

## **Statute for Safeguarding Good Scientific Practice at the BTU Cottbus-Senftenberg (GWPS BTU) dated 2 March 2018**

In accordance with Section 64 (2)(2) of the Brandenburg Higher Education Act (BbgHG) of 28 April 2014 (GVBl. I/14 No. 18), last amended by the Act of 1 July 2015 (GVBl. I/15 No. 18) and Section 16 of the Basic Regulation (GO) of 8 January 2016, last amended by the first amendment to the Statute dated 17 November 2016 (AMbl. 12/2017), and in observing the respectively applicable version of all legal and statutory provisions stipulated in the Statute, the Brandenburg University of Technology Cottbus–Senftenberg (BTU) hereby adopts the following Statute whilst taking into account the Recommendations for Safeguarding Good Scientific Practice in the version as adopted by the Deutsche Forschungsgemeinschaft (DFG) on 3 July 2013.

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## **Preamble**

<sup>1</sup>All BTU members undertake to use this Statute as the basis for their scientific work and actively contribute to the prevention of scientific misconduct within their sphere. <sup>2</sup>In safeguarding the rights of all parties involved, the greatest level of attention shall be paid to any justified suspicion of scientific misconduct at BTU. <sup>3</sup>Measures appropriate to the individual case shall be taken in the event such suspicion is confirmed. <sup>4</sup>Subject and graduation-specific regulations must be incorporated into the relevant regulations and Statutes. <sup>5</sup>This Statute governs the requirements for good scientific practice (Part I) and defines scientific misconduct (Part II). <sup>6</sup>It also governs the responsible committees and representatives (Part III), the procedure to follow in the event of suspected scientific misconduct (Part IV) and potential decisions and punishments in the event of scientific misconduct (Part V).

## **Part I: Good scientific practice**

### **Section 1 Basic principles of good scientific practice**

The following basic principles in particular form part of good scientific practice:

- working in accordance with the recognised rules of the discipline (“lege artis”),
- documenting results so that they are comprehensible, verifiable and complete,
- consistently and critically questioning all results,
- maintaining strict integrity with regard to contributions from collaboration

partners, colleagues, competitors and predecessors, and

- maintaining ethical standards when carrying out surveys and studies,
- observing data protection provisions, including in particular with regard to the collection, processing and publication of personal data.

### **Section 2 Performance and evaluation criteria**

(1) Originality and quality must always be given priority over quantity as performance and evaluation criteria for exams, awarding academic degrees, promotions, recruitment, appointments and allocating funds.

(2) With regard to applications, a maximum number of scientific publications to be submitted as proof of performance may be specified where necessary.

### **Section 3 Collaboration and management responsibilities in working groups**

(1) Every head of a teaching and research field (subject-based or other field) shall conduct themselves in an exemplary manner with regard to their scientific work, assuming responsibility for organising matters in a sufficient manner to ensure that the various management, supervisory, conflict resolution and quality assurance tasks are clearly assigned, and ensuring that these tasks are actually carried out.

(2) In the various fields, collaboration shall be conducted in an atmosphere conducive to reliability and trust where

- the results obtained through the division of labour can be mutually discussed, criticised and integrated into a common level of knowledge,
- ideas, hypotheses and theories are reciprocally verified and discussed and
- the quality assurance of one's own work and of results is safeguarded.

(3) The support necessary for this shall be ensured for those responsible by the university management, including in particular by way of legal advice as well as funding for training courses and further education measures.

### **Section 4 Supervision of junior researchers and students**

The supervision of junior researchers and students shall be carried out in such a way that junior researchers and students are made aware of the rules of good scientific practice in teaching, training and research, both as a scientific and as an ethical basic principle.

### **Section 5 Safeguarding and storing primary data**

(1) <sup>1</sup>Primary data as the basis for publications must be kept securely in accordance with the latest standards for safeguarding good scientific practice, this typically involving storage on durable and secure media in the teaching and research unit of its origin.

