



Universität Hamburg

DER FORSCHUNG | DER LEHRE | DER BILDUNG

This is a translation of the German original.
In the event of any discrepancy, the German text prevails.

**Statute for Safeguarding Good Research Practice and Avoiding Research
Misconduct at Universität Hamburg
dated 20 January 2022**

The Academic Senate at Universität Hamburg adopted the following Statute in accordance with Section 85 subsection 1 number 1 of the Hamburg higher education act (Hamburgisches Hochschulgesetz, HmbHG) dated 18 July 2001 (HmbGVBl. p. 171), last amended 17 June 2021 (HmbGVBl. 2021 p. 468), in conjunction with Section 9 subsection 2 HmbHG.

The Academic Senate of Universität Hamburg has resolved to adopt the following Statute, which reflects the Guidelines for Safeguarding Good Research Practice issued by the German Research Foundation. This Statute is supplemented by recommendations and regulations on good academic practice laid down by other organizations, either generally or for individual disciplines.

Preamble

Research work is based upon basic principles that apply equally in all research and academic disciplines. Being truthful toward oneself and others as well as striving for new academic knowledge belong to these basic principles in equal measure. These basic principles form both the ethical norm and the basis for the rules governing research and academic professionalism, which may vary from discipline to discipline. Emphasis is given to the Guidelines for University Teaching at Universität Hamburg.

Striving for new knowledge and developing new hypotheses and new theoretical frameworks are the cornerstones of research and academic work. Integrity, trust, and responsibility are just as fundamental to research and academic work as they are to society in general. This includes readiness on the part of the individual, as a member of the research community, to assume responsibility for achieving intellectual and social progress and to fulfill this responsibility. Every researcher is responsible for the values and standards of their research and academic efforts and working toward the realization of these in their work. University management creates the required framework.

This Statute serves to safeguard integrity in research practice in accordance with the German Research Foundation's 1998 decision to strengthen the system of self-regulation in research and academia.

§ 1

Scope

This Statute applies to all those working at Universität Hamburg and at the University Medical Center Hamburg-Eppendorf. This includes, in particular, professors and junior professors, research associates, research assistants, *Privatdozenten* (senior lecturers with no permanent

teaching contract), professors pursuant to Section 17 subsection 1 of the Hamburg higher education act (HmbHG), students, doctoral researchers, and nonacademic staff members who are employed in research.

This Statute also applies to individuals belonging to these groups who no longer work at Universität Hamburg or the University Medical Center Hamburg-Eppendorf but have been accused of research misconduct that was allegedly committed during their period of employment at the aforementioned institutions.

§ 2

Good academic practice

(1) Members of Universität Hamburg are obliged to uphold the basic principles of research integrity and, in particular, to:

1. work in accordance with and observe the standards of the discipline
2. always document both the research process and research results
3. always critically evaluate and challenge their own findings
4. maintain absolute honesty with regards to contributions from project partners, students under supervision (doctoral researchers), competitors, and predecessors
5. accept and further critical discourse in the academic research community
6. ensure doctoral and early career researchers receive adequate supervision
7. appreciate the responsibilities of management in research groups and strengthen collaboration in accordance with the principles of fairness and transparency
8. abide by regulations governing the securing and storing of primary data (see Section 5 subsection 1)
9. always respect the intellectual property of others
10. comply with ethical standards when conducting surveys and experiments.

(2) Integrity in the conduct of research may only be achieved when all members of the University cooperate. Each individual researcher is first and foremost responsible for upholding and communicating the rules governing good research practice, in particular those in senior positions—for example, heads of departments or research groups, project leaders, and supervisors. Faculties, departments, and academic units are charged with organizing research and academic activities as well as training and supporting doctoral and early career re-

searchers. They are thus responsible for creating the organizational, institutional, and infra-structural conditions for safeguarding research integrity individually and via their collegiate bodies.

(3) Supporting doctoral and early career researchers is one of the central responsibilities of professors and junior professors. In this, responsible supervision of doctoral and early career researchers, particularly through establishing appropriate supervisory structures appropriate for the discipline in question must be ensured. Professors and junior professors must actively support doctoral and early career researchers to complete the necessary research and courses for a qualification within a reasonable period of time and promptly assess work and subsequent professional development within the field. In order to define individual parameters as well as the rights and obligations of both supervisors and doctoral researchers, both parties should enter into a supervision agreement. All doctoral degree regulations contain a provision obligating all parties to comply with these regulations.

