

Statutes on the Principles for Safeguarding Good Research Practice and on Dealing with Cases of Alleged Scientific Misconduct at Anhalt University of Applied Sciences

Please note: This is a translation of Anhalt University's "Satzung über die Grundsätze zur Sicherung guter wissenschaftlicher Praxis und über den Umgang mit Vorwürfen wissenschaftlichen Fehlverhaltens an der Hochschule Anhalt" of March 8, 2023 (Amtliche Mitteilungen No. 93/2023). The original document is in German. This translation is provided as a convenience for information purposes only. In the event of a dispute concerning the contents of this document or other issues related to it, the German version alone is valid and legally binding.

Resolution of the Senate of Anhalt University of Applied Sciences of March 8, 2023

The following regulations implement the "Guidelines for Safeguarding Good Research Practice" of the German Research Foundation (DFG) as amended in August 2019. They are legally binding for all persons who are active in the field of research or research support at Anhalt University of Applied Sciences.

The following statutes are issued on the basis of § 4, paragraph 5 of the Saxony-Anhalt Higher Education Act (HSG LSA) of July 1, 2021 (GVBl. LSA p.367, 368).

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Part I Principles of good research practice

§ 1 Scope of these statutes

- (1) The principles of good research practice to be observed in accordance with these statutes shall be made known to everyone working at Anhalt University of Applied Sciences via the university's website. In addition, all employees and civil servants actively engaged in research at Anhalt University shall receive an email informing them of the entry into force of these statutes.
- (2) All persons actively engaged in research at Anhalt University of Applied Sciences are obliged and responsible to comply with the rules of good research practice.
- (3) Rights and obligations under employment law are not affected by these statutes.

§ 2 Individual principles of good research practice

The principles of good research practice include, in particular,

- (1) observing the general standards of academic and research practice (“lege artis”),
- (2) maintaining strict honesty with regard to one’s own and third parties' contributions,
- (3) rigorously questioning all findings
- (4) and permitting and promoting critical discourse within the research community.

§ 3 Professional ethics of the researchers

- (1) Education in the principles of good research begins at the earliest possible stage in academic teaching and career. In particular, this includes teaching the basics of good research in introductory courses for students at the beginning of their studies, instruction at departmental level at regular intervals for research staff and their technical support staff, and a commitment to compliance with the Code for newly appointed professors and existing professors (*Neuberufenen-Kodex, Hochschullehrer*).
- (2) Researchers advocate the fundamental values of good research.
- (3) At all career levels, research professionals undergo a continuous process of learning and training

with regard to good research practice. They exchange views on this and support each other.

§ 4 Organizational responsibility of the university management

- (1) The university management has the authority and the organizational responsibility for the observance of good research practice at the university.
- (2) The university management creates the basic framework conditions for research at the university in accordance with the rules by establishing an institutional organizational structure that is appropriate in this respect. In this way, the university management creates the conditions to ensure that research staff comply with legal and ethical standards.
- (3) At Anhalt University of Applied Sciences, clear procedures and principles for staff selection and development have been established in writing through the following measures; with particular emphasis being placed on equal opportunity and diversity:
 - Procedural and work instructions on the intranet "Recruitment - Applicant Selection" (*Personaleinstellung - Bewerberauswahl*)
 - Appointment Regulations (*Berufungsordnung*) 2021
 - Gender Equality Statutes (*Gleichstellungssatzung*) 2022
- (4) The following support structures and concepts have been established for the support of researchers in early career phases:
 - Doctoral Centers
 - Graduate Center
 - Commission for Research and Transfer
 - Anhalt Center for Continuing Education (WZA)
 - Open Science Policy

§ 5 Responsibility of the heads of work units

- (1) The head of a research work unit is responsible for the entire unit. Examples of research work units are the doctoral centers, institutes of the Anhalt University of Applied Sciences, research groups or project leaders.
- (2) The responsibility of the head of a research work unit includes, in particular, the obligation to provide individual support for early career researchers, which is embedded in the overall concept of the university, to promote the careers of researchers and research support staff and to communicate the principles of honesty in research.
- (3) Collaboration within the research work unit is designed such that the unit as a whole can perform its tasks, the necessary cooperation and coordination can be achieved and all members understand their roles, rights and duties.
- (4) Suitable organizational measures are in place at the level of the individual unit and of the university management to prevent the abuse of power and exploitation of dependent relationships.
- (5) Researchers and research support staff benefit from a balance of support and personal responsibility appropriate to their career level.