<sup>2</sup>Measurement results, collections, surveys, cell cultures, material samples, archaeological finds, questionnaires, audio and film recordings are also considered to be primary data.

(2) <sup>1</sup>As a rule, primary data must remain accessible for ten years. <sup>2</sup>For data that cannot be stored on durable and secure media, shorter storage periods can be specified in justified cases. <sup>3</sup>The original data and documents shall typically remain at the place of origin; however, duplicates can be made or access rights determined.

(3) The responsibility for the creation of media lies with the respective head of the research project, on whom the burden of proof rests for the proper recording of the data.

(4) <sup>1</sup> In the absence of any specification at the superordinate field level, the individual teaching and research units shall specify what is to be regarded as primary data. <sup>2</sup>Moreover, they establish binding rules concerning the recording and retention of primary data, as well as the access to the original data and media; they also make provisions in the event that the scientist responsible for the origin of the data changes his/her place of work. <sup>3</sup>They can also specify shorter retention periods in accordance with para. 2 sentence 2.

(5) <sup>1</sup>If the primary data contains personal data, i.e. details of the personal or material circumstances of an identified or identifiable natural person, then the features enabling establishment of a link to an individual person must be stored separately; the features must be deleted once possible to do so according to the research purpose. <sup>2</sup>Accordingly, this data shall be removed from the primary data to be archived.

## Section 6 Scientific publications

(1) Only those individuals who have themselves made a significant contribution to designing studies or experiments, to carrying out the research project, to developing, analysing and interpreting the data or to phrasing the manuscript itself and have consented to its publication may be referred to as authors of a scientific publication.

(2) <sup>1</sup>Co-authorship is not established by:

- acquiring funding,
- providing standard investigating materials,
- instructing colleagues in standard methods,
- merely participating in data collection from a technical perspective,
- merely providing technical support (e.g. merely providing equipment or laboratory animals),
- merely handing over data,
- merely reading the manuscript without making a substantial contribution to the contents, or
- leading the department or working group in which the publication has originated.

<sup>2</sup>Likewise, work or employment relationships between the parties involved shall be immaterial to the establishment of (co-)authorship. <sup>3</sup>A so-called "honorary authorship" shall also be excluded.

(3) <sup>1</sup> It shall be a breach of the rules of good scientific practice to end the collaboration on a publication without sufficient reason for doing so or, as co-author upon whose consent the publication depends, to prevent the publication of the results without good cause. <sup>2</sup>Refusal to publish must be justified with verifiable criticism of data, methods or results.

(4) Publications intended to be reports on new scientific results must describe the methods and results in a verifiable manner, including by making reference to additional literature, where applicable.

(5) <sup>1</sup>Significant findings which support results and hypotheses, but also any such findings which contradict the latter, must be disclosed in scientific publications. <sup>2</sup>An individual's own preliminary work and external preliminary work, and relevant publications of other authors upon which the work is directly established must be referenced in full and correctly.

(6) Should the publication contain personal data, i.e. details of the personal or material

circumstances of an identified or identifiable natural person, then this shall only be permitted if the data subjects have given their explicit consent or if such action is essential for the presentation of research results on events of contemporary history, and if the overriding interests of the data subjects worthy of protection do not constitute an obstacle to this.

## Section 7 Commitment to and information about the guidelines for good scientific practice

(1) All BTU members, including in particular all individuals involved in scientific activities, junior researchers and all students shall commit themselves to comply with this Statute.

(2) This commitment shall be provided through the written assurance that this Statute has been taken note of.

(3) <sup>1</sup>For employees, the commitment shall occur immediately upon recruitment and/or following entry into force of this Statute. <sup>2</sup>Junior researchers shall commit themselves to this Statute at the earliest possible time after starting their doctorate (typically upon conclusion of the doctorate agreement) or habilitation. <sup>3</sup>The obligation of students to observe this Statute shall be integrated into the enrolment policy.