(4) Integrity in conducting research also includes responsibly dealing with the principles of academic freedom guaranteed by the constitution. Rights and duties arising from the statutory guidelines and obligations arising from contracts with third parties must be observed and required approvals and ethics votes obtained and submitted. In addition, consideration must be given to the fundamental effects of the research results, and the ethical aspects must be assessed. The regulations of Universität Hamburg's Code of Academic Freedom also apply.

(5) All researchers are obligated to regularly update their knowledge on current research integrity standards and the state of research.

(6) Universität Hamburg leadership provides the framework for research. This Statute guarantees the conditions for legal and ethical standards that academics must comply with and is responsible for meeting and communicating research integrity and for appropriate career support for all researchers.

§ 3

Research misconduct

(1) Research misconduct occurs when the standards of research integrity are breached either intentionally or through gross negligence. This particularly includes situations in which ethical norms are violated, information is falsified and manipulated, the intellectual property of others disregarded, and the research activities of others are compromised or impeded in any way.

(2) The following situations in particular constitute cases of research misconduct:

1. Falsification of information through

- a) fabrication of data, sources, research hypotheses
- b) distortion of data and sources, for example, by:
 - i) suppressing sources, data, evidence, or texts relevant to research questions
 - ii) manipulation of sources, data, interpretations, or depictions
 - iii) selection and rejection of undesired results without disclosure
- c) incorrect information in either a job or funding application (inclusion of false information regarding a publisher, submitted and/or forthcoming publications, supervised theses, contributions from third parties, etc.)
- d) incorrect information relating to the research and academic performance of applicants in selection and review committees
- e) concealment of conflicts of interest.

2. Infringement of intellectual property rights

- a) with respect to the copyright-protected work of another person or
- b) important research findings, hypotheses, teachings, or research approaches of others through
 - i) unauthorized use under the pretense of authorship (plagiarism)
 - ii) unauthorized use of research approaches and ideas, in particular during the review process (intellectual theft)
 - iii) unauthorized use of contributions from bachelor's and/or master's theses
 - iv) pretense of authorship or coauthorship without making any actual academic contribution
 - v) falsification of content, for example, the arbitrary omission or addition of results and/or information relevant to the topic

- vi) unauthorized publication or disclosure to a third party while the work, findings, hypothesis, curriculum, or research approach remains unpublished
- vii) claiming of the (co)authorship of another person without their prior consent.

3. Passing off work done by others as one's own and/or actively contributing to incorrect information regarding authorship.

4. Compromising the research activities or potential for the qualification of others, for example, through the:

- a) sabotage of the research of others
 - i) damage, destruction, removal, or manipulation of experiment designs, machines, documents, hardware, software, chemicals, or other materials and objects required by others to carry out experiments
 - ii) malicious moving/hiding of or theft of books, archival documents and objects, manuscripts, and data sets
 - iii) intentional rendering of research relevant information unusable—for example, data sources
 - iv) removal of primary data, insofar as this violates legal provisions, mutually accepted principles of academic practice within a discipline, or these regulations
 - v) arbitrary delay of the publication of an academic work, in particular when acting as publisher, reviewer, or coauthor;
 - vi) unauthorized destruction or passing on of research material;

b) breach of supervisory commitments

c) termination of research collaboration without adequate reason or obstruction or delay of the publication of research results as coauthor, in particular when the author requires the coauthor's consent in order to publish. Refusal to provide the approval required to publish constitutes misconduct where no objective reason exists for such refusal. In such cases, it is possible to publish data without approval from the coauthor who has terminated academic cooperation so long as permission is sought from the Ombuds Committee and no copyright issues stand in the way of publication.

5. Refusing cooperation or intentionally delaying efforts to resolve cases of research misconduct, for example, in the context of an ombuds procedure or an official investigation.

(3) Shared responsibility for research misconduct can arise from:

1. actively taking part in the misconduct of others
2. having knowledge of research misconduct by others without taking or initiating the appropriate steps to counter it,
3. coauthoring falsified publications
4. grossly disregarding the duty of supervision.

