

Regulations of the University of Freiburg on Safeguarding Academic Integrity

(Inoffizielle Übersetzung / unofficial translation)

Pursuant to section 3 Paragraph 5 Clause 4 in conjunction with section 19 Paragraph 1 Clause 2 No. 10 of the Higher Education Act of the State of Baden-Württemberg (Landeshochschulgesetz - LHG) of January 01, 2005 (GBl. S. 1), as last amended on December 21, 2021 by Article 7 of the Act (GBl. 2022, S. 1, 2), the Senate of the University of Freiburg passed the following regulations in its session on May 25, 2022.

These Regulations implement the “Guidelines for Safeguarding Good Academic Practice” by the German Research Foundation (DFG) from September 2019 in a legally binding manner.

For topics of these DFG guidelines, for which the University of Freiburg has its own guidelines, sets of rules and catalogues of measures in addition to these Regulations, reference is made to these in their respective valid version. These include:

1. Basic Regulations of the University of Freiburg with regard to guiding principles and self-responsibility
2. European Charter for Researchers, Code of Conduct for the Recruitment of Researchers
3. Leadership guidelines at the University of Freiburg
4. Statutes of the Commission on Responsibility in Research and University of Freiburg Guidelines for the Responsible Handling of Research Freedom and Research Risks
5. Statutes of the University of Freiburg on the Implementation of Central Ombudsman Proceedings for doctoral candidates and supervisors at the University of Freiburg
6. Further education on academic honesty
7. Framework doctoral regulations and the doctoral regulations, examination regulations and habilitation regulations of the faculties
8. Doctoral agreements between doctoral candidates and supervisors
9. Compass for good supervision of doctoral candidates at the University of Freiburg
10. Appointment guidelines
11. Statutes and quality assurance concept for junior professorships and tenure-track professorships
12. Offers of interdisciplinary qualification and advice for doctoral students and post-doctoral researchers
13. Personnel development concept in academia
14. Principles and procedures for personnel selection and development for employees in the areas of administration, service and technological infrastructure
15. University of Freiburg Guidelines for the Duration of Employment Contracts in Academia from January 27, 2016
16. Diversity and equality concepts at the University of Freiburg
17. Against Sexual Harassment and Stalking. A Guide for Practice
18. University compliance rules

First Part: Academic self-regulation

Section 1 Obligation to uphold academic integrity

(1) All academics at the University of Freiburg as well as the students are bound to act in accordance with the rules of good academic practice as defined in section 2. The faculties and scientific centres shall familiarize students and scientists with the rules of good academic practice at an early stage of their career and warn them against scientific misconduct. Scientists at all career levels shall regularly update their knowledge of the standards of good scientific practice and the state of research.

(2) The University of Freiburg is committed to creating the organizational and personnel structures necessary to ensure honesty in science and to prevent scientific misconduct, to regularly reviewing their effectiveness and, if necessary, to making targeted adjustments.

(3) The faculties and scientific centres shall develop subject-specific principles of academic work for their respective areas and make them known in an appropriate manner. Direct reference to these Regulations is also possible. Several faculties or scientific centres may agree on the application of common principles of academic work.

(4) The rules of good academic practice shall be integrated into academic teaching and into the training of junior researchers. Experienced scientists and scientists in an early career phase shall support each other in the continuous learning and training process and maintain a regular exchange.

(5) Employment and service rights and obligations are not affected by these statutes.

Section 2 Rules of good academic practice

(1) The rules of good academic practice include, in particular, the following general principles of academic work:

1. to work according to the recognized rules (*lege artis*),
2. to apply academically sound and comprehensible methods and to take aspects of quality assurance and standard formation into account when developing and applying new methods,
3. to document research results (used or emerging research data, method, evaluation and analysis steps), if necessary to deposit the origin of the hypothesis, to ensure the traceability of citations,
4. to be honest about the contributions of partners, competitors and predecessors,
5. to critically examine all results and their interpretations,
6. to use methods to avoid (unconscious) bias in the collection and interpretation of findings (e.g. by blinding) as best as possible,
7. to allow and promote critical discourse in the academic community.