§ 6 Assessment of scientific performance

To assess the performance of researchers, a multidimensional approach is called for. A significant component of the assessment is the research performance, which is to be assessed primarily according to qualitative standards. High-quality research is oriented towards criteria specific to individual disciplines. The research strategy of Anhalt University of Applied Sciences specifies the promotion of early career researchers and the quality of publications and acquired research projects as possible indicators. Indicators are differentiated and reflective and are included in the overall evaluation. In addition to research performance, other aspects are to be taken into account. These include, for example, special commitment to public relations work or knowledge and technology transfer, as well as contributions to the good of society as a whole. Appropriate allowance is made for periods of absence due to personal, family or health reasons or for prolonged training or qualification phases resulting from such periods, and for alternative career paths or similar circumstances.

Qualitative performance and assessment criteria take precedence over quantitative criteria.

§ 7 Cross-phase quality assurance

- (1) Researchers carry out each step of the research process *lege artis*. Continuous and cross-phase quality assurance takes place. Continuous quality assurance during the research process includes, in particular, compliance with subject-specific standards and established methods, processes such as equipment calibration, the collection, processing and analysis of research data, the selection and use of research software, software development and programming, and the keeping of laboratory notebooks.
- (2) The origin of the data, organisms, materials and software used in the research process is disclosed, citing the original sources, and evidence is provided of the requirements for subsequent use. If publicly available software is used, it is to be documented in a persistent and citable manner, citing the source code to the extent possible and reasonable.
- (3) The nature and extent of research data generated in the research process are described.
- (4) An essential component of quality assurance is that results or findings can be replicated (e.g. with a detailed description of materials and methods).
- (5) When research findings are made publicly available (also through channels other than publication), the quality assurance mechanisms used are always explained. If, in retrospect, discrepancies or errors concerning such findings come to light or are pointed out, they will be corrected.

§ 8 Stakeholders, responsibilities, roles

- (1) The roles and responsibilities of the researchers participating in a research project must be defined in an appropriate manner and be clear at all times.
- (2) If necessary, roles and responsibilities are adjusted.

§ 9 Research design

- (1) When planning a project, researchers take into account and acknowledge the current state of research. This usually requires careful review of research outputs already existing in the public domain.
- (2) The university management ensures the necessary framework conditions for this review within the scope of its budgetary possibilities.
- (3) Methods to avoid (unconscious) distortions in the interpretation of findings are used where reasonably possible.
- (4) Researchers examine whether and to what extent gender and diversity dimensions may be of significance to the research project.

§ 10 Legal and ethical frameworks of research

- (1) Researchers adopt a responsible approach to the constitutionally guaranteed freedom of research.
- (2) The university management is responsible for ensuring that their members' and employees' actions comply with regulations and promote this through suitable organizational structures. The university management has developed the following binding ethical guidance and principles:
 - Basic Regulations of Anhalt University of Applied Sciences (*Grundordnung*)
 - Ethics Commission Statutes of Anhalt University of Applied Sciences
- (3) In their conduct, researchers shall comply with rights and obligations, in particular those arising from legal requirements and from contracts with third parties.
- (4) Researchers seek approvals and ethics statements when required and submit them to the appropriate bodies.
- (5) Researchers maintain a continual awareness of the risks associated with the misuse of research results. Research consequences are thoroughly assessed, and ethical implications of the research are evaluated.

§ 11 Usage rights

- (1) Where possible and practicable, researchers conclude documented agreements on usage rights of data and results arising from a research project at the earliest possible point in a research project.
- (2) Documented agreements are particularly useful when multiple academic and/or non-academic institutions are involved in a research project or when a researcher changes institutions.
- (3) The use of data and results appertain in particular to the researcher who generated the data and collected the research results, insofar as no legal or contractual regulations oppose such a right of use.
- (4) During a research project, those entitled to use the data decide, whether and how third parties should have access to the data (subject to legal and contractual regulations).