(4) The guidelines for good scientific practice must be integrated as a binding component into academic teaching and into the training of junior researchers.

(5) BTU is committed to creating and continuously developing the necessary organisational and personnel structures for safeguarding good scientific practice and preventing scientific misconduct.

## Part II: Scientific misconduct

### Section 8 Definition of scientific misconduct

<sup>1</sup>Scientific misconduct is deemed to have occurred in a scientific context if ethical standards are violated, false information is submitted, the intellectual property of others is violated or their research activity otherwise impeded, either intentionally or with gross negligence. <sup>2</sup>The particular circumstances of each individual case shall be decisive, taking into account the respective disciplinary cultures.

## **Section 9 Forms of scientific misconduct**

A case of scientific misconduct is to be considered particularly in the following situations:

1. providing
  - a) incorrect information regarding authorship (ghost-writing),
  - b) fabricating data,
  - c) falsifying data and sources, such as the incomplete use of data and sources, disregarding undesired results without disclosing this, as well as manipulating sources, representations or images,
  - d) providing incorrect information in a letter of application for employment or in an application for funding (including inaccurate information relating to forms of publication and to publications presently in the process of being printed),
  - e) providing incorrect information regarding the scientific achievements of candidates in selection committees and review panels;
2. in cases of infringement of intellectual property relating to another person's work protected by copyright, or to major scientific insights, hypotheses, theories or research approaches of others by
  - a) the unauthorised use under the pretence of authorship (plagiarism),
  - b) the exploitation of research approaches and ideas of another, in particular as reviewer (theft of ideas),
  - c) pretending scientific authorship or co-authorship,
  - d) the falsification of contents,
  - e) the unauthorised publication or the unauthorised provision of access to third parties before the work, insight, hypothesis, theory or research approach have been published,
  - f) assuming (co-)authorship with another author without their permission,
  - g) arbitrary delay of the publication of a scientific work, in particular as editor, reviewer or co-author;
3. in cases of impairment of the research activity of others by

a) sabotaging the research projects of others in a grossly negligent manner or with intent, for example by

1. damaging, destroying or manipulating literature, archive and source material, designs of experiments, equipment, documents, hardware, software, chemicals or other objects that another person needs for carrying out a research project,

2. rendering relevant information media such as books, documents or other data scientifically unusable;

b) disposing of primary data, inasmuch as this violates statutory provisions or principles of scientific work recognised in the specific field;

c) expressing an incorrect suspicion of scientific misconduct in public.

## **Section 10 Co-responsibility for scientific misconduct**

Co-responsibility for misconduct can result from, among other things, active participation in the misconduct of others, complicity in the falsification by others, co-authorship while knowing of falsified publications, as well as gross negligence with regard to duties of supervision.

## **Part III: Committees and representatives**

### **Section 11 Ombudsperson**

(1) Section 18 GO BTU shall apply to the ombudsperson.

(2) The ombudsperson and deputy ombudsperson shall form part of the investigation committee tasked with investigating accusations of scientific misconduct as permanent guests working in an advisory capacity.

### **Section 12 Investigation committee**

(1) <sup>1</sup>The Senate shall set up a standing investigation committee to investigate allegations of scientific misconduct, where the Senate shall appoint

- four University lecturers from various disciplines,
- a member of academic staff,
- another member of staff and
- a student



as its members. <sup>2</sup>Section 9 GO BTU shall apply to the term of office. <sup>3</sup>Re-appointments shall be permitted.

<sup>4</sup>One of the committee members from the group of University lecturers should not be a member of BTU, and at least one committee member should be qualified to hold judicial office. <sup>5</sup>In each member group according to sentence 1, at least one deputy should be appointed according to Section 22 (2) and 26 (2) of the Electoral Regulations at BTU (WahlO).

(2) The investigation committee shall appoint one of its members as the chair.