(2) The rules of good academic practice also include the subject-specific principles of academic work developed by the individual faculties and academic centres.

Section 3 Legal and ethical framework; rights of use

Researchers:

1. observe rights and obligations, in particular those resulting from legal requirements, but also from contracts with third parties, and obtain and submit approvals and ethics votes where necessary. With regard to research projects, a thorough assessment of foreseeable research consequences and evaluation of ethical aspects should be carried out;
2. make documented agreements on the rights to use the research results at the earliest possible stage in the research project, if possible and reasonable. Their use shall be without restriction for the party collecting the research results. In the context of an ongoing research project, the authorized users decide (in particular in accordance with data protection regulations) whether third parties should have access to the data (see also section 6).

Section 4 Responsibilities of heads of research groups and research institutes at the University

(1) Without prejudice to the responsibility of the management of the University, each faculty, scientific centre, and other academic institution shall be responsible for an appropriate organizational structure and leadership that ensures that

1. the members adhere to the rules of academic integrity,
2. the tasks of management, supervision, quality assurance and conflict resolution are clearly assigned and properly performed, and
3. doctoral candidates and students are adequately supervised and have a primary reference person who teaches them the principles of good academic practice - especially with regard to the authorship of scientific qualification papers and publications,
4. abuse of power and the exploitation of dependencies is prevented by appropriate organizational measures both at the level of the individual scientific working unit and at the level of the management of scientific institutions,
5. researchers and employees from administration, service and technological infrastructure enjoy a relationship of support and personal responsibility appropriate to their career level; they are accorded an adequate status with corresponding rights of participation and are enabled to shape their careers through increasing independence.

(2) The roles and responsibilities of the researchers involved in a research project and of the employees from management, service and technological infrastructure shall be clear at all times during a research project.

Section 5 Cross-phase quality assurance

Documentation and research results must not be manipulated. They must be protected against manipulation as far as possible. Researchers shall adequately secure publicly accessible research data or research results

as well as the underlying central materials and, if applicable, the research software used, in accordance with the standards of the discipline concerned, and shall store them for an appropriate period of time, generally ten years. Deviations from this are to be justified. If the documentation does not meet these requirements, the restrictions and the reasons for them shall be explained in a comprehensible manner. The University ensures the necessary archiving infrastructure; shortened retention periods must be justified. The retention period begins on the date the documentation was made publicly accessible.

Section 6 Authorship and scientific publications

(1) An author is someone who has made a genuine, verifiable contribution to the content of a scientific text, data or software publication. Such a contribution exists in particular if a researcher has participated in a scientifically relevant way in the development and conception of the research project or in the development, collection, procurement, provision of the data, the software, the sources or in the analysis/evaluation or interpretation of the data, sources and in the conclusions drawn from them or in the writing of the manuscript. If a contribution is not sufficient to warrant authorship, such support may be appropriately acknowledged in footnotes, the foreword, or the acknowledgement. Honorary authorship where precisely no such contribution has been made is not permissible. A managerial or supervisory position does not in itself constitute co-authorship. Further details on the publication of research results may be specified in the subject-specific principles of scientific work to be developed by the faculties and scientific centres (section 1 paragraph 3).

(2) All persons involved in a research project shall, if possible, be given the opportunity to acquire co-authorship. The persons to be considered for this should be named as far as possible before the start of the research project. Without sufficient reason, the necessary consent to the publication of results may not be withheld. The refusal of consent must be justified with a verifiable criticism of data, methods or results.

(3) All authors agree to the final version of the work to be published. They are jointly responsible for the publication, unless explicitly stated otherwise. Authors take care and, as far as possible, work towards ensuring that their research contributions are marked by the publishers or infrastructure providers in such a way that they can be correctly cited by users.

(4) Authors shall carefully select the publication medium, taking into account its quality, visibility in the respective field of discourse and its orientation towards the guidelines for good academic practice.

(5) Scientists who assume the function of editors carefully check for which publication organs they assume this task.