§ 4

Avoiding research misconduct

In order to safeguard research integrity and to avoid research misconduct, the following compulsory rules must be adhered to at Universität Hamburg:

(1) The principles of research and good academic practice and research integrity are taught to students at the beginning of their studies. This should encourage students to behave honestly and make them aware of their responsibilities as individuals working in science and academia. The potential danger of engaging in academic or research misconduct must be raised in an appropriate manner to adequately sensitize students and doctoral and early career researchers to this issue. Professors and junior professors are expected to act as role models in this respect. They must ensure that the required teaching is included or will be included in the relevant curriculum.

Doctoral researchers should complete at least one course on good academic practice and research integrity during their doctoral project.

(2) Researchers identify relevant and appropriate research questions including by carefully researching publicly available research. Universität Hamburg ensures the required framework.

(3) Researchers apply research-based and comprehensible methods to answer research questions. Quality assurance and establishing standards are given specific value in the development and application of new methods.

(4) Criteria relating to performance evaluation must be based on qualitative parameters and rendered transparent. In addition to research performance, additional aspects may be considered in evaluating performance. Evaluation initially follows qualitative measures, with quantitative indicators only included in the overall evaluation in a differentiated and reflective manner. In addition to observing the General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz, AGG), individual characteristics in the curriculum vitae are also considered in the evaluation. Reviewers involved in the review process must be impartial and independent. Researchers—particularly those involved in reviewing submitted manuscripts, funding requests, or the expertise of individuals—are obligated to a stricter level of confidentiality. Work submitted for review may not be transmitted to third parties or used for the reviewer’s own purposes. All conflicts of interest must be disclosed; this also applies to members of academic advising and decision-making committees.

§ 5

Securing and storing original data and documentation

(1) In principle, the primary data used as a basis for publication, along with the applied mechanisms of quality assurance, must be stored on durable and secure storage devices for 10 years in the institution of origin, unless there are factual or technical reasons against it. The researcher must present any reasonable grounds for not storing certain data or for storing it for a shorter period of time. The destruction or rendering unusable of data, information, or material after the retention period must be documented.

(2) The institutions responsible must issue rules concerning the type and means of recording, documentation, storage, and use of the data. The commencement date of the retention period must be defined (recommendation for doctoral studies: from the date of submission of dissertation to the doctoral studies office). For nonpublished data, the 10-year period from the end of the research project or subproject applies. Doctoral researchers must be made aware of these rules and regulations when they commence doctoral studies. Researchers who leave an institution should be given the opportunity to take copies of their research data with them. Agreements should be reached regarding both previous and future use of data. Any data, documentation, etc. held by the institution, the removal of copies, and the form in which they were removed must be documented.

(3) Researchers are requested to use the infrastructure for securing and archiving data available at Universität Hamburg (particularly the Center for Sustainable Research Data Management).

§ 6

Documentation

(1) Researchers must document all information used to arrive at a research result in a manner that is comprehensible and appropriate for the discipline in order to enable the result to be reviewed and evaluated. Therefore, as a rule, they must also document the individual results that do not support the research hypothesis.

(2) Researchers undertake documentation according to the existing specific disciplinary recommendations for review and evaluation. Any deviations from the specific disciplinary recommendations must be comprehensively presented, including restrictions and reasons. Documentation and research results may not be manipulated and must be protected from manipulation to the greatest extent possible. The (binding) criteria for discipline-appropriate documentation must be made known to all research or project group participants prior to commencement. In the development of research software, the source code must be documented.

§ 7

Preventing abuses of power

(1) Abuses of power and the exploitation of relationships of dependence must be prevented through appropriate organizational measures at the level of the individual academic group and the research institution leadership. These measures must be made transparent to all staff.

(2) Staff and doctoral researchers must be informed of the available advising options for conflict situations. In particular, they must be made aware of the possibility of confidentially contacting the ombudsperson.

§ 8

Avoiding research misconduct within a research group

(1) Where the standards in individual disciplines require, it is preferable to form working groups when carrying out research. The leadership of a research group is responsible for the whole group.

