

**Standard procedures concerning the principles for ensuring good scientific practice  
at the University of Lübeck  
of 6 February 2018**

On the basis of § 22 paragraph 2 sentence 1 of the Higher Education Act (Hochschulgesetz/HSG) as amended and promulgated on 5 February 2016 ([Law and Ordinance Gazette of Schleswig-Holstein] GVOBl. Schl.-H. page 39), as last amended by Article 2 of the act of 13 October 2017 (GVOBl. Schl.-H. page 470), the following standard procedures have been approved in accordance with the resolution passed by the executive committee on 5 February 2018:

**Section I  
Rules of Good Scientific Practice**

**Subsection I  
General Information**

**§ 1  
Guiding principles**

- (1) Scientists engaged in scientific activities at the University of Lübeck are required to work according to the rules of good scientific practice. The rules of good scientific practice include i.a. the following rules:
1. General principles of scientific work, for example:
    - a) to work *lege artis*, i.e. to carry out all research activities according to the legal requirements, ethical principles and the current state of the art in the respective field,
    - b) to document results and to consistently challenge one's own findings,
    - c) to maintain strict honesty with regard to the contributions of partners and competitors as well as predecessors,
    - d) to avoid and prevent scientific misconduct,
  2. the supervision/mentorship of young scientists,
  3. cooperation and leadership responsibility in research groups,
  4. the safeguarding and storage of primary data,
  5. using scientific publications as a medium of accountability for scientists in regard to their work,
  6. respecting the intellectual property of others,

7. compliance with ethical standards when conducting investigations.
- (2) In addition to measures for the identification and punishment of scientific misconduct, appropriate measures should be taken or strengthened in order to prevent scientific misconduct. In this respect, the university as a place of research, teaching and promotion of young scientists is accorded institutional responsibility.
- (3) Research group leaders are to conduct themselves as role models in good scientific practices. In the interest of their own future planning, they, as well as students and young scientists, must be vigilant towards potential misconduct in their environment.
- (4) The faculties are required to adequately address "scientific misconduct" in curricular education and to teach students and young scientists about the principles that apply at the University of Lübeck.
- (5) With respect to its young scientists and its technical staff, the University of Lübeck also assumes its responsibility by informing this group of people of the principles of scientific work and good scientific practice, with reference to these rules; the special instructions are presented in written form and must be confirmed by signature. As a rule this takes place as part of the employment procedure.

## **§ 2**

### **Cooperation and leadership responsibilities in research groups and scientific institutions**

The leaders of research groups and heads of scientific institutions bear the responsibility of providing a suitable organizational structure, which ensures that the duties of leadership, supervision, conflict resolution and quality assurance are clearly assigned and effectively performed.

## **§ 3**

### **Supervision of young scientists**

The commencement of scientific work requires acquiring and communicating not only technical skills, but also an ethical attitude when doing scientific work, in the responsible handling of findings and during collaboration with other researchers. Students and young scientists are entitled to receive regular scientific advice and support from supervisors or leaders of work areas and working groups; they are obligated to working responsibly and to collegiality. Anyone who heads a work area or working group is responsible for ensuring that adequate supervision is provided for the students, doctoral candidates and graduates. For all of them, there must be a primary supervisor/mentor in the work area or working group, who also teaches the rules for assuring good scientific practice at the University of Lübeck.

#### **§ 4**

#### **Performance and evaluation criteria**

Originality and quality always take precedence over quantity as performance and evaluation criteria for examinations, the conferral of academic degrees, promotions (career advancements), recruitment of personnel, appointments and the appropriation of funds. In the case of applications, a maximum number of publications to be submitted as evidence of performance should always be specified.

#### **§ 5**

#### **Securing and storing primary data**

Essential primary data as the basis for publications must be kept on durable and secure media in the institution in which they were created for twenty years. Whenever possible, preparations that yield primary data should be kept for the same period of time.