Section 7 Performance dimensions and evaluation criteria

In order to evaluate a researcher's performance, a multidimensional approach is required: In addition to academic performance, other aspects may be taken into account. The evaluation of performance primarily follows qualitative standards, whereby quantitative indicators can only be included in the overall evaluation in a differentiated and reflected manner. As far as freely indicated, individual characteristics in CVs are also included in the assessment.

Section 8 Confidentiality and neutrality in assessments and consultations

(1) Researchers who, in particular, evaluate submitted manuscripts, funding applications, or the credentials of individuals are obligated to maintain strict confidentiality in this regard. The confidentiality of the external content to which the reviewer or committee member gains access excludes the disclosure to third parties and own use. In the event of suspicion of academic misconduct, disclosure to the Representative pursuant to section 10 and to the Investigative Commission pursuant to section 12 shall remain permissible.

(2) Researchers shall immediately disclose to the competent body any conflicts of interest or bias affecting them that could be justified with regard to the research project being reviewed or the person or subject of the consultation, and shall disclose all facts that could give rise to concerns of bias.

(3) The obligation to maintain confidentiality and to disclose facts that could give rise to concerns of bias shall also apply to members of scientific advisory and decision-making bodies.

Section 9 Informing about and observing the rules of good academic practice

(1) These Regulations shall be made known to the academic staff of the University of Freiburg when they are hired or employed.

(2) Students and other junior researchers shall be informed of the contents of these Regulations.

(3) All academic staff and students actively involved in research projects and suitably instructed by their supervisors must themselves take care in order to observe the rules of good academic practice and to avoid academic

misconduct. In cases of doubt, they must seek the advice of their research group leader, experienced scientists or the Representative for Academic Self-Regulation (section 10).

Section 10 Representative for Academic Self-regulation (“Ombudsperson”); “The German Research Ombudsman”

(1) Upon proposal of the Rector, the Senate shall appoint a university professor of the University of Freiburg with integrity and management experience as a Representative for Academic Self-Regulation, who must not be a member of a central management body of the University during the exercise of this office, as well as two deputies, who must not at the same time be members of the Investigation Commission (section 12). The term of office is three years; one reappointment is permitted. When selecting candidates, care must be taken to ensure that the Representative and his/her deputies always represent both the natural science and technical subjects as well as the humanities and social sciences based on their individual professional qualifications. The Representative and his or her deputy receive the necessary support and acceptance from the Rectorate in the performance of their duties. They may apply to the Rectorate for measures to relieve them of other duties. The Rectorate shall ensure that the Representative is known at the University.

(2) The Representative for Academic Self-Regulation shall be independent of instructions from University bodies. He/she gives neutral and competent advice to persons who inform him/her about suspected academic misconduct, as well as persons who feel exposed to the suspicion of academic misconduct. In addition, the Representative shall take up concrete indications of academic misconduct of which he/she becomes aware in any other way.

(3) The Representative for Academic Self-Regulation shall examine any suspicion of academic misconduct with regard to its concreteness and significance, while maintaining confidentiality. If, on the basis of this examination, she/he considers the suspicion to be sufficient, she/he shall inform the responsible bodies accordingly.

(4) In case of bias of the Representative in a procedure of suspected academic misconduct, one of the deputy representatives shall take over the procedure. The possible bias can be asserted by the Representative, the Deputy Representative or by third parties.

(5) Members of the University as well as other informants can turn to the Representative for Academic Self-Regulation; researchers with a connection to the German academic system can also turn to the nationally active committee "The German Research Ombudsman" (DFG).

Second Part: Proceedings in cases of suspected academic misconduct

Section 11 Academic misconduct

(1) Academic misconduct shall be deemed to have occurred if a person engaged in academic work at the University intentionally or grossly negligently makes false statements in a context relevant to science, unjustifiably appropriates the academic achievements of others, or impairs the research activities of others. The special circumstances pursuant to paragraphs 5 to 8 shall remain unaffected.