(3) The investigation committee can at any time call on the advice of persons who have special expertise in the scientific area to be evaluated and/or who have relevant experience in dealing with relevant proceedings.

(4) <sup>1</sup>Meetings of the investigation committee are not public and are strictly confidential in accordance with Section 7 (9) GO BTU. <sup>2</sup> Its decisions shall be taken by a qualified majority vote of the University lecturers. <sup>3</sup>The investigation committee reaches its decisions based on the ascertained facts and the evidence it has gathered, and according to its own independent conviction.

#### **Part IV: Procedure to follow in the event of suspected scientific misconduct**

##### **Section 13 Suspected cases and reporting suspected cases**

(1) <sup>1</sup>If scientific misconduct is suspected, members and employees of BTU shall contact the ombudsperson. <sup>2</sup>External persons can also contact him/her, provided that the suspected cases involve scientists at BTU.

(2) Every report must be made in "good faith" that the accusation is correct.

(3) If the suspicion of scientific misconduct is reported to a body other than the ombudsperson, then the latter must be informed.

(4) <sup>1</sup>The suspicion shall be reported in writing and the report shall disclose the incriminating facts and evidence. <sup>2</sup> In the case of an oral report, a written note is to be made regarding the suspicion, and the supporting facts and evidence. <sup>3</sup>The ombudsperson can also take up reported suspected cases if this occurs without revealing the identity of the

complainant. <sup>4</sup>The prerequisite for this is that the accusations are sufficiently credible.

(5) The ombudsperson, while ensuring that the legitimate interests of the person affected are protected, shall gather the information and statements necessary for establishing the facts, and in individual cases, also consult experts.

(6) <sup>1</sup> If, from the ombudsperson's point of view, there are grounds for suspecting scientific misconduct, then he/she can inform the investigation committee or the responsible regular examination committee about the facts. <sup>2</sup>If, from the ombudsperson's point of view, a serious case of scientific misconduct is suspected, he/she must inform the investigation committee or the responsible regular examination committee. <sup>3</sup>Section 4 et seq. shall apply to the initiation of proceedings by the investigation committee.

##### **Section 14 Assisting and protecting parties involved in the procedure**

(1) <sup>1</sup>The person affected shall be informed of the incriminating facts and, where applicable, evidence, together with the request that he/she make a statement, insofar as establishing the facts is not jeopardised by this. <sup>2</sup>The time allowed for making a statement is generally four weeks. <sup>3</sup>The complainant and the person affected shall be informed of their rights and obligations and also about the possible consequences of not fulfilling these obligations.

(2) <sup>1</sup>No disadvantages must arise for the continuation of their own scientific and professional progress for persons who supply palpable evidence of a suspicion of scientific misconduct (whistleblowers). <sup>2</sup>The ombudsperson, the investigation committee and the regular examination committees must provide them with appropriate protection. <sup>3</sup>To this end, the ombudsperson and also the members of the aforementioned committees are obliged to maintain confidentiality about the identity of the persons who contacted them with palpable evidence for the suspicion of scientific misconduct (whistleblowers), as well as about circumstances which might lead to the identity of these individuals. <sup>4</sup>This shall not apply if this person has released them from their obligation to ensure confidentiality.

(3) <sup>1</sup>Reports shall be treated as confidential by all parties involved. <sup>2</sup> Confidentiality serves to protect the whistleblower and the person against whom the suspicion is raised. <sup>3</sup>Prejudging the person affected prior to the investigation of suspicion being concluded must be strictly avoided.

(4) <sup>1</sup>The person affected, the whistleblower and the ombudsperson shall be informed in writing about the decision of the investigation committee once proceedings have been concluded. <sup>2</sup>The main reasons leading to the decision must also be communicated for this purpose.

