, teachings or research approaches of others through:

- *unauthorized use under the pretension of authorship (plagiarism),
- *exploiting research approaches and ideas, in particular when in the role of reviewer (intellectual theft),
- *the pretense of scientific authorship or coauthorship without any individual scientific contribution,
- *falsifying content,
- *publishing without authorization or providing unauthorized access to a third party for as long as the work, finding, hypothesis, curriculum or research approach remains unpublished,
- *claiming (co)authorship by another person without their prior consent,
- *arbitrarily delaying the publication of a scientific work, in particular when in the role of publisher, reviewer or coauthor.

3. Compromising the research activities of others by:

- sabotaging the research of others, for example by
 - *damaging, destroying or manipulating experiment designs, machines, documents, hardware, software, chemicals or other objects required by others to carry out experiments,
 - *maliciously misplacing or stealing books, archives, manuscripts and data sets,
 - *intentionally rendering scientifically relevant sources of information unusable,
- removing primary data, insofar as this violates legislation or the mutually accepted principles of scientific practice within a discipline,
- destroying or transmitting research material without authorization.

(3) Shared responsibility for misconduct may also result from active participation in the misconduct of others, knowledge of falsification carried out by others, co-authorship of publications proven to be falsified, as well as gross neglect of the duty of care.

§ 3

Avoiding scientific misconduct

In order to safeguard good scientific practice and to avoid scientific misconduct in the context of research, the following rules are to be followed at Universität Hamburg:

- (1) The basic principles of scientific work and good scientific practice should be communicated to students at the beginning of their studies. In this way students should be trained to behave honestly and responsibly in a scientific context. The possibility of scientific misconduct is to be raised in an appropriate manner in order to adequately sensitize students and young scientists to this issue.
- (2) When carrying out research activities, it is preferable to form scientific working groups. Cooperation within such working groups should be organized so that results obtained via the specialized distribution of tasks are subject to mutual communication, submitted to critical discourse, and integrated into a shared body of knowledge.
- (3) The supervision of young scientists should be guaranteed. The Departments pass the appropriate regulations governing supervision, in particular in their individual doctoral ordinances.
- (4) In terms of evaluation standards, quality and originality always have preference over quantity with regards to grading performance criteria for examinations, awarding academic degrees, promotions, appointments, academic searches, and allocating funding.
- (5) Primary data forming the basis of publications should be stored on durable and secure storage devices for ten years in the institution of origin, insofar as no special regulations specifying a longer period of storage exist. The institutions responsible must pass regulations concerning the recording, documentation, storage, and use of the data.

§ 4

Authorship

- (1) Strict honesty with regards to the contributions of partners, competitors and predecessors must be maintained. Only persons who have contributed significantly to conceiving a study or experiment, generating, analyzing and interpreting the data, preparing the manuscript, and who have consented to its publication – i.e. they share responsibility for the content of the publication – may be named as authors of an original scientific publication.
- (2) Persons undertaking individual corrections of a manuscript, providing mere suggestions, or conveying particular methods, as is, for example, usual in the supervision of academic projects or in the editing of publications, do not earn the status of author or coauthor. Participating in the survey, collection or compilation of data, or in the production of graphics or tables derived solely from existing data,

being responsible for the acquisition of research funding, or directing a department or working unit in which the research intended for publication was carried out are, as individual factors, fundamentally unsuitable grounds for justifying authorship. Employment- or civil service-related connections between participants are irrelevant for establishing (co)authorship.

§ 5

Original scientific publications

- (1) Publications intended to report on new scientific findings and results must fully describe methods and findings in an understandable fashion.
- (2) The author of a scientific publication must disclose with equal weighting important findings that substantiate and contradict his or her own results, hypotheses and findings. The author's own work, the preliminary work of others, and relevant publications by other authors that directly form the basis of the work in question must be correctly and fully accounted for and/or cited.
- (3) Repeated publication of the same findings without an explicit statement noting the repetition of results is fundamentally inadmissible.