(2) False statements are

- a) the fabrication of data and/or research results,
- b) the falsification of data and/or research results, in particular by suppressing and/or eliminating data and/or results obtained in the research process without disclosing this, or by manipulating a representation or illustration,
- c) incongruent presentation of image and associated statement,
- d) incorrect information in a grant application or in the context of the reporting obligation (including false information on the publication organ and on publications in print), insofar as these are science-related,
- e) claiming the (co-)authorship of another person without his or her consent.

(3) An unauthorized attribution of another's academic achievements shall be deemed to have occurred in the following cases:

- a) Unmarked adoption of third-party content without the required citation ("plagiarism"),
- b) exploitation of research approaches and ideas ("theft of ideas"),
- c) unauthorized disclosure of data, theories and findings to third parties,
- d) presumption or unfounded assumption of authorship or co-authorship, especially if no genuine, traceable contribution to the scientific content of the publication has been made,
- e) falsification of the content,

- f) unauthorized publication and unauthorized making accessible to third parties, as long as the work, the finding, the hypothesis, the teaching or the research approach has not yet been published.
- (4) Interference with the research activities of others shall exist in particular in the following cases:
- a) Sabotage of research activities (including damaging, destroying, or tampering with experimental set-ups, 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) Academic misconduct on the part of persons engaged in academic activities at the University also arises - in the case of intent or gross negligence - from
- a) co-authorship of a publication containing false statements or academic achievements of others which have been unjustifiably appropriated,
 - b) neglect of supervisory duties, if another person has objectively committed the facts of academic misconduct as defined in paragraphs 1 to 4 and this would have been prevented or made considerably more difficult by the necessary and reasonable supervision.
- (6) Academic misconduct also results from the intentional participation (in the sense of instigation or aiding and abetting) in the intentional misconduct of others, which is a criminal offense under these statutes.
- (7) Academic misconduct on the part of reviewers or committee members of the University shall be deemed to have occurred intentionally or through gross negligence in case of
- a) unauthorized use of data, theories or findings for their own scientific purposes of which they have become aware in the course of their work as an assessor or committee member,
 - b) disclosure of data, theories or findings to third parties without authorization and in violation of the confidentiality of the proceedings, in the course of their activities as an assessor or panel member,
 - c) failure to disclose to the competent body facts or circumstances that may give rise to concern about bias, in the course of their activities as an assessor or panel member.
- (8) Academic misconduct shall also be deemed to have occurred if, in the course of his/her activities, an assessor or a member of a committee of the University, with the intention of obtaining an advantage for himself/herself or another person, fails, against his/her better knowledge, to disclose facts from which academic misconduct on the part of the other person within the meaning of paragraphs 1 to 5 may be inferred.

Section 12 Investigative Commission

- (1) The University of Freiburg shall establish an Investigative Commission to Ensure Academic Integrity. The permanent members of this Investigative Commission are appointed by the Senate on the proposal of the Rector. The permanent members of the Investigative Commission shall be five professors of the University, one of whom shall represent each of the departments of (a) Theology, Philosophy and Philology, (b) Law, (c) Behavioral and Economic Sciences, (d) Mathematics, Natural and Environmental Sciences, and (e) Medicine; other permanent members shall be two members of the academic staff of the University from different departments, as well as one non-professional member or one non-member of the University qualified to hold judicial office. An alternate is appointed for each member of the Investigative Commission to represent the member in the event that he or she is unable to attend. The term of office is three years; reappointment is permitted. In addition, the Investigative Commission shall include a member of the faculty board of the faculty to which the person accused of academic misconduct belongs or has belonged.
- (2) The Investigative Commission has the task of advising the Rector in matters of safeguarding academic integrity and of investigating suspected academic misconduct in accordance with Section 11. The competence of the examination, doctoral and habilitation committees to determine and punish academic misconduct in direct connection with the award of academic degrees shall remain unaffected. If, in an examination procedure (Section 14) of the Investigative Commission, there is sufficient suspicion of conduct relevant under disciplinary law or of a breach of contractual obligations, the Investigative Commission shall notify the Rector without delay and suspend its examination for the time being.
- (3) The Investigative Commission shall elect a chairperson and a deputy chairperson from among its members. It may, with the consent of the Senate, adopt rules of procedure. The Investigative Commission shall meet in private. It may call in members of the University and other expert persons; these shall participate in the meetings in an advisory capacity.