§ 12 Methods and standards

- (1) Scientifically sound and appropriate methods shall be used in the research.
- (2) When developing and applying new methods, researchers attach particular importance to quality assurance and the establishment of standards.
- (3) The application of a method normally requires specific expertise that is ensured, where necessary, by suitable cooperative arrangements. The establishment of standards for methods, the use of software, the collection of research data and the description of research results is essential for the comparability and transferability of research outcomes.

§ 13 Documentation

- (1) Researchers document all information relevant to the production of a research result as clearly as is required by and is appropriate for the relevant subject area to allow the result to be reviewed and assessed and enable replication. Where subject-specific recommendations exist for review and assessment, researchers create documentation in accordance with these guidelines. When research software is developed, its source code is documented to the extent possible and reasonable.
- (2) As a matter of principle, individual results that do not support a researcher's own hypothesis are also documented. Selecting results is not permissible.
- (3) If the documentation does not meet the requirements according to (1) and (2), the restrictions and reasons for this shall be explained in a comprehensible manner.
- (4) Documentation and research results must not be manipulated. They must be protected against manipulation in the best possible way.

§ 14 Providing public access to research results

- (1) As a rule, researchers make all results available as part of the scientific/academic discourse.
- (2) In specific cases, there may be reasons for not making results publicly available. In principle, the decision to make data publicly available must not depend on third parties. In general, researchers decide autonomously, with due regard for the conventions of the relevant subject area, whether, how, and where to disseminate their results. Exceptions are permitted, in particular where the rights of third parties are affected, patent applications are in prospect, in cases of contract research or security-related research.
- (3) If results are made publicly available, they are described fully and comprehensibly. This includes making available the research data, materials and information underlying the results, the methods used and software employed, to the extent possible and reasonable. This is done according to the so-called FAIR principles: Findable, Accessible, Interoperable, Re-Usable. Exceptions are permitted in the context of patent applications.
- (4) Software programmed by researchers themselves is made publicly available along with the source code, as far as this is possible and reasonable. If necessary, licensing will take place. Work processes are outlined comprehensively.
- (5) Researchers provide full and correct information about their own preliminary work and that of others. This does not apply if their own results are already publicly available and this is deemed unnecessary by the general conventions of the discipline. At the same time, the repetition of contents of own publications is limited to the extent necessary for comprehension.

§ 15 Authorship

- (1) An author is an individual who has made a genuine, identifiable contribution to the content of a research publication of text, data or software.
- (2) An identifiable, genuine contribution is deemed to exist particularly in instances in which a researcher – in a research-relevant way – takes part in
 - design and development of the specific research activities described and evaluated in the publication (not: mere application for or acquisition of funding for higher-level framework projects, institutional units or equipment, mere managerial or supervisory position in the respective research institution or similar) or
 - independent acquisition and preparation of data, development of sources or programming of software (not: mere execution of routine technical tasks, mere implementation of predefined survey formats or similar) or
 - independent analysis, evaluation or interpretation of data, sources or results (not: mere listing of data, mere compilation of sources or similar) or
 - development of conceptual approaches or argumentative structures (not: mere consultation of other people's designs, mere introduction of unspecific suggestions or the like) or
 - drafting of the manuscript (not: mere editorial adjustments, mere linguistic corrections or similar).
- (3) If a contribution is not sufficient to justify authorship, the individual's support may be properly acknowledged in footnotes, a foreword or an acknowledgement. Honorary authorship in which no sufficient contribution has been made is just as inadmissible as the inference of authorship solely on the basis of a managerial or supervisory function.
- (4) All authors must agree to the final version of the work to be published; they share responsibility for the publication, unless explicitly stated otherwise. Consent to a publication may not be withheld without sufficient reason. Rather, refusal of consent must be justified with verifiable criticism of data, methods or results.
- (5) Researchers agree in good time - usually at the latest when drafting the manuscript - on authorship of a publication. The understanding must be based on clear criteria and reflect the practices within the relevant subject areas.

§ 16 Publication media

- (1) The scientific/academic quality of a contribution does not depend on the medium in which it is published. In addition to publication in books and journals, authors may also consider academic repositories, data and software repositories, and blogs.
- (2) Authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse. A new publication medium is evaluated to assess its seriousness.
- (3) Researchers who assume the role of editor carefully select where they will carry out this activity.