(2) Collaboration in research groups within Universität Hamburg and in cooperation with research groups from other institutions must be designed so that results obtained from specialized tasks are mutually communicated, submitted to critical discourse, and integrated into shared knowledge. Agreements should be made early in the process, and all individuals involved in the research project should be made familiar with them to ensure exchange and potential use of results from the beginning.

(3) The roles and responsibilities of researchers involved in the research project and their research staff must be clear at all times during the research project. This means that all individuals are aware of and have been informed about their rights and duties in order to ensure that the group as a whole can fulfill its duties and conduct the required collaboration and coordination. If professional duties change for an individual involved, the roles and responsibilities must be updated where required. All parties involved must be made aware of any changes.

(4) Management duties include ensuring appropriate individual supervision of early career researchers and the career development of research staff and those associated with research activities.

§ 9

Authorship and publication of research results

(1) The author is anyone who has made a genuine, attributable contribution to the context or research text, data, or software publication. Strict honesty concerning the contributions of partners, rivals, predecessors, and doctoral researchers must be maintained.

In principle, only individuals who have contributed significantly to conceiving a study or experiment; generating, analyzing, and interpreting the data; or preparing the manuscript may be named as authors.

The order of attribution for authors must be agreed ahead of time, as a rule, when the manuscript is prepared at the latest, using comprehensible criteria that observes the conventions of the discipline.

All authors must agree to the final publication of the work to be published. As such, they carry equal responsibility for the published work. Any deviation from this principle must be explicitly stated and justified. This requirement may not be dismissed without adequate reason. The adequate reason must be substantiated with verifiable critique of the data, methods, or results.

(2) The following forms of contribution, allowing for discipline-specific practices, usually satisfy the criteria for authorship or coauthorship:

1. designing a study / research project
2. developing methods for the purposes of conducting a study
3. interpreting academic data and constructing models
4. writing a study/research project
5. contributing materials for an experiment and/or investigation including specialist research support
6. participating in the survey, collection, compilation, and evaluation of data
7. critical editing of the manuscript content.

The following forms of contribution do not individually suffice as grounds for establishing authorship or coauthorship:

1. responsibility for obtaining research funding
2. occupying the position of head of either department or working group in which research underpinning the publication was conducted
3. mere technical production of graphics or tables derived from existing data
4. mere technical support (e.g., provision of equipment and/or experimental materials)
5. reading a manuscript without substantial contribution to its content.

Coauthorship does not arise from a person's position either as current or former head of an academic institution or as a superior. A so-called honorary authorship is inadmissible. Work-based associations between contributors are irrelevant when determining (co)authorship. If

a contribution is insufficient to justify authorship, appropriate recognition in another form—such as in footnotes, foreword, preface, or acknowledgment—must be ensured.

(3) Particularly in those disciplines where research is conducted in teams or groups, team/group leaders must provide transparency and clarity about the work carried out by the individual contributors. In accordance with legal provisions, it is necessary to clarify and enter into a written agreement on authorship, access to data, and use of data prior to any data collection. Doctoral and early career researchers dependent on specialized data for completing their dissertations must be guaranteed access to these data, even after their formal term of employment has ceased.

(4) In principle, all research results must be brought into academic discourse. Should reasons exist in individual cases to refrain from or delay making results available to the public until a later date, these must be presented and documented. This applies to release in the form of publications or through other means of communication. In principle, third parties may not make publication decisions.

(5) Academic publications intended to report new research findings must describe the current status of research in the field, methods, and findings completely and coherently. The public release of self-programmed software should be accompanied by the release of the source code.

As far as reasonably possible, there is also an obligation to publish the research data, materials, and information upon which the results are based; the methods used; and the software applied and to comprehensively describe the work processes. Any deviations must be justified and documented.

(6) Authors of a research publication must disclose important findings that both substantiate and contradict their results, hypotheses, and findings in equal measure. Authors' previous work, the preliminary work of others, and relevant publications by other authors that directly form the basis of the study in question must be correctly and fully accounted for and/or cited. Citations from one's own work must be kept to the minimum required in accordance with the traditions of the discipline.

(7) Republishing findings without explicitly disclosing the repetition is fundamentally inadmissible. This also applies to translations of academic publications. Fragmenting results for the purpose of generating a higher number of publications is also not permitted.