- (4) The members of the Investigative Commission shall be bound by official secrecy. If they are not in the public service of the University of Freiburg, they shall be specially bound to secrecy by the chairperson; the same shall apply to persons called in as experts. The commitment to secrecy shall be recorded in the files.
- (5) If the responsible examination, doctoral or postdoctoral committee initiates proceedings on the basis of sufficient suspicion of academic misconduct, the examination committee shall provisionally suspend its examination. If the duties and obligations of the employer arise from the reasonable suspicion of academic misconduct, sentence 1 shall apply accordingly.

Section 13 Whistleblowers and those affected by allegations

- (1) All bodies investigating suspected academic misconduct, in particular the Representative for Academic Self-regulation and the Investigative Commission, shall take appropriate measures to protect both the person making the allegation and the person affected by the allegation. The person affected by the allegations should not suffer any disadvantages from the examination of the suspicion until academic misconduct has been formally established. The person making the report must not suffer any disadvantages for his/her own scientific or professional advancement, unless it can be proven that the report was made against his/her better knowledge.
- (2) The investigation of allegations of academic misconduct shall be carried out in each procedural state expressly in compliance with confidentiality and the presumption of innocence.
- (3) The report should - especially in the case of researchers in an early career phase - not lead to delays in the qualification of the whistleblower, the preparation of theses and doctorates should not be disadvantaged; this also applies to working conditions and possible contract extensions.
- (4) The whistleblower must have objective evidence and act in good faith that standards of good academic practice may have been violated. If the whistleblower cannot check the facts him/herself or if there are uncertainties in the interpretation of the guidelines for good academic practice with regard to an observed event, the whistleblower should contact the Representative for Academic Self-Regulation or - as a researcher with a connection to the German academic system - the committee "The German Research Ombudsman" to clarify the suspicion.
- (5) An anonymously made report can only be reviewed in a procedure if the person making the report provides the body reviewing the suspicion with reliable and sufficiently concrete facts.
- (6) If the informant is known by name, the investigating body shall treat the name confidentially and shall not disclose it to third parties without appropriate consent. This shall not apply unless there is a legal obligation to do so or the person affected by the allegations cannot otherwise defend him/herself properly because the identity of the whistleblower is exceptionally important for this purpose. Before the name of the whistleblower is disclosed, he/she will be informed immediately; the whistleblower can decide whether to withdraw the report if the name is likely to be disclosed. In this case, confidentiality must be maintained, but this does not terminate the proceedings; paragraph 5 applies accordingly. The whistleblower shall also be protected in the event of unproven academic misconduct, unless it can be proven that the report was made against his/her better knowledge.
- (7) The confidentiality of the procedure is restricted if the whistleblower makes the suspicion public. The investigating agency shall decide on a case-by-case basis how to deal with a breach of confidentiality by the whistleblower.

Section 14 Investigation procedure

- (1) If the Investigative Commission is informed of a suspicion of academic misconduct by the Representative for Self-Regulation in Science, University committees or members of the University or in any other way, it shall examine the facts of the case after establishing its competence. In particular, it shall examine the reported suspicion with regard to plausibility, concreteness and significance.
- (2) In the event of a suspicion of academic misconduct which the Investigative Commission considers sufficient, the person concerned shall be given the opportunity to make a statement at every stage of the proceedings. Upon request, he/she shall be heard orally; for this purpose, he/she may call in a person of his/her confidence as an advisor. Sentence 2 shall also apply to the person providing the information. Insofar as it is expedient, the Investigative Commission may combine and also separate several cases before it which concern the same facts.
- (3) The Investigative Commission shall investigate the facts ex officio and in free assessment of the evidence. Members and institutions of the University shall assist the Investigative Commission in the performance of its duties. The University shall ensure that the entire procedure is carried out as promptly as possible and shall take the necessary steps to complete each stage of the procedure within a reasonable period

of time. The Investigative Commission shall conduct its examination independently, in particular free from instructions from other University bodies.