§ 17 Confidentiality and neutrality of review processes and discussions

- (1) Fair behavior is the basis for the legitimacy of any judgement-forming process.
- (2) Researchers who evaluate submitted manuscripts, funding proposals or personal qualifications are

obliged to maintain strict confidentiality with regard to this process. They shall immediately disclose all facts that could give rise to the appearance of a conflict of interest.

- (3) Confidentiality implies that content to which access is gained within the scope of the function is not passed on to third parties and may not be used for the user's own purposes.
- (4) Sections 1 and 2 shall apply mutatis mutandis to members of scientific advisory and decision-making bodies.

Part II Ombudsmanship

§ 18 Ombudspersons

- (1) A central ombudsperson and a designated substitute are appointed at Anhalt University of Applied Sciences. The designated substitute is provided for in the event that there is any concern about conflicts of interest or in case the ombudsperson is unable to carry out their duties. The question of whether there is any concern about conflicts of interest shall be assessed in accordance with Section 21 of the Saxony-Anhalt Administrative Procedure Act (*VwVfG*). In case of doubt, the investigatory committee shall decide in accordance with Part III.
- (2) Researchers are appointed as ombudspersons or their designated substitutes. The disciplines represented at the university are taken into account in the appointment process. During their term of office, the ombudsperson and their substitute may not be a member of the investigatory committee (Committee for the Investigation of Scientific Misconduct) or a governing body of Anhalt University of Applied Sciences. The governing body shall be Anhalt University's Board of Management (*Präsidium*).
- (3) The Board of Management of Anhalt University of Applied Science appoint the ombudsperson and their substitute.
- (4) The term of office of an ombudsperson or deputy ombudsperson/substitute lasts 4 years. Re-elections are permitted.
- (5) The ombudsperson and their substitute receive the necessary substantive support and acceptance from the university management of Anhalt University of Applied Sciences in the performance of their duties. In order to increase the functionality of the ombudsman service, measures are to be taken to relieve the incumbent ombudsperson and deputy ombudsperson/substitute in other ways.

§ 19 Ombudsman activity

- (1) The ombudsperson and their designated substitute shall independently perform the ombudsperson activities in accordance with § 18, in particular independently of instructions or informal individual case-related influence by the university management and other university bodies. Ombudsperson activities are carried out confidentially, i.e. with due regard to discretion.
- (2) All members of Anhalt University of Applied Sciences have the opportunity to contact the ombudsperson regarding questions of good research practice, but also regarding suspected scientific misconduct. Alternatively, members of the university may turn to the supra-regional ombuds committee "Ombuds Committee for scientific integrity in Germany".

- (3) The university management shall ensure that the central ombudsperson and their designated substitute are known at Anhalt University of Applied Sciences. The identity and contact information of the current position holders are made known through the following means:
 - Website
 - Intranet
- (4) The ombudsperson advises as a neutral and qualified contact person in questions of good research practice and in cases of suspected scientific misconduct. They contribute, as far as possible, to solution-oriented conflict mediation.
- (5) In accordance with Part III, the ombudsperson or their designated substitute accept inquiries confidentially and, if necessary, forward cases of suspected scientific misconduct to the appropriate body at Anhalt University of Applied Sciences.

Part III Procedures for dealing with scientific misconduct

§ 20 General principles for dealing with cases of suspected scientific misconduct

