REGULATIONS FOR ENSURING GOOD RESEARCH PRACTICE

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The English version of these regulations is a translation of the German original for information purposes only. The English version of these regulations is not legally binding. In cases of conflict, the original (German) version shall prevail.

Contents:

Preamble

In order to properly discharge its responsibilities towards research and its directly related duties towards teaching and the fostering of early career researchers, Osnabrück University makes legal provision in these regulations to ensure good research practice and sets out the parameters for dealing with cases of scientific misconduct. In doing so, it fulfils the obligation placed on it to ensure that government or private funds are not misappropriated. The following regulations together with the attached appendices serve to implement the code entitled "Guidelines for Safeguarding Good Research Practice" (3. July 2019) published by the German Research Foundation (DFG). The formulations contained in the code are sometimes adopted directly, sometimes indirectly, into the following guidelines.

Part A – Good Research Practice

Section 1 Good Research Practice

In line with the DFG guidelines, the rules for good research practice contain fundamental principles relating to the following areas in particular: general principles for scientific and scholarly work, cooperation and leadership responsibilities in scientific and scholarly research groups, the supervision of early career researchers, the security and storage of research data, and authorship.

Section 2 General Principles for Scientific and Scholarly Work

(1) [1]Integrity and transparency are the essence of scientific and scholarly work. [2]Scientists and scholars work in accordance with the rules of their respective specialist disciplines *(lege artis)*. [3]Good research practice consists of the following points in particular. Scientists and scholars are expected to:

a) document the research process and all results thereof in a comprehensible and transparent manner;

b) review and verify their own results consistently and self-critically, regularly discuss their results in their respective research groups, and correct any errors;

c) maintain a strict sense of honesty in relation to the contributions of others, in particular of scientific and scholarly cooperation partners, PhD candidates, and scientists and scholars from other institutions;

d) respect the intellectual property of others and adhere to the citation rules of their field;

e) adhere to the accepted rules in accordance with Appendix 1 pertaining to authorship;

f) declare conflicts of interest in relation to research projects and the writing of assessments and reports;

(2) [1]The scientists and scholars at Osnabrück University shall uphold these principles and ensure they are passed on to the next generation of early career researchers. [2]They shall regularly update their knowledge pertaining to the standards of good research practice.

Section 3 Passing on the Principle of Good Research Practice

[1]Good research practice shall be passed on to early career researchers – including its ethical (e.g. ethical votes, dual-use issues) and legal aspects (e.g. property and rights of use). [2]The rules of good research practice shall be an integral aspect of academic teaching, together with the training of early career researchers. [3]The topic shall be addressed as early as possible in programs of study and again in regular scheduled courses.

Section 4 Supervision of Early Career Researchers

[1]Within the remit of their supervisory responsibilities, university teachers shall encourage early career researchers to complete their theses and dissertations within a reasonable period of time and support their ongoing professional development. [2]This includes conducting regular meetings to clarify matters of good research practice and to discuss the progress of their academic work. [3]Those occupying a leadership function in a scholarly institution or organizational unit bear responsibility for providing the appropriate supervision for early career researchers in the entire organization or unit.

Section 5 Organizational Duties and Leadership Responsibilities

(1) [1]Notwithstanding the responsibilities of other bodies, the scientific or scholarly institution shall assume responsibility for the adequate organization of academic life within its purview in order to ensure that the tasks of leadership, quality assurance and conflict resolution are clearly allocated and their effective fulfilment is verifiable. [2]This encompasses the duty to inform scientists and scholars within its purview of the rules governing good research practice and to ensure their compliance.

(2) [1]The president's cabinet creates the general conditions for scholarly and scientific work. [2]It ensures the promulgation of the rules governing good research practice and guarantees that the general conditions exist that enable scientists and scholars to comply with legal and ethical standards.

(3) The management of a scientific or scholarly institution or organizational unit shall implement the requisite organizational measures with the aim of preventing the abuse of power and the exploitation of dependency relationships.

Section 6 Security and Storage of Research Data

(1) [1]Research data are digital data that are generated or are processed in the course of epistemological discovery. [2]Depending on the specialist field, they may take different formats, types, or states of aggregation.