#### **§ 6**

#### **Scientific publications**

- (1) Authors of scientific publications always collectively bear the responsibility for their content. A so-called "honorary authorship" is excluded.
- (2) Subject to differences in practice, as recognized in various disciplines, the following guidelines should be observed for the structure of scientific publications:
  1. The designation as an "original work" can only be assigned to the initial notification of new observations or experimental findings, including the conclusion. Consequently, repeated publication of the same findings, apart from being referenced in brief preliminary statements in ongoing cases, is only permitted if the previously published findings are clearly designated as such, and only insofar as is necessary for the understanding of the context.
  2. Scientific research must be verifiable. Accordingly, its publication must contain an exact description of the methods and the findings.
  3. Findings which support or challenge the author's hypothesis are to be reported in equal measure.
  4. Findings and ideas of other researchers as well as relevant publications by other authors are to be properly cited.
  5. The fragmentation of research with the objective of increasing the number of seemingly independent publications is prohibited.
- (3) Where a number of people are involved in a research project or in the drafting of a scientific report, the designation of co-author should only be given to those who contributed significantly

1. to the formulation of the problem under question, to the research plan, to conducting the research itself, to evaluating or interpreting the findings as well as
  2. to the drafting or critical reworking of the manuscript. Co-authorship is not merely the provision of funding or the general leadership of the department or institution in which the research was conducted. The same applies to merely reading the manuscript without having actively participated in the formulation of its contents. Furthermore,
  3. for reports consisting of contributions from several working groups, said contributions of each individual group should be identified as far as possible,
  4. all co-authors shall confirm the release of a manuscript for publication by their signature and the percentage of contribution of each individual person or working group is to be documented,
  5. subject to other recognized subject-specific practice, written declarations of consent are to be obtained if heretofore unpublished observations of others are cited in the manuscript or findings of other institutions are used.
- (4) As a matter of principle, by agreeing to being designated as a co-author, the co-responsibility for ensuring that the co-authored publication complies with the scientific standard is also taken on. That means that each author is responsible not only for the correctness of his/her own contribution, but for the correctness of the entire manuscript as well, unless the journal or the publishing house provides for a regulation with regard to responsibility only for sub-areas or subsections, which originate from the publication or the submitted documents.
- (5) Should scientists find themselves designated as (co-)authors in a publication without their consent and see themselves as unable to grant subsequent approval, it is then expected that they explicitly object against their inclusion in the circle of authors as that listed first or last (as a rule the person in charge, or primarily responsible) and/or in the relevant journal.

## **Subsection II Specific Information**

### **§ 7 Scientific misconduct**

- (1) Scientific misconduct occurs when, in a scientific context, deliberate or grossly negligent statements of falsehoods are made, intellectual property of others is violated or their research activities are otherwise impeded, in particular by
1. False statements such as
    - a) Inventing data,
    - b) the falsification of data and sources, such as
      - by suppressing relevant sources, supporting documents or texts,
      - by selecting and rejecting unwanted findings/results without disclosing them, or

- by manipulating a representation or illustration,
  - c) incorrect information in a job application or a funding proposal (including providing false statements to the publication medium and to publications in print),
  - d) incorrect information concerning the scientific performance of applications in selection committees;
2. the infringement of intellectual property rights  
in respect to any copyrighted work created by others or essential scientific knowledge, hypotheses, teachings or approaches to research originating from others, such as
- a) the unauthorized utilization under pretension of authorship (plagiarism),
  - b) the exploitation of research approaches and ideas, in particular as a reviewer/expert (theft of ideas),
  - c) the pretension or unfounded acceptance of a scientific authorship or co-authorship,
  - d) the falsification of the content,
  - e) the unauthorized release and unauthorized disclosure to third parties while the work, finding, hypothesis, teachings or research approach has not yet been published,
  - f) claiming the (co-)authorship of others without their consent.
3. Impairment of research work by
- a) the sabotage of research activities such as
    - damaging, destroying or manipulating experimental setups, devices, documents, hardware, software, chemicals or other items that someone else needs to conduct an experiment,
    - the malicious removal or theft of books, archives, handwritten documentation, datasets,
    - intentionally rendering scientifically-relevant media, such as books, documents or other data, unusable,
  - b) the elimination of primary data if it violates any legal regulations or recognized discipline-related principles of scientific work.
- (2) Scientific misconduct also exists in a behaviour that results in a shared responsibility for the misconduct of others, in particular by
- 1. active participation,
  - 2. joint knowledge of falsifications,
  - 3. co-authorship on falsified publications or
  - 4. gross negligence of supervisory responsibilities.