- (1) All bodies at Anhalt University of Applied Sciences that investigate cases of alleged scientific misconduct within the scope of their responsibility take appropriate steps to protect both the complainant - the individual who raised a concern of scientific misconduct - and the respondent, the person accused of a misconduct. The responsible bodies are aware that the conduct of proceedings and the final, possible imposition of sanctions represent considerable interference with the legal interests of the respondent.
- (2) The investigation of allegations of scientific misconduct must be carried out in strict confidentiality at all times and adhere to the presumption of innocence. The investigation is also confidential. Investigations are conducted without regard to the person and decisions are made without regard to the person.
- (3) The information disclosed by the complainant must be provided in good faith. The complainant must have objective reasons for suspecting that an infringement of the standards of good research practice may have occurred. If the complainant is unable to verify the facts personally, or if there is uncertainty with regard to the interpretation of the guidelines on good research practice according to Part I in relation to an observed set of circumstances, the complainant shall consult the persons according to Section 19, paragraphs 1 and 2 for clarification of the suspicion.
- (4) The disclosure should not disadvantage the research or professional career prospects of either the complainant or the respondent. The respondent should not experience any disadvantage resulting from the investigation of the allegation until such time as scientific misconduct has been formally established. Particularly in the case of early career researchers, the disclosure should not lead to delays in the complainant's own qualification. No disadvantage should arise to the writing of final dissertations or doctoral theses. The same applies to working conditions and possible contract extensions.
- (5) Should scientific misconduct not be proven, the complainant must continue to be protected. This is not the case if the allegations can be shown to have been made against their better knowledge.
- (6) All bodies involved in the process are committed to completing the entire process in as timely a manner as possible. They shall take the necessary steps to complete each stage of the procedure

within a reasonable period of time.

- (7) Disclosures made anonymously can only be investigated if the complainant provides the party investigating the allegation with solid and sufficiently concrete facts that allow a review with reasonable effort.
- (8) If the complainant's identity is known, the investigating body will keep the individual's name confidential and will not share it with third parties without the individual's consent. This consent is given in writing. Different requirements apply only if there is a legal obligation. Different requirements also apply if the respondent cannot otherwise properly defend themselves because the case depends on the identity of the complainant. The investigating body will promptly inform the complainant if their name is to be disclosed. The complainant can decide whether to withdraw the allegation due to the impending disclosure. In the event of a withdrawal, disclosure shall not be made unless there is a legal obligation to disclose. The investigation procedure may nevertheless be continued if a balancing of interests shows that this is necessary in the interest of research integrity in Germany or in the legitimate interest of Anhalt University of Applied Sciences.
- (9) The confidentiality of the process is limited if the complainant makes their suspicion public. The investigating body will decide on a case-by-case basis how to handle the breach of confidentiality on the part of the complainant.

§ 21 Circumstances constituting scientific misconduct

- (1) Scientific misconduct occurs when a person involved in research work at Anhalt University of Applied Sciences intentionally or grossly negligently makes false statements in an academic context, appropriates other people's scientific achievements without authorization, or impairs the research activities of others. The special circumstances pursuant to paragraphs 5 to 8 shall remain unaffected.
- (2) False declarations are
 - a) inventing scientifically relevant data or research results,
 - b) falsifying scientifically relevant data or research results, in particular by suppressing or eliminating data or results obtained in the research process without disclosing this, or by falsifying a representation or illustration,
 - c) the incongruent representation of image and associated statement,
 - d) incorrect science-related information in a grant application or as part of the reporting requirement,
 - e) claiming authorship or co-authorship of another person without that person's consent.
- (3) The following cases constitute inadmissible appropriation of third-party scientific achievements:
 - a) Unmarked adoption of third-party content without the required citation ("plagiarism"),
 - b) unauthorized use of research approaches, research results and scientific ideas ("idea theft"),
 - c) unauthorized disclosure of scientific data, theories and findings to third parties,
 - d) presumption or unfounded assumption of authorship or co-authorship of a scientific publication, especially if no genuine, traceable contribution to the scientific content of the publication has been made,
 - e) falsification of scientific content,
 - f) unauthorized publication and unauthorized making available to third parties whilst the scientific work, finding, hypothesis, teaching or research approach has not yet been published.