(8) Publishing channels must be chosen in consideration of their quality and visibility in the relevant field of discourse. The selection of publisher has no influence on the academic quality of the contribution. When taking on the role of editor, academics must carefully verify the nature of the publishing channel. In addition to books and academic journals, publishing channels may also include technical, data, and software repositories and blogs.

§ 10

Ombuds Committee

(1) All current and former members of the University have access to ombudspersons, who provide confidential counsel on all matters relating to research integrity and allegations of research misconduct. Ombudspersons are appointed from the ranks of the University's active professors (the faculty). Appointments must reflect the University's academic structure. The specific conditions governing clinical medicine must also be taken into consideration when appointing ombudspersons.

(2) Every appointed ombudsperson must also have an appointed deputy. Faculties who do not yet have an appointed ombudsperson will be considered in the selection of individuals.

(3) The ombudspersons and their deputies are appointed by the president of the University on the recommendation of the Academic Senate. The term of office is three years; reappointment for one further term of office is possible.

(4) The appointed members of the Ombuds Committee will be announced on the Universität Hamburg website.

(5) The work of the Ombuds Committee is coordinated by the Ombuds Office.

(6) The ombudspersons play the role of impartial mediator. In performing their duties, they must be provided with all required informational support and acceptance of their role from

University management and all staff members. Ombudspersons may be relieved of their other duties and can also take part in relevant continuing education and professional development courses.

(7) The ombudspersons work independently and are not subject to instructions. Ombudspersons should have extensive experience in conducting research projects and training doctoral and early career researchers and should also have national and international contact networks. Professors holding offices that obligate them to take action on the basis of information they receive, such as deans, should not be appointed as ombudspersons. The ombudspersons may not be members of the central management committees of their institutions during their term of office.

(8) Potential conflicts of interest involving other persons and/or a research subject must be disclosed, and the matter dealt with by another ombudsperson. The same applies when one of the individuals involved expresses concerns that an ombudsperson may have a conflict of interest. The regulations regarding concerns about the lack of impartiality pursuant to Sections 20 and 21 of the Hamburg administrative procedures act (Hamburgisches Verwaltungsverfahrensgesetz, HmbVwVfG) and Section 54 of the Hamburg civil service act (Hamburgisches Beamten-gesetz, HmbBG) apply.

(9) Ombudspersons and their deputies together make up the Ombuds Committee. This serves to provide its members with information and counsel in individual cases and should assist in guaranteeing the highest level of consistency possible when applying the rules of research integrity and dealing with incidences of their violation. The Ombuds Committee also advises the Executive University Board and the faculties' office of the dean in fundamental questions relating to research integrity and can make recommendations accordingly. The Ombuds Committee elects a chairperson from the appointed committee members. The committee convenes twice a semester, at the invitation of the chairperson or at the request of one of its members. Decisions are passed by simple majority vote. In the case of a tied vote, the chairperson has the deciding vote. The Ombuds Committee must devise a rule of order that will be published on the Universität Hamburg home page. The Ombuds Committee submits an anonymized annual report on its current and past work to the Executive University Board and the Academic Senate.

§ 11

Ombuds proceedings

(1) The purpose of the ombuds proceeding is to mediate conflicts in an unbureaucratic and objective manner. In relation to other special proceedings, such as those carried out by the doctoral committee when reviewing grounds for revoking a doctoral degree, the ombuds proceeding is subsidiary in principle. The ombuds proceeding consists of an independent assessment of the conflict, consideration of the arguments brought forward by those involved and/or affected, and the internal examination of facts and data relating to the case. The aim of the ombuds proceeding is to reach a satisfactory solution for parties in a conflict. The ombuds proceeding ends as soon as a nonuniversity investigation of the same matter is initiated.

(2) The ombudspersons are contact partners for current and former University members who report allegations of research misconduct or are in possession of evidence relating to research misconduct. Every member of the University has the right to speak to an ombudsperson in person without unreasonable delay. All matters before ombudspersons and their deputies are subject to strict confidentiality that must be maintained by all those involved after the proceeding has concluded. The members and staff of Universität Hamburg have the option of submitting evidence of research misconduct to the Universität Hamburg Ombuds Committee or to the national German Research Ombudsman. A breach of confidentiality may constitute research misconduct.