**Section II**  
**Procedures in cases of suspected scientific misconduct**

**Subsection I**  
**Jurisdiction**

**§ 8**  
**Pursuit of scientific misconduct**

- (1) The University of Lübeck will investigate any specific suspicion of scientific misconduct at the university. To this end, the senate has established a permanent Board of Enquiry on Good Scientific Practice ("UKgwP"), which officially clarifies the circumstances of a case. If it is determined that scientific misconduct has occurred, the executive committee will take the appropriate measures in line with the options at its disposal for that particular case.
- (2) The proceedings before the UKgwP do not replace other legal or statutory proceedings (for example, academic proceedings, proceedings under the jurisdiction of labour law, public sector employment law or civil service law, and/or civil or criminal proceedings). These may be initiated by the respective relevant institutions/bodies.
- (3) The executive committee must consider whether and to what extent other scientists (former and potential cooperation partners, co-authors), scientific institutions, scientific journals and publishers (for publications), funding bodies and scientific organizations or research communities, professional associations, ministries and the public should or must be informed.

**§ 9**  
**Whistleblower**

- (1) Scientists who give specifiable evidence of suspected scientific misconduct (so-called whistleblowers) must not experience disadvantages concerning their own scientific and professional advancement. The designated good scientific practice counsellors, as well as the UKgwP and the executive committee, commit themselves to appropriately provide this protection.
- (2) The complaint must be made in good faith.

**§ 10**  
**Designated good scientific practice counsellors**

- (1) The executive committee appoints two tenured or permanent staff members or retired professors of the University of Lübeck to be "Designated Good Scientific Practice Counsellors" and contacts who can be contacted by the University of Lübeck's scientists in cases of conflict as well as

suspected scientific misconduct. In each case a counsellor should belong to the Faculty of Medicine, the Faculty of Computer Science and Engineering and the Faculty of Natural Sciences. The appointment is made for a period of three years with the possibility of reappointment. The counsellors can substitute for each other. Their names are to be made public on the Internet pages of the University of Lübeck.

- (2) The counsellors confidentially accept allegations of possible scientific misconduct and, if necessary, pass them on to the UKgwP. They advise the members of the university and research institution, i.a. in questions concerning good scientific practice. They are not required to report to the executive committee.

## **§ 11**

### **Board of Enquiry on Good Scientific Practice ("UKgwP")**

- (1) The Board of Enquiry on Good Scientific Practice ("UKgwP") has the task of investigating suspected scientific misconduct in accordance with §§ 11 to 13.
- (2) The UKgwP shall consist of five members, of which
  1. four are professors and
  2. one is a member of the scientific staff.

Members as per number 1 may be professors of the University of Lübeck who are retired.

- (3) The members of the UKgwP are elected by the senate. The term of office is three years with the possibility of re-election. Should the term of office of members and affiliates end during a proceeding, it will automatically be extended until the end of the proceeding. The UKgwP elects one of its members to be the chairperson.
- (4) The designated good scientific practice counsellors according to § 10 belong to the UKgwP as guests with an advisory vote.
- (5) In addition, the UKgwP includes a person qualified to exercise the functions of a judge in an advisory capacity. This person is not required to be a member of the University of Lübeck. He or she is nominated by the senate and appointed by the executive committee for a three-year term with the possibility of reappointment. .
- (6) The members of the UKgwP are subject to official secrecy. Unless they are in the public service sector of the University of Lübeck, they are to be specifically sworn to secrecy by the chairperson; the same applies to those called in as experts. This commitment is to be recorded (go on file).
- (7) The names of the members are made public on the Internet pages of the University of Lübeck.