- (4) The members of the Investigative Commission shall be obliged to indicate any bias. The Investigative Commission shall examine whether there is an absolute reason for bias in accordance with Section 20 of the State Administrative Procedure Act (LVwVfG). In this case, the member is excluded from further participation in the proceedings. In the event of possible bias within the meaning of Section 21 LVwVfG, the Investigative Commission shall decide on further participation at its due discretion. In all other respects, the provisions of the University's Code of Procedure and, in addition, the current version of the State Administrative Procedure Act shall apply accordingly.
- (5) The Investigative Commission shall submit a progress report on the investigation and its results to the Rector; it shall not be authorized to propose sanctions or make recommendations. The Rector decides whether and to whom the progress report is to be made known. The status report is not legally binding. The Rector shall inform the Investigative Commission about the further procedure in the cases reported by it.

Section 15 Measures and consequences

- (1) The respective responsible bodies of the University shall examine on their own responsibility whether and which measures are to be taken in order to sanction academic misconduct that has been established or to prevent similar misconduct in the future. Depending on the severity of academic misconduct, the following measures in particular may be considered in accordance with the applicable law:
 1. written reprimand,
 2. request to the accused person to withdraw or correct incriminated publications or to refrain from publishing incriminated manuscripts,
 3. withdrawal of funding decisions or rescission of funding contracts, insofar as the decision was made by the University or the contract was concluded by the University, including, if applicable, a reclaim of funds,
 4. exclusion from serving as an assessor or committee member of the University for a limited period of time,
 5. measures under labour law,
 6. initiation of disciplinary proceedings under civil service law,
 7. criminal complaint to the police or the public prosecutor's office,
 8. reporting a misdemeanor to the competent authority,
 9. assertion of civil law claims,
 10. assertion of claims under public law,
 11. initiation of proceedings for the withdrawal of an academic degree or suggestion of the initiation of such proceedings.
- (2) If, after academic misconduct has been established, the withdrawal of an academic degree is considered, the faculty committees responsible for this shall be involved and shall decide, if necessary, on the withdrawal of titles or degrees. The result shall be communicated to the scientific organizations concerned and, where appropriate, to third parties with a justified interest in the decision after the investigations have been completed.

Section 16 Report on academic misconduct proceedings

- (1) The faculties and academic centres are obliged to collect data on the proceedings they have conducted concerning academic misconduct and to submit an annual report to the Investigative Commission; no personal data is allowed in the report.
- (2) The Investigative Commission shall report annually to the Senate on the status of the proceedings conducted by it and on the proceedings communicated by the faculties and academic centres.

Section 17 Former University members

If the person affected by the suspicion of academic misconduct was a member of the University of Freiburg at the relevant time, the provisions of these regulations shall also apply if he/she is no longer a member of the University.

Section 18 Retention of documents

The files of the investigative proceedings are retained for 30 years.

Final clauses

Section 19 Period of validity and interim regulations

(1) These regulations shall enter into effect on the day following their publication in the Official Announcements of the University of Freiburg in Breisgau. At the same time, the Regulations of the University of Freiburg for Safeguarding Academic Integrity dated June 10, 2011 (Official Announcements, Vol. 42, No. 38, pp. 395-399) as amended by the Second Amendment Statutes of November 20, 2014 (Official Announcements, Vol. 45, No. 86, p. 653) - the old version of the regulations - shall cease to be in effect.

(2) The term of office of the Representative for Academic Self-Regulation ("Beauftragter") and of the members of the Investigative Commission appointed in accordance with Sections 6 and 8 of the old version of the regulations shall continue until the end previously determined.

(3) Proceedings pending before the Representative or the Investigative Commission at the time of the entry into force of these regulations shall be continued in accordance with the procedural provisions of these regulations.