(2) [1]The management of research data is a constituent part of research projects and encompasses the planning, collection, processing, storage, and the quality assurance of these data. [2]Adequate data management ensures adherence to the four FAIR principles with respect to research data (**F**indable, **A**ccessible, **I**nteroperable, **R**eusable). [3]Scientists and scholars shall document all information relevant to the generation of a research finding in as transparent a manner as is necessary and appropriate in the relevant specialist field to enable others to verify the result, evaluate it and, where possible, to replicate it. [4]Should the documentation fall short of these requirements, then the scientist or scholar must provide a clear explanation for the shortcomings and the reasons underlying them.

(3) [1]Each scientist or scholar is responsible for the complete documentation, security and storage of their own research data in the IT infrastructure of Osnabrück University or in multi-site repositories. [2]Each scientist or scholar's research data consists of all of the data in that individual's specific area of responsibility. [3]As a rule, the retention period for all research data is ten years from the point at which it is referenced in a publication or in a thesis or dissertation. [4]In cases of external retention, a record must be kept that the archiving process fulfils these requirements.

(4) Additional retention requirements remain unaffected, as do further specifications governing the protection of personal data.

(5) More detailed information on handling research data is provided in the publication "Guidelines for Research Data Management at Osnabrück University (Research Data Policy)".

Section 7 Public Access to Research Findings

(1) [1]As a rule, scientists and scholars submit their research findings to scientific discourse. [2]If there are objective reasons in individual cases for not making research findings publicly accessible, then the scientist or scholar shall not in principle make this decision dependent on third parties. [3]Exceptions to this rule may arise in consideration of the rights of third parties, for example in the context of patent applications, commissioned research, or security-related research.

(2) [1]Scientists or scholars are free to decide - in consideration of the customary practices of their field - whether, how and where they wish to publish the findings of their research. [2]Once they have taken the decision to publish, scientists or scholars shall provide a comprehensive and complete description of their findings. [3]Any preliminary research undertaken by themselves or by others shall be cited completely and correctly.

Section 8 Authorship

(1) [1]An author is a person who has made a genuine, i.e. scientific and verifiable contribution to the content of a scholarly or scientific text, or a data or software publication. [2]All authors shall agree on the final version of the work to be published. [3]Neither a position as the former or current director of a project nor of a research facility nor the role as a supervisor shall serve to qualify a person as an author. [4]So-called “honorary authorship” is inadmissible.

(2) Authors of scientific or scholarly publications always bear collective responsibility for their content; exceptions shall be made known.

(3) Further details regarding the prerequisites for authorship and its associated responsibilities are outlined in Appendix 1.

Section 9 Publication Media

(1) [1]Authors carefully select their publication medium based on its quality and profile in the respective field of study. [2]In addition to books and periodicals, authors may also select specialist repositories, data and software repositories, and blogs.

(2) Scientists or scholars who are working as editors shall carefully check the publications for which they perform this task.

(3) The academic quality of a contribution is not dependent on the publication in which it is published.

Section 10 Confidentiality and Impartiality

(1) [1]Scientists or scholars who are tasked with assessing submitted manuscripts, funding applications or the professional quality of persons are obliged to maintain strict confidentiality in these contexts. [2]They shall declare all facts that might give rise to concerns about their impartiality. [3]The required level of confidentiality precludes passing on any information to third parties or the use of any submitted materials themselves.

(2) Members of scientific advisory and decision-making committees are also subject to the obligation to maintain confidentiality and to declare any facts that give rise to concerns about their impartiality.

Part B – Ombudsman Services at the University

Section 11 Ombuds Committee / Ombudspersons

(1) [1]The senate shall establish an ombuds committee comprising three ombudspersons. [2]These ombudspersons shall advise all (including former) members and affiliates of the university on matters of good research practice. [3]They shall accept all evidence of potential improper research practice and carry out a preliminary investigation in accordance with Section 15. [4]The president's cabinet shall ensure that the ombudspersons and the tasks accorded to them in the university are made known, and shall afford the ombudspersons the requisite support in the execution of their duties.

(2) [1]The work of the ombudspersons is predicated upon the objective of mediating between the parties involved in a given matter, insofar as this is possible and appropriate in the context of the seriousness of the alleged misconduct. [2]The ombudspersons shall provide information about the parties' rights and the procedural steps available when there is reason to believe a case of scientific misconduct has occurred.