**Subsection II  
Procedure**

**§ 12**

**General procedural rules of the Board of Enquiry  
on Good Scientific Practice ("UKgwP") procedure**

- (1) Meetings of the UKgwP are not open to the public (meetings are held in closed sessions). Until there is evidence of culpable misconduct, details concerning the parties to the proceedings and the findings to date are to be kept strictly confidential.
- (2) The UKgwP has a quorum if all members have been duly summoned and the majority of voting members are present. Decisions of the UKgwP are taken by a simple majority. Abstentions are considered to be "no" votes.
- (3) In order to avoid delays, a change of members and affiliates during an ongoing investigative procedure should only be possible under exceptional circumstances and with proper justification. If a member should leave, a by-election (special election) shall be held; or, a successor for the remainder of the term of office of the original incumbent shall be appointed in accordance with the provisions in §§ 10 and 11.
- (4) If the person concerned is of the opinion that a member of the UKgwP is biased, this circumstance is to be reported to the chairperson without delay. The chairperson shall then exclude the member seen as biased from these proceedings requests that the senate elects a member for the further proceedings.
- (5) The UKgwP is entitled to take all steps necessary to clarify the circumstances/facts of a case. To this end, placing all involved under the obligation of maintaining secrecy, it can obtain all the necessary information and statements from all members of the university and other involved parties and can, in individual cases, also call in the equal opportunities officer and an expert or experts from the relevant scientific field. In addition, it can, in an advisory capacity, call in other individuals who have special expertise in the field of the scientific subject matter under question or who have experience in dealing with relevant procedures.
- (6) The person concerned must be informed of the incriminating facts and, if necessary, of the evidence.
- (7) If the person concerned does not know the identity of the informant, it is to be made known to him or her. This is particularly applicable if this information appears to be necessary for the proper defence of the person concerned, e.g. because the credibility and the motives of the informant are essential for the determination of misconduct.
- (8) The UKgwP makes its decisions based on free conviction in consideration of the determined facts of the case and the compiled evidence.



- (9) The time limits set out in these standard procedures are for the acceleration of the proceedings. The other time limits for statements/responses, official hearings, negotiations and decisions are to be set by the UKgwP in such a way as to ensure accelerated proceedings.
- (10) In special cases, such as those involving several institutions, the UKgwP can conduct the investigation together with other concerned universities, independent research institutions and other scientific organizations. In particular, the entire object under investigation can be investigated together or the individual allegations may be divided among the individual institutions concerned for further investigation. The president and the person concerned as well as the informants are to be informed of such a situation. The investigating institutions must be in agreement on the content of the further procedure.

### **§ 13**

#### **Preliminary investigation procedure**

- (1) In the case of concrete suspicious facts indicating scientific misconduct, the designated good scientific practice counsellor or the chairperson of the UKgwP must be immediately informed. The information should be in writing (in electronic form, if necessary); in the case of information provided orally, a written record of the suspicion and the supporting documents is to be made.
- (2) As soon as the chairperson of the UKgwP learns of specific suspicious facts indicating scientific misconduct, he or she – even if the designated good scientific practice counsellor has not been previously informed – begins the preliminary investigation proceedings, in which he or she gives the person concerned an opportunity to comment on the suspicions in writing within a two-week period. The incriminating and exonerating facts and evidence must be documented in writing.
- (3) The members of the UKgwP are to be informed of the allegations at the same time.
- (4) Upon receipt of the statement of the person concerned or after the time limit has expired, the UKgwP shall decide with a period of two weeks whether to terminate the preliminary investigation proceedings because the suspicion has not been sufficiently confirmed or if it is to be transferred to the formal investigation proceedings. The rationale for the termination of proceedings is to be communicated to the person concerned and to the informant.

### **§ 14**

#### **Formal investigation**

- (1) The opening of the formal investigation proceedings shall be communicated to the executive committee by the chairperson of the UKgwP.
- (2) The UKgwP officially determines the facts. For this purpose, it can request comments from all members of the university and other interested parties and invite them to an oral discussion. Both the person concerned and the informant are given the opportunity to give an oral statement. The UKgwP shall set time limits for the statements/responses and information to be collected.