(3) Reports of research misconduct must be made in good faith. Intentionally or knowingly making false accusations may constitute research misconduct. The individual reporting specific information relating to a suspicion of research misconduct and the accused must not suffer disadvantage in their own research and career progress as a result. The head of the institution concerned is responsible for ensuring this. The reporting individual must be protected even where the allegations of research misconduct are not proven, unless the allegations were made despite their better knowledge. The Ombuds Committee must protect both the reporting individual and the accused in an appropriate manner.

(4) The Ombuds Committee must conduct a confidential initial assessment of the allegations. Investigations of allegations of research misconduct are exclusively conducted under

consideration of confidentiality and the principles of the presumption of innocence. The report must be made in good faith. The ombudspersons evaluate information proffered as sufficient evidence of research misconduct in terms of its relevance, unambiguity, and any potential motives of the informant not related to research. Ombudspersons sound out possibilities to clear allegations, provide counsel, and mediate between those involved with the aim of resolving conflicts as amicably as possible. This also includes determining whether or not a more specialized procedure for resolving conflicts is available. The ombudspersons may investigate reasonable suspicions supportable with proof on behalf of an informant without revealing the informant's identity to third parties; this does not apply to notification of the president of the University, in accordance with the provisions laid out in subsection 7 sentence 1 herein.

Anonymous reports may only be processed if the reporting individual has presented sufficient reliable facts to the Ombuds Committee. Where the name of the reporting person is known, it must be kept confidential and not disclosed without consent. Prior to disclosing the name of the reporting individual, they must be given the opportunity to withdraw their report. As an alternative, the Ombuds Committee must assess whether a factual analysis can be conducted while maintaining anonymity if the integrity or reputation of Universität Hamburg may be damaged.

(5) In order to investigate a matter, ombudspersons are authorized to gather all requisite information and responses while safeguarding the interests meriting protection of those involved and to consult experts in the respective field as a case may dictate. Cooperation in an ombuds procedure is mandatory for all members of the University, and no one may decline to cooperate. The ombudspersons may make a recommendation for resolving a conflict on the basis of knowledge gained by examining all information and statements submitted to them. This recommendation should take the form of a written agreement and include a deadline for implementing the recommendation. This also applies to cases in which an examination of the evidence indicates research misconduct as defined by Section 3 of this Statute that may be rectified by a recommendation by the ombudspersons (e.g., an erratum concerning authorship). In cases where an agreement cannot be reached or implemented, the Ombuds Committee must advise whether to refer the matter to the Permanent Committee of Experts for Investigating Research Misconduct (Section 12).

(6) If the preliminary assessment by the Ombuds Committee confirms a suspicion of research misconduct that cannot be addressed under the provisions of Section 5 above, or if such a suspicion arises during the preliminary assessment, the committee must forward the matter to the Permanent Committee of Experts (Section 12) for processing.

(7) In exceptional circumstances, the need for confidentiality may be waived if there is reasonable suspicion of research misconduct that requires a report be made to the president of the University to prevent grave harm to Universität Hamburg. In this case, the president of the University must be informed that a process has been instigated to investigate a case of research misconduct and against whom. Where there is reasonable suspicion of research misconduct from within the Faculty of Medicine, this provision also applies to the report submitted to the UKE medical director. Responsibility rests with the chair of the Ombuds Committee.

(8) The documents and files relating to inquiries and ombuds procedures must be retained by the Ombuds Office for a period of 30 years.

§ 12

Permanent Committee of Experts for Investigating Research Misconduct

(1) The task of the Permanent Committee of Experts for Investigating Research Misconduct is to clarify and determine whether there has been any research misconduct while affording the parties substantive and procedural due process. Where applicable, the committee must make recommendations for any sanctions.

(2) The Permanent Committee of Experts is comprised of five professors, of which at least one is a professor from the Faculty of Medicine. Members of the committee are appointed by the president of the University on the recommendation of the Academic Senate. The committee member from the Faculty of Medicine is nominated by the dean on the recommendation of the Faculty of Medicine Council and appointed by the president of the University. Furthermore, three additional, legally appropriate members will be drawn from the four status groups to participate in the Permanent Committee of Experts in an advisory capacity. These advisory members will be recommended by the three other status groups in the Academic Senate and appointed by the president of the University. One of the nominees must

be qualified to hold a judicial office. The members elect a chairperson from within their own ranks by a simple majority vote. The term of office is three years; reappointment for one further term of office is possible. Members of the Permanent Committee of Experts may not simultaneously hold the office of ombudsperson at Universität Hamburg. Former committee members may serve in an advisory capacity for an additional six months. The Permanent Committee of Experts' rules of order provide further detailed information.