(3) [1]The ombuds committee shall include two members of the status group of university professors, one of which shall be accorded the role of judge, and one member of the status group of staff members and employees. [2]Care should be taken to ensure a fair distribution of the sexes on the board. [3]To avoid conflicts of interest, the ombuds committee may not include members taken from the president's cabinet, nor may it contain any deans. [4]For every ombudsperson there must be a substitute for cases in which there are concerns about potential partiality or if the board member is unavailable.

(4) [1]The senate shall elect the ombudspersons and their substitutes with a majority of its members and the majority of the status group of university professors. [2]The tenure of an ombudsperson shall be four years. [3]Re-election is permissible once.

(5) Instead of turning to Osnabrück University's ombuds committee, members and affiliates of the university may also turn to the committee entitled "Ombudsman für die Wissenschaft" ["German Research Ombudsman"] established by the German Research Foundation.

Section 12 Permanent Commission of Enquiry

(1) The senate shall establish a permanent commission of enquiry which shall be activated when a preliminary investigation by the ombuds committee in a specific case has yielded sufficient reason to believe that an act of scientific misconduct has taken place.

(2) [1]The permanent commission of enquiry shall consist of five persons including four members of the status group of university professors and one member of the status group of staff members and employees. [2]The members from the status group of university professors should be drawn from the Natural Sciences, the Humanities and Social Sciences, and Law and Economics, with at least one member from each. [3]Care should be taken to ensure a fair distribution of the sexes on the board. [4]A member of the ombuds committee may not also be a member of the commission.

(3) A member of the president's cabinet shall participate in the commission meetings in an advisory capacity.

(4) [1]The senate shall elect the members of the commission of enquiry with the majority of its members and the majority of the status group of university professors. [2]Their tenure shall be four years. [3]Re-election is permissible once. [4]In addition to the full members of the commission, the senate also elects the same number of deputies.

(5) [1]The commission of enquiry shall elect one of its members to be the chairperson. [2]The chairperson manages the regular business of the commission and shall take decisions on behalf of the commission in urgent matters if the commission cannot arrive at a timely decision; the commission is to be informed immediately of such decisions. [3]This executive decision-making capacity does not encompass decisions about the existence of a case of scientific misconduct.

PART C – Procedures for Dealing with Scientific Misconduct

Section 13 Scientific Misconduct

(1) [1]Scientific misconduct exists when in the context of their scientific or scholarly work a scientist or scholar intentionally or through gross negligence makes false declarations, violates the intellectual property rights of third persons, seriously obstructs the research activities of third persons, or violates other duties cited in these regulations. [2]With reference to the principles set out in Section 2, scientific misconduct encompasses the following activities in particular:

a) making false declarations, namely
   - inventing data;
   - falsifying data (e.g. by manipulating sources, data, descriptions or diagrams);
   - providing incorrect information in an application for employment or a funding application (including incorrect information about a publication and the status of a publication process);

b) falsifying or concealing valid research results with the aim of supporting a research hypothesis in an unjustified manner;

c) violating intellectual property rights in relation to a piece of work produced and copyrighted by a third person or genuine research findings, hypotheses, teaching tenets or research methods belonging to a third person by:
   - using these without authorization under the presumption of authorship (plagiarism),
   - exploiting the research methods and ideas of a third party, especially in the capacity of a reviewer (theft of ideas)
   - pretending or unjustifiably claiming to be the author or co-author of a scientific or scholarly publication,
   - falsifying content,
   - arbitrarily delaying a publication or scientific or scholarly dissertation, especially as the publisher or reviewer, or
   - publishing or giving a third party access to a piece of work without permission if the findings, hypotheses, teaching tenets or the research method have not yet been published;

d) claiming the (co-)authorship of another person without their permission;

e) sabotaging the research activities (including by damaging, destroying, manipulating or the unjustified withholding of experiment designs, apparatus, documents, data, hardware, software, chemicals, cell- and microbiological cultures or other things that another person might need to conduct their research);

f) deliberately misadjusting, hiding or removing research materials, e.g. books, archive documents, manuscripts, data sets;

g) unduly engaging in the omission of or improper or incomplete documentation, storage or retention of research data;

h) using untrustworthy publications as an author or editor without sufficient verification to ensure that the publication meets the customary standards of the respective discipline;

i) carelessly using the accusation of scientific misconduct, especially with respect to the levelling of knowingly incorrect accusations or unverified allegations without disclosing their uncertain factual basis.