- (4) Interference with the research activities of others is particularly present in the following cases:
 - a) Sabotage of research activities (including damaging, destroying or tampering with experimental setups, equipment, records, hardware, software, chemicals, or other property needed by others for research purposes),
 - b) falsification or unauthorized disposal of research data or research documents,
 - c) falsification or unauthorized disposal of research data documentation.
- (5) Scientific misconduct of research staff at Anhalt University of Applied Sciences - in the case of intent or gross negligence - also results from
 - a) co-authorship of a publication that contains false statements or inadmissibly appropriated third-party scientific achievements,
 - b) the neglect of supervisory duties, if another person has clearly acted in a way that constitutes scientific misconduct as defined in paragraphs 1 to 4 and this would have been prevented or made significantly more difficult by the necessary and reasonable level of supervision.
- (6) Scientific misconduct further results from the intentional participation (in the sense of instigation or aiding and abetting) in the intentional misconduct of others, which is an offense under these statutes.
- (7) Scientific misconduct on the part of persons providing expert opinions or members of self-governing bodies of Anhalt University of Applied Sciences is deemed to have occurred if they intentionally or through gross negligence
 - a) make unauthorized use for their own scientific purposes of scientific data, theories or findings of which they have become aware in the course of their work as an expert or member of a self-governing body,
 - b) disclose, in the course of their activities as reviewers or members of self-governing bodies, data, theories or findings to third parties without authorization, in violation of the confidentiality of the proceedings,
 - c) do not disclose, in the course of their activities as an expert or member of a self-governing body, facts or circumstances to the competent body that give rise to concern about conflicts of interest.
- (8) Scientific misconduct shall also be deemed to have occurred if a person providing an expert opinion or a member of a self-governing body of Anhalt University of Applied Sciences, in the course of their activities and with the intention of obtaining an advantage for themselves or another person, against their better knowledge, fails to disclose facts from which scientific misconduct on the part of the other person within the meaning of paragraphs 1 to 5 can be inferred.

§ 22 Initiation of an investigation

- (1) Complainants are to disclose information to the central ombudsperson or a designated substitute in accordance with Section 19. A disclosure is to be submitted in writing. It may be submitted orally, in which case a transcript shall be prepared by the office receiving the disclosure. If persons providing information contact a member of the investigatory committee directly with their report of suspicion, the member shall forward the report of suspicion to the central ombudsperson.
- (2) Notwithstanding Section 18 (1) of these statutes, sections 22 et seq. of the German Code of Criminal Procedure (*Strafprozessordnung*) shall apply mutatis mutandis to concerns of conflicts of interest on the part of the ombudsperson in their role in the proceedings under Part III. The investigatory committee shall come to a decision in accordance with § 24 of these statutes.

- (3) The central ombudsperson or their designated substitute shall examine in confidence whether there are sufficiently concrete indications that a person has committed an offense pursuant to Section 21 in an actionable manner. The ombudsperson may conduct preliminary investigations as regards to this; section 23 (2) shall apply mutatis mutandis.
- (4) If the ombudsperson concludes that there are sufficiently concrete grounds for suspicion in accordance with paragraph 3, they shall initiate a preliminary inquiry.

§ 23 Preliminary inquiry

- (1) As part of the preliminary inquiry, the ombudsperson shall immediately request the respondent in writing to comment on the allegation. In doing so, they shall list the incriminating facts and evidence vis-à-vis the respondent. A deadline shall be set for the submission of comments. As a rule, this shall be four weeks. The deadline may be extended. The statement is to be made in writing. Respondents are not required to incriminate themselves.
- (2) As part of the preliminary inquiry, the ombudsperson may conduct the investigations necessary to clarify the facts of the case, insofar as these are permissible by virtue of higher-ranking law. They can, for example, request, obtain and view documents, obtain and secure other pieces of evidence, obtain opinions or - if necessary - obtain external expert opinions. All persons involved must be asked to treat the request confidentially.
- (3) Documentation should indicate the steps taken to clarify the facts.
- (4) After completion of the relevant investigations and evaluation of all relevant evidence including the statement of the respondent, the responsible ombudsperson shall decide without delay on the further progress of the proceedings. The decision is based on whether, on the basis of the facts, the investigatory committee is more likely to find cause of scientific misconduct than to recommend discontinuation of proceedings (probable cause). If there is no probable cause for actionable scientific misconduct, the ombudsperson shall discontinue the proceedings. If there is probable cause, the ombudsperson shall turn the preliminary inquiry into a formal investigation, which shall be conducted by the investigatory committee.
- (5) In the event of discontinuation of the proceedings, the decision shall first be communicated in writing to the complainant. This communication needs to mention the main reasons on which the decision taken is based. The complainant has the right to appeal against the decision (remonstration) within a two-week period. A remonstration may only be based on new facts, but may also be obtained through the investigatory committee. In the event of a timely remonstration, the prior decision will be reconsidered by the ombudsperson and the investigatory committee.
- (6) If the remonstration period has expired or if a remonstration has not resulted in a different decision, the decision to discontinue the investigation shall be communicated to the respondent in writing, stating the main reasons for the decision.
- (7) If the proceedings turn into a formal investigation, this decision shall be communicated in writing to both the complainant and respondent. If the respondent has denied the allegation, the communication needs to contain an explanation of why the allegation could not be refuted.