(3) After preliminary assessment of all the presented documents and statements, the Ombuds Committee forwards the matter to the Permanent Committee of Experts when there is reasonable suspicion of research misconduct as defined by Section 3 of this Statute. The Ombuds Committee's rules of order provide further detailed information. In addition, every member of Universität Hamburg has the opportunity to address the Permanent Committee of Experts with any suspicions of research misconduct. In addition, the Permanent Committee of Experts may set an investigation in motion on its own initiative if reasonable suspicion against one or multiple individuals previously not accused arise in the course of proceedings. A previous ombuds procedure is not strictly required in such cases.

(4) The Permanent Committee of Experts does not convene publicly. Quorum is constituted when at least three committee members are present. Decisions require a simple majority vote; in the case of a tied vote, the chairperson has the deciding vote. The Permanent Committee of Experts may consult other experts in individual cases, including the ombudspersons of Universität Hamburg. In cases where there is reasonable suspicion of research misconduct in the Faculty of Medicine, additional individuals should be appointed in an advisory capacity upon consultation with the dean of the Faculty of Medicine. Such individuals must be informed of the binding obligations regarding conflicts of interest and confidentiality (Sections 20, 21, and Section 54 HmbBG) The work of the Permanent Committee of Experts is coordinated by the Ombuds Office.

§ 13

Investigation proceedings

(1) The provisions set forth in the Hamburg Administrative Procedures Act (Hamburgisches Verwaltungsverfahrensgesetz, HmbVwVfG) as amended apply as appropriate to the investi-

gation proceedings, unless otherwise provided for as set forth below. Investigations into allegations of research misconduct are conducted subject to the rule of confidentiality and the principle of the presumption of innocence. Specifically, until research misconduct has been established, information about those involved in the proceeding and the findings to date must be kept confidential.

(2) In order to investigate the matter, the Permanent Committee of Experts is authorized to gather all information and responses while safeguarding the interests meriting protection of those suspected and marshaling evidence *de novo* about whether research misconduct has been committed.

(3) The accused must be informed of their rights, their duties, and the investigation procedure's rules of order with reference to this Statute at the beginning of the proceeding. The person suspected of research misconduct must be informed of the incriminating facts and any existing evidence without undue delay and given suitable opportunity to provide a written response. The request for a written response must specify a deadline for response. During every stage of the process, both the accused and the reporting individual must be given the opportunity to make a statement.

(4) The parties involved in the process may request a hearing or the Permanent Committee of Experts may call them to a hearing; parties called to testify at the hearing may choose to have representation present. This also applies to any other person testifying at the hearing.

(5) Anonymous reports may only be processed if the reporting individual has presented sufficient reliable facts to the Permanent Committee of Experts. Where the name of the reporting person is known, it must be kept confidential and not disclosed without consent. The only exception is where disclosure is a legal obligation or the identity of the reporting individual is required to enable the accused to properly defend themselves. Prior to disclosing the name of the reporting individual, they must be given the opportunity to withdraw their report. As an alternative, the Permanent Committee of Experts must assess whether a factual analysis can be conducted while maintaining anonymity if the integrity or reputation of Universität Hamburg could be damaged.

(6) The Permanent Committee of Experts submits the results of its investigation in a final report and a recommendation for further action to the president of the University and, where applicable, to the medical director of the UKE / board of the Faculty of Medicine. Concurrently, the committee must inform affected persons and informants about the material outcome of the investigation. Records from the formal investigation must be stored by the Ombuds Office for 30 years.

(7) If a case of research misconduct has been established, the president of the University and, where applicable, the dean of the Faculty of Medicine and/or the medical director of the UKE must examine the need for further measures and decide on the punishment for research misconduct. This examination is designed to safeguard Universität Hamburg's academic and research standards and the rights of all those persons directly and indirectly concerned. The assessment process ends with a report on the follow-up decisions and measures being communicated to the Permanent Committee of Experts.