§ 6

Ombudspersons, Ombuds-Committee

- (1) The University appoints four ombudspersons from the ranks of its professors, one each from the following areas: humanities and cultural studies; law, social science and economics; natural sciences, including mathematics and informatics; and medicine. The ombudspersons provide a confidential point of contact for all University members in possession of evidence relating to scientific misconduct. They advise complainants, informants or 'whistle blowers', mediate between those involved and ensure that conflicts are resolved amicably. An ombudsperson may take up suspicions on behalf of an informant without having to reveal the latter's identity. Every member of the University has the right to speak to an ombudsperson in person.
- (2) Ombudspersons are appointed for a term of three years by the president of the University on the recommendation of the Academic Senate.

Ombudspersons should have extensive experience of carrying out research projects and of training junior scientists and scholars, and should also demonstrate national and international contact networks. Professors obliged to take action in their own right on the basis of information they receive, such as deans, should not be appointed as ombudspersons. Reappointment is possible only once. The names of the ombudspersons are published in the Staff and Lecture Catalog of the University.

- (3) The ombudspersons mutually represent one another and together they make up an ombuds-committee. This committee serves to provide members with information as well as advice in individual circumstances and should assist in guaranteeing the highest possible level of consistency when applying the rules of good scientific practice and dealing with incidences of their violation. The Ombuds-Committee also advises the Presidium and the deans of the Schools in fundamental questions relating to good scientific practice. It is also able to make recommendations. The Ombuds-Committee elects a chairperson from within its own ranks. It confers according to need, usually once a semester at the invitation of its chairperson or at the bequest of one of its members. Decisions require a simple majority; in the case of a tied vote, the chairperson has the deciding vote. The Ombuds-Committee submits an annual report on its current and past work to the president of the University.
- (4) The ombudspersons and the Committee are entitled to gather information and statements necessary to resolve a matter – provided they protect interests deemed worthy of protection of those involved – and are also entitled to consult experts on individual cases.

§ 7

Committee of Inquiry

- (1) Should the ombudspersons or the Ombuds-Committee be unable bring about the amicable arbitration of an individual conflict, or should the Committee strongly suspect that the rules governing good scientific practice have been seriously breached, they inform the president of the University. The president can implement a committee of inquiry that, according to all constitutional requirements, should clarify whether or not scientific misconduct has taken place. The Ombuds-Committee may make suggestions to the president as to the members of the Committee of Inquiry.
- (2) The Committee of Inquiry elects a chairperson from within its ranks. Decisions are made on the basis of a simple majority; in the case of a tied vote, the chairperson has the deciding vote. One representative from each party involved in an individual

case and one qualified judge (present in an advisory capacity) should participate in the meetings. In an individual case, the latter is permitted to call upon up to three further persons as experts in an advisory capacity.

§ 8

Inquiry procedure

- (1) The regulations laid out in the Hamburg Administrative Procedure Law (*Hamburgisches Verwaltungsverfahrensgesetz*) valid at the time of the inquiry will be applied to the inquiry procedure, so long as no deviating provisions are made in the following clauses.
- (2) Meetings of the Committee shall not be public. The Committee holds the right to gather information and statements necessary to clarify a matter provided that they protect the interests of those involved deemed worthy of protection. It shall freely examine the evidence in order to ascertain whether a case of scientific misconduct exists. The person concerned is to be informed of the incriminating facts and any existing evidence promptly and given the appropriate opportunity to provide a statement.
- (3) If the identity of the person concerned is not known, this must be made public if the person concerned is otherwise unable to properly defend him- or herself, in particular because the credibility and the motives of the whistle-blower are of great importance in the process of determining misconduct. Non-disclosure of identity is only then possible when the circumstances and evidence are self-evident.
- (4) At his or her wish the person concerned shall be granted an oral hearing, to which he or she may bring one trusted person for the purposes of providing assistance. The same applies to other persons subject to hearings.
- (5) The Committee shall submit the results of its inquiry in the form of a final report and a recommendation for further action to the president of the University. The Committee simultaneously informs the accused persons and the whistle-blowers of the main outcome of its inquiry. Documents belonging to the formal inquiry are to be stored for thirty years.
- (6) The president of the University decides whether the inquiry is to be concluded, or whether a case of academic misconduct has been sufficiently proven on the basis of the final report and recommendation made by the Committee. In the case of scientific misconduct, he or she also determines which measures are to be taken. If the suspicion of scientific misconduct has been wrongly raised, the president is responsible for ensuring the rehabilitation of the person(s) accused of misconduct.