(2) Shared responsibility for misconduct can ensue from the

a) active participation in the misconduct of third parties;

b) co-authorship of publications containing falsifications;

c) gross negligence of one's duty of supervision.

(3) Scientific misconduct can also be committed by a failure to take action, in cases in which there was a duty to act.

Section 14 General Rules of Procedure

(1) [1]All rules of procedure cited in these regulations shall be conducted expeditiously and are subject to the principle of confidentiality. [2]The duty of confidentiality continues after the conclusion of proceedings. [3]All affected parties shall be expressly informed of this fact.

(2) At every stage in the proceedings to establish a case of scientific misconduct, the accused scientist or scholar shall be subject to the principle of the presumption of innocence.

(3) [1]Should the suspicion of a case of scientific misconduct be more than ten years in the past, then proceedings shall in principle not be initiated. [2]Notwithstanding sentence 1, the ombuds committee shall open proceedings if there is the suspicion of a particularly serious case of scientific misconduct.

(4) Ombudspersons and the members of the commission of enquiry shall work independently and are in this context not bound by directives from their superiors. Sections 20 and 21 of the Federal Administrative Procedure Act (VwVfG) shall apply accordingly.

(5) There is an internal complaints procedure at the university for contesting the decisions of the commission of enquiry.

Section 15 Preliminary Investigation

(1) [1]If the ombuds committee is provided with information pertaining to a case of alleged scientific misconduct, then it shall investigate the facts of the case and examine whether the rules for good research practice have been infringed upon. [2]To do this, the ombuds committee may call upon additional ombudspersons.

(2) The ombuds committee shall in principle not investigate anonymous tips or accusations.

(3) [1]Should the preliminary investigation find sufficient evidence of a case of scientific misconduct, then the proceedings shall be passed on to the commission of enquiry and the president's cabinet shall be informed. [2]This decision shall be taken by a majority of the members of the ombuds committee. [3]It shall be made in writing and cite reasons for the decision.

Section 16 Main Proceedings

(1) [1]As far as is necessary to establish the facts of the case, the commission of enquiry shall initiate further enquiries. [2]To do this, it may call upon additional experts.

(2) The accused person has the right at every stage of the proceedings to make a statement.

(3) [1]If the commission of enquiry, having freely appraised the information and documents available to it should come to the conclusion that a case of scientific misconduct exists, then it shall establish this fact in a resolution and shall determine the seriousness of the misconduct. [2]Additionally, the commission may make recommendations regarding the possible consequences of the identified misconduct. [3]The commission shall decide by a majority of its members.

(4) The procedure and the results of the individual steps in the proceedings are to be minuted in writing and easily understandable.

(5) Up to the point at which a case of scientific misconduct is established, the details of those affected and all prior findings are to be treated with the utmost confidentiality.

Section 17 Forwarding the Proceedings to the School Executive Board / Interruption

(1) If the commission of enquiry establishes a case of misconduct, it shall inform the president's cabinet and the relevant school executive board.

(2) [1]If it is a case of misconduct in connection with a doctoral or habilitation examination process, then the ombuds committee shall forward the matter to the relevant executive board. [2]This board shall then initiate the proceedings set down in the relevant doctoral degree or habilitation regulations. [3]The school executive board shall forward the result of these proceedings to the commission of enquiry, which shall subsequently carry out the main proceedings (Section 16).

Section 18 Whistleblowers

(1) A whistleblower may not as a consequence of raising the suspicion of a case of scientific misconduct be disadvantaged in their own professional and scientific or scholarly progress unless their expression of suspicion is in itself an act of scientific misconduct (Section 13 subsection 1 letter i).

(2) [1]The name of the whistleblower may only be given to the other participants in the proceedings if the whistleblower gives their permission, when there is a legal obligation to do so, or if the accused person cannot otherwise properly defend themselves. [2]If the name of the whistleblower is not provided, then the commission of enquiry shall decide if the proceedings may continue and in particular if the facts of the case may be sufficiently established under these conditions.