§ 24 Investigatory committee

- (1) An ad hoc committee (Committee for the Investigation of Scientific Misconduct) is formed at Anhalt University of Applied Sciences to conduct the formal investigation. The investigatory committee has three members, plus the chairperson. Staffing of this committee takes into account disciplines

represented at the university. For each member of the committee - with the exception of the chairperson - a substitute is to be nominated. The committee is chaired by the vice president responsible for research. The chairperson shall conduct the business of the investigatory committee and shall exercise domiciliary rights and chair the meetings during the sessions. The investigatory committee shall elect a person from among its members to serve as vice-chair. At least three members of the investigatory committee shall be full professors of Anhalt University of Applied Sciences.

- (2) The committee members with voting rights as well as their substitutes are appointed by Anhalt University's Board of Management (*Präsidium*). In individual cases, the investigative committee may call in up to two non-voting expert persons from the related field as additional members for consultation.
- (3) In the event that a committee member is concerned about a possible conflict of interest or is impeded for an extended period of time, their substitute shall take over. As regards the appearance of a conflict of interest, sections 22 et seq. of the German Code of Criminal Procedure (*Strafprozessordnung*) apply. Any member with a voting right, the ombudsperson of the university or the respondent may voice concern over appearances of conflicts of interest. The committee, excluding the person against whom the concern of a conflict of interest has been voiced, shall come to a decision. Procedural acts that cannot be postponed may still be performed.
- (4) All committee members with voting rights enjoy equal voting rights; the chairperson may also vote. Resolutions are passed by simple majority; in the event of a tie, the chairperson has the casting vote. The committee is only quorate when at least 4 persons are present and a valid vote is taken.
- (5) The members of the committee and their substitutes perform their activities independently, in particular as regards instructions or informal individual case-related influence by the university management and other university bodies. The activity is carried out observing confidentiality.
- (6) The investigatory committee works and meets confidentially and non-publicly.
- (7) The current composition of the investigatory committee may be obtained from the following office:
 - President's Office (*Präsidialbüro*).

§ 25 Course of the formal investigation

- (1) The investigatory committee shall schedule a meeting in a timely manner. The respondent shall be given the opportunity to comment on the allegations orally before the commission (hearing) or in writing, in good time and prior to the scheduled committee meeting.
- (2) Section 23, paragraph 1 applies accordingly. The complainant shall also have another opportunity to comment. If the respondents refrains from making such a statement, this alone shall not be considered to their disadvantage. A decision must then be made according to the documentation presented.
- (3) The committee may, at its due discretion, hear other persons whose opinion it deems useful to the proceeding. With regard to possible rights to refuse to give evidence, the provisions of the German Code of Criminal Procedure (*Strafprozessordnung*) shall apply accordingly.
- (4) Any person who is heard before the committee may have a person of their confidence present for purposes of assistance. The committee is to be made aware of this request in due time.
- (5) The investigatory committee shall determine whether scientific misconduct has occurred based on a free appraisal of the evidence. For scientific misconduct to be proven to have taken place, a majority vote of the committee members is required. The committee is required to preserve the

secrecy of its consultations. This does not affect the committee's power to terminate the proceedings for lack of sufficient suspicion or in cases of minor misconduct on grounds of insignificance. In case of a termination of the proceedings, the complainant shall not have the right of filing a remonstrance.

- (6) Section 20, paragraphs 8 and 9 shall apply *mutatis mutandis* to any disclosure of the identity of the complainant.
- (7) Suspicion of disciplinary/labor law violations will result in suspension of proceedings.
- (8) The investigative commission shall submit a final investigation report, including the committee's proposed sanctions, to the university management in a timely manner. The essential basis of the committee's decision shall be communicated.
- (9) The records of the formal investigation must be kept under confidential lock and key for 20 years in the archives of Anhalt University of Applied Sciences.