- (3) If the UKgwP considers a misconduct as not proven, the proceedings are terminated. If the UKgwP considers that misconduct has been proven, it shall present the result of its investigation to the executive committee with a proposal for further proceedings, also with regard to the protection of the rights of others, for its decision and further action.
- (4) The significant rationale that has led to the termination of the proceedings or to it being forwarded to the executive committee is to be communicated to the person concerned and the informant in writing and without delay.
- (5) At the end of a formal investigation, the designated good scientific practice counsellor shall identify all those involved in the case. He or she shall advise those individuals, in particular the young scientists and the students who were, through no fault of their own, involved in the scientific misconduct process, with regard to safeguarding their personal and scientific integrity.

### **Section III**

#### **Consequences of Scientific Misconduct**

#### **§ 15**

##### **Possible decisions**

- (1) If scientific misconduct is formally established by the UKgwP, decisions of different natures and scope come under consideration by the respective appropriate institution. Since each case may be different and the severity of the identified scientific misconduct plays a role in the decision, there cannot be a single set of procedures for the appropriate consequences; rather, these depend on the circumstances of the individual case. While not exhaustive, the following measures may be considered, depending on the circumstances of the case:
  1. Labour or public sector employment law consequences, in particular
    - written warning,
    - extraordinary dismissal,
    - ordinary termination,
    - termination of contract;
  2. Civil service law consequences, in particular
    - disciplinary measures;
  3. Academic consequences, in particular
    - revocation of academic degrees, in particular the Magister or doctoral degree, if it was based on falsified publications or otherwise fraudulently obtained,
    - revocation of the teaching authorization,
    - information from independent/non-university scientific institutions and associations,
    - demand for the retraction of scientific publications;
  4. Consequences under civil law, in particular
    - issuance of a house ban (permission to enter the premises has been revoked),

- claims for restitution against those concerned, such as claims with regard to stolen scientific material,
  - claims of removal and injunctive relief relating to copyright, violations of personality rights,
  - patent law and competition law,
  - claims for repayment (such as scholarships, third-party funds or the like),
  - claims for damages of the University of Lübeck or third parties in the case of personal injury,
  - property damage or the like;
5. Consequences under criminal law, particularly those such as criminal charges or the demand for a penalty, whereby those come into consideration, if the suspicion exists that the scientific misconduct at the same time fulfils an offense of the penal code (StGB) or other criminal norms or misdemeanours, as in particular with
- copyright infringement,
  - falsification of documents (including falsification of technical records),
  - property damage (including alteration of data),
  - property crime (offence) and offenses against property (such as in the case of thefts, fraudulent acquisition or funds or misappropriation of funds,
  - violations of personal life or secret matters (such as by spying on data or exploiting the secrets of others),
  - bodily harm (such as study participants due to false data);
6. Concerning information about vulnerable third parties and/or the public; in order to protect third parties, to maintain their trust in scientific honesty and integrity, to restore their scientific reputation, to prevent consequential damage or otherwise in the general public interest, affected third parties and/or the press should be adequately informed as to the outcome of the investigation.
- (2) There is the possibility of voluntary participation in a course for good scientific practice. Such participation may have an impact on the imposition of sanctions in favour of the person concerned.

## **§ 16**

### **Entry into force/Final provisions**

- (1) These standard procedures enter into force on the day following their adoption.
- (2) At the same time, the standard procedures „Grundsätze zur Sicherung guter wissenschaftlicher Praxis an der Universität zu Lübeck“ [the official German-language version of “Principles for Ensuring Good Academic Practice at the University of Lübeck”] of 26 May 2011 cease to be in force.

(3) Members and affiliates of the UKgwP are to be elected, re-elected or re-appointed in accordance with §§ 10, 11 and 12 paragraph 3 sentence 1.

Lübeck, 6 February 2018

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President of the University of Lübeck