Section 19 Potential Sanctions

[1]If the commission of enquiry is able to establish a case of scientific misconduct, then the relevant superior of the accused shall decide with regard to the recommendations made by the commission of enquiry what measures shall be taken and shall inform each body responsible for these measures and the commission of enquiry. [2]In taking their decision, the superior of the accused shall give due consideration to the circumstances of the individual case and the severity of the misconduct. [3]The following list sets out a selection of the potential consequences:

a) consequences under civil service employment and labor law, e.g. the implementation of disciplinary proceedings, an official warning or a routine dismissal or exceptional dismissal;

b) academic consequences, e.g. the withdrawal of an academic degree; if the degree has been awarded by a different institution, then this institution shall be informed of the misconduct;

c) consequences under civil or administrative law;

d) consequences under criminal or administrative penal law if the suspicion exists that the case of scientific misconduct also constitutes an offense.

e) the correction of scholarly or scientific publications: [1]Authors are required to actively contribute to the correction of their scientific or scholarly publications that contain errors due to scientific misconduct. [2]Publications containing errors shall be corrected or retracted within a reasonable time period, insofar as this is possible in accordance with the rules of the respective publication. [3]Editors are subject to the same duties and responsibilities, insofar as they are cognizant of any errors in a publication for which they bear responsibility. [4]The commission of enquiry shall be informed when the duty to undertake corrective measures has been fulfilled. [5]If the duty to undertake corrective measures is not fulfilled, then the university shall inform the relevant publication.

f) consequences relating to third-party information and the public:

aa) In particularly serious cases of scientific misconduct, the university is entitled to notify any affected research facilities, scientific or scholarly organizations, and any external funding bodies.

bb) The university is entitled – in cases where it is necessary for the protection of third parties, for the defense of scientific or scholarly integrity, for the restoration of its scholarly or scientific reputation, or when it is in the general public interest to do so – to inform affected third-parties and where necessary the general public about the misconduct.

Section 20 Entry into Force

These regulations enter into force on the day after their publication in the official gazette of Osnabrück University.

Appendix 1:
Rules of Authorship

A. Fundamental Principles

1. [1]A person may be referred to as an author of an original scholarly or scientific publication only if they have made a genuine, i.e. scientifically relevant and verifiable contribution to the content of a scholarly or scientific text-based, data or software publication and have given their permission for its publication to take place. [2]When a contribution may be deemed genuine shall be established on a case-by-case basis and is dependent on the respective specialist field. [3]Neither holding the position as the former or current director of a project or of an institution nor the role of supervisor can in its own right serve as the basis for a claim of co-authorship; a claim of "honorary authorship" is inadmissible.

2. The following contributions, each in its own right and in consideration of the regulations of each respective department, constitute the criteria for authorship or co-authorship. To claim authorship, an author shall have made:

   a) a genuine contribution to the theoretical or methodological development of a scholarly or scientific project and the formulation of the manuscript and/or the generation of the data or software publication;

   b) a genuine, substantive contribution to the written version of the publication and/or to the generation of the data or software publication;

   c) a genuine contribution to the collection, analysis or interpretation of data or to the modeling process for the scholarly or scientific project;

   d) a genuine contribution to the acquisition and provision of experimental or test-related materials insofar as doing so represents a genuine specialist contribution.

3. [1]Anyone not genuinely contributing to a publication, in particular if they merely make minor or editorial corrections to a manuscript, merely make suggestions or propose the use of established methods (e.g. during the supervision of academic theses or dissertations) shall not qualify to be a co-author. [2]In particular, the following contributions do not constitute a basis for co-authorship:

   a) organizational responsibility for the acquisition of funding;

   b) provision of standard test materials;

   c) the instruction of staff members and employees in standard methods;

   d) the mere technical participation in the collection, gathering or collation of data, e.g. the purely technical creation of graphs or tables from existing data;

   e) occupying a position as director of an institution or organizational unit within which research is being carried out for publication;

   f) the mere provision of data sets;

   G) the mere provision of technical support, e.g. by providing standard apparatus or test materials;

   h) reading a manuscript without making a substantive contribution to its content.