(8) Within the University, the academic consequences of research misconduct—for example, the revocation of academic degrees or the authorization to teach—must be examined at the faculty level in consultation with the president of the University and, where applicable, the dean. In doing so, it must be determined whether and to what extent other researchers (former and potential research partners, coauthors), academic institutions, scholarly and academic journals and publishing houses (in the case of publications), funding bodies and/or academic organizations, professional bodies, associations and societies, ministries, and/or the public should or must be informed.

(9) The respective bodies or institutions responsible initiate appropriate actions pursuant to employment law, civil law, criminal law, or administrative proceedings depending on the facts of the case (see Annex: Possible consequences associated with research misconduct).

§ 14

Effective date

This Statute becomes effective on the day after publication. The Regulations for Safeguarding Good Scientific Practice and Avoiding Scientific Misconduct at Universität Hamburg dated 15 May 2014 are simultaneously repealed.

Appendix

Partial overview of possible consequences associated with academic misconduct

1. Consequences under labor law:

As most cases of academic misconduct at Universität Hamburg will involve individuals who are both an employee or civil servant of the Free and Hanseatic City of Hamburg and working at Universität Hamburg, there will generally be a need to examine legally relevant work-related consequences for the employee or civil servant:

- a) Civil servants are subject to consequences under the relevant legislation: the initiation of disciplinary proceedings and the imposition of disciplinary measures (e.g., reprimand, fine, or removal from the civil service position).
- b) In cases of non-civil-servant public employees, consequences are subject to labor law (e.g., reprimand, dismissal, termination of the employment contract).

2. Academic consequences:

Universität Hamburg may only enforce academic consequences in the form of rescinding any academic degrees so long as the University itself conferred the academic degree to the individual concerned. If another higher education institution conferred the academic degree, then this institution will be notified about the academic misconduct if such misconduct is linked to the acquisition of said academic qualification. In particular, the divestiture of the corresponding academic degree and, where applicable, the revocation of any teaching authorization will be taken into consideration.

3. Possible civil law consequences:

- a) A person may be banned from the premises.
- b) An action of replevin may be brought against the individuals concerned for the recovery of stolen or wrongfully attributed academic material.
- c) An action for abatement or injunctive relief may be brought, premised on copyright, patent, and anti-competition laws.
- d) An action for damages may be brought by the Free and Hanseatic City of Hamburg, Universität Hamburg, or a third party for personal injury, property damage, or the like.

4. Claims to recover unjustly retained benefits according to civil and administrative law provisions (e.g., with respect to scholarships or financial aid, external funding, or government grants)

5. Criminal consequences, for example, with respect to:

- a) Violation of privacy (Section 202a of the German Criminal Code (StGB): Data espionage; Section 204 StGB: Exploitation of another's secrets)
- b) Crimes against property (Section 242 StGB: Theft; Section 246 StGB: Misappropriation; Section 263 StGB: Fraud; Section 264 StGB: Subsidy fraud; Section 266 StGB: Embezzlement)
- c) Falsification of documents (Section 267 StGB: Forgery of documents; Section 268 StGB: Forgery of technical records)
- d) Criminal property damage (Section 303 StGB: Criminal damage; Section 303a StGB: Data manipulation)
- e) Copyright infringements (Section 106 of the Act on Copyright and Related Rights (UrhG): Unlawful exploitation of copyrighted works).

6. Retraction of academic publications, public information, or media information:

- a) Publications that have serious errors due to academic misconduct must be withdrawn if they have not yet been published and, if already published, corrected. To the extent necessary, cooperation partners must be notified appropriately. In such a case, the Ombuds Committee should be consulted first. In principle, the authors and the participating publishers are obligated to do so; should they take no action, Universität Hamburg will initiate appropriate measures at its disposal.
- b) If academic misconduct has been determined, Universität Hamburg will notify other affected research institutions or academic organizations. In justifiable cases, it may be appropriate to inform professional organizations or academic societies.
- c) In order to preserve confidence in its academic integrity or to restore its endangered reputation in the academic community (or the reputation of a faculty, a professor, or a doctoral researcher), Universität Hamburg may be obligated to inform others who are affected as well as the public at large. An attempt to obtain the acquiescence of each party concerned must be made.