§ 26 Completing the proceedings

- (1) The university management shall decide at its due discretion whether scientific misconduct has been established against the respondent and whether and what sanctions and measures shall be imposed on them. If the revocation of an academic degree is considered, the bodies responsible are to be involved.
- (2) The decision and its main justifications shall be communicated in writing to both the complainant and respondent after the meeting. For formal appeals against the decision, the parties may only resort to the legal remedies granted by law.
- (3) The decision shall also be communicated to affected scientific organizations and third parties having a justified interest in the decision. The university management may decide at its due discretion whether and in what manner this is the case. They also decide whether and in what way the public is to be informed. Notifications under this paragraph shall be accompanied by a statement of reasons.
- (4) If the revocation of an academic degree is considered, the bodies responsible are to be involved.

§ 27 Possible sanctions and measures

- (1) If the university management considers scientific misconduct to be proven, they may impose the following sanctions and/or take the following actions alternatively or cumulatively, within the limits of proportionality:
 - a) warning (*Verwarnung*) or written reprimand (*schriftliche Rüge*) of the person or persons concerned.
 - b) request to the respondent to retract or correct publications found to contain misconduct or to refrain from publishing manuscripts found to contain misconduct,
 - c) withdrawal of project management as well as withdrawal of funding decisions or withdrawal from funding contracts, insofar as the decision was made by the university or the contract was concluded by the university, including reclaiming of funds if necessary,
 - d) exclusion from eligibility for third-party funding applications (exceeding 50,000€) via the university in the R&D/transfer area for up to two years - depending on the severity,
 - e) disqualification from serving as a peer reviewer or member in one of the university's self-governing

bodies for a period of one to eight years, depending on the severity of the scientific misconduct,

- f) against employees of the university: written warning (*Abmahnung*), ordinary termination (*ordentliche Kündigung*), termination of contract, extraordinary termination (*außerordentliche Kündigung*),
 - g) against civil servants at the university: Initiation of disciplinary proceedings under civil service law (*Einleitung eines beamtenrechtlichen Disziplinarverfahrens*) with the measures provided for therein, including interim measures,
 - h) filing a criminal complaint (*Strafanzeige*) with the police or the public prosecutor's office,
 - i) giving notice of an administrative offence (*Ordnungswidrigkeitsanzeige*) to the responsible authority,
 - j) assertion of claims under civil law - also by way of interim legal protection - in particular for damages, restitution or removal/injunction,
 - k) assertion of any claims under public law, including by way of interim relief,
- (2) Initiation of proceedings for the revocation of an academic degree or suggestion of the initiation of such proceedings. Sanctions and measures other than those referred to in paragraph 1 shall be imposed only if they are proportionate in view of the legal interests and legitimate interests of the respondent.
- (3) Measures referred to in paragraph 1 shall not be unlawful on the grounds that they have not been expressed in the written notification referred to in section 26, paragraph 3.

§ 28 Transitional provisions / applicability after leaving the university

- (1) The acts of scientific misconduct under section 21 shall apply only to acts committed when these statutes were already in force.
- (2) The procedural requirements of this section apply only to notices received on or after the effective date of these statutes. Preliminary investigation, preliminary examination and investigation procedures already in progress at the time of the commencement of these statutes shall be completed in accordance with the procedural regulations previously in force.
- (3) An offense can also be prosecuted if the accused person is no longer actively engaged in research work at Anhalt University of Applied Sciences, but had been actively engaged in research work at the time of the offense.

Part IV Commencement of these statutes; Promulgation; Expiration of any prior statutes or regulations on good research practice.

§ 29 Commencement and expiration

- (1) These statutes enter into force following approval by the President of Anhalt University of Applied Sciences and on the day following their publication. At the same time, the Rules for ensuring good scientific practice and for the procedure in the event of suspected scientific misconduct at Anhalt University of Applied Sciences dated January 23, 2008 shall cease to apply.
- (2) Issued on the basis of the decision of the Senate of the Anhalt University of Applied Sciences dated

March 8, 2023. Approved by the President of Anhalt University on March 8, 2023.

- (3) Published in the *Amtliches Mitteilungsblatt der Hochschule Anhalt* (Official Bulletin of Anhalt University of Applied Sciences) No. 92/2023.

Köthen, March 8, 2023

Prof. Jörg Bagdahn

President of Anhalt University of Applied Sciences