4. The repeated publication of the same results shall only take place with express reference to the repetition. This shall also hold for translations of scientific or scholarly publications.

B. Duties and Responsibilities

1. All persons named as the authors of a publication must be entitled to claim authorship (A. nos. 1-3) and all persons entitled to authorship must be named as authors.

2 a) In cases of collective authorship, all authors are collectively responsible for the content of the publication and individually responsible for abiding by the rules of good research practice in respect of their own contribution.

b) Prominent members of the authorial collective (e.g. lead authors, correspondence authors or senior authors) bear the responsibility for abiding by the rules of good research practice for the entire publication process.

3. [1]Scientists or scholars shall agree among themselves in accordance with the criteria listed under A. who shall be the author of the research findings and on the authorship ranking. [2]Agreement as to the authorship and the authorship ranking shall take place in good time (as a rule at the latest when the manuscript is being formulated) and shall be adjusted as required in the course of the publication process. [3]The choice of journal or other publication shall be the common decision of all co-authors.

4. All co-authors must give their consent for the manuscript to be released for publication in writing or in electronic form and as a rule ensure that they are available during the publication process.

5. [1]The contributions of the individual co-authors (A. no. 2) shall be documented. [2]The co-authors shall decide on the form of documentation.

6. If the publication contains unpublished data or the research findings of other persons or institutions, then they must give their permission in writing and the publication shall cite the source.

7. If individual scientists or scholars are named as co-authors of a publication without their consent and do not consider themselves in a position to give their permission retroactively, then they must submit a clear objection to their being named as a co-author to the person primarily responsible and to the publication itself.

8. [1]A co-author may not withhold their consent to publish without sufficient scientific grounds. [2]Permission shall be granted within a reasonable time period. [3]If permission is refused without sufficient grounds or not granted within a reasonable time period or if a co-author is not available contrary to number 4, then the other co-authors shall decide how to proceed.

Appendix 2:
Additional Guidelines for Conducting Research at Osnabrück University

The scientists and scholars at Osnabrück University share an understanding of scientific and scholarly research that adheres to the fundamental underlying principles of the "Code – Guidelines for Safeguarding Good Research Practice" published by the German Research Foundation (DFG).

1. Planning a Research Project

In planning a research project, due consideration and acknowledgement shall be given to the current state of research. Osnabrück University shall ensure that the general conditions are in place to enable this to happen. Methods for avoiding (unintentional) bias shall be applied, and measures shall be implemented to assess the degree to which gender and diversity might be significant for research projects (in relation to methods, schedules of work, targets).

2. Methods and Standards

The scientifically validated methods established in each discipline serve to guarantee the comparability and transferability of research findings. The development and application of new methods shall place particular value on quality assurance and the setting of standards. In some cases, specific competencies relevant to the application of a method may be accessed through cooperation or collaboration.

3. Participants, Responsibilities and Roles in Research Projects

Scientists or scholars who are participating in a research project as well as scientific or scholarly accessory personnel shall remain in regular contact. They shall define their roles and responsibilities in an appropriate manner and adjust or adapt these as required, e.g. when there is a change in focus in their work.

4. Quality Assurance Standards

When scientific or scholarly findings are to be made available to the public (specifically in the form of publications, but also in the broader sense through other channels of communication), the discipline-specific standards of quality assurance being applied shall be clearly outlined. Should inconsistencies or errors become apparent following publication, then these shall be corrected.

5. Qualitative Standards for Performance Evaluation

The performance of scientists and scholars is evaluated multidimensionally, primarily through the use of qualitative standards. In addition to the acquisition of new knowledge and its critical reflection, a performance evaluation may also include other dimensions (e.g. commitment to teaching, academic self-government, community outreach)

6. Ethical Issues

Biomedical research or psychological research on human beings falls under the aegis of the ethics commission of Osnabrück University. This commission provides scientists and scholars with help in the form of advice and the assessment of ethical and legal aspects of biomedical and psychological research on human beings, notwithstanding the responsibility of scientists and scholars for the research project and the way it is conducted. The "Commission for Research Ethics" shall provide advice in all other questions relating to freedom and responsibility in research.