(5) <sup>1</sup>At the end of an investigation, care must be taken to ensure that persons who were innocently involved in processes of scientific misconduct suffer no further damage with regard to their personal and academic integrity. <sup>2</sup>Suitable measures may include consultation by the ombudsperson or a written and, where appropriate, public statement from BTU that no scientific misconduct is to be attributed to the person affected. <sup>3</sup>The Rector shall exercise his/her discretion in deciding on such matters.

### **Section 15 Preliminary investigation**

(1) As soon as the investigation committee learns of specific reasons to suspect scientific misconduct from the ombudsperson, proceedings shall be initiated in accordance with the principles of Section 4.

(2) All incriminatory and exonerating facts and evidence must be documented in writing.

(3) On receipt of the statement of the person affected, and following the end of the deadline according to Section 4 (1), the investigation committee shall decide within one month whether the investigation procedure - after communication of the reasons to the persons affected and the complainants - is to be concluded because the suspicion has not been confirmed, or whether a formal investigation shall be instigated.

(4) <sup>1</sup>If the whistleblower disagrees with the termination of the procedure, he/she then has two weeks in which he/she can raise his/her objections in writing or orally to the investigation committee. <sup>2</sup>The investigation committee shall consult and decide on the objections in compliance with ownership and property rights in accordance with Section 5.

### **Section 16 Formal investigation procedure**

(1) The opening of the formal investigation procedure shall be communicated to the Rector and the ombudsperson by the chair of the investigation committee or the regular examination committee.

(2) The investigation committee shall document the proceedings and write a report about the result of the investigation, containing the underlying reasons for the result.

(3) <sup>1</sup>The main reasons must be communicated in writing to the person affected, the whistleblower and the ombudsperson before

the conclusion of proceedings. <sup>2</sup>These individuals can then make a statement on the report. <sup>3</sup> If the investigation committee deems misconduct to have been proved, the report, including the statements and documents, shall be presented to the Rector. <sup>4</sup>In such cases, the report shall also contain a recommendation on how to proceed further, in particular regarding possible academic repercussions for the person affected. <sup>5</sup>The Rector shall also forward the documents, if appropriate, to the responsible authority, and this authority or the Rector shall take appropriate action. <sup>6</sup>Proceedings shall be terminated in all other cases.

(4) The Rector can request a new investigation of the results in justified cases.

### **Section 17 Duration of the overall process and retention obligation**

(1) Generally, the overall process should not last longer than six months.

(2) The files and records of the investigation procedure must be retained for a period of 10 years for data protection purposes.

## **Part V: Potential decisions and punishments in the event of scientific misconduct**

### **Section 18 Measures to be taken in cases of scientific misconduct**

(1) <sup>1</sup>As every case of scientific misconduct is different, and the seriousness of the scientific misconduct also plays a central role in each decision, there are no uniform guidelines for adequate individual consequences. <sup>2</sup>The decision concerning measures to be taken for scientific misconduct is determined by the circumstances of the individual case. <sup>3</sup>The following measures can be taken into consideration:

1. In less serious cases, a reprimand or an exemplary reprimand can be issued.

2. Consequences under employment law may in particular include a warning, an extraordinary notice of dismissal, contractual notice of dismissal or disciplinary measures according to the State Disciplinary Act (LDG).

3. Consequences under civil law may in particular include issuing a ban on entering the premises, legal rights to recover possession vis-à-vis the persons affected, for example, with regard to misappropriated scientific

material, claims for removal and for injunctive relief arising from copyright law, personal rights, patent and competition law, claims to repayment (of scholarships, third-party funds or similar, for example) or claims for damages by BTU.

4. Academic consequences may have to be initiated on various levels and with different objectives.

a) Internal university level: revocation of the academic degree if it has been awarded on the basis of falsified publications or obtained otherwise maliciously, or revocation of the right to teach.

b) Non-university scientific institutions and associations: such institutions must in any case be informed about scientific misconduct if they are directly affected by this, or if the scientist concerned holds a leading position, or, as in the case of funding organisations, participates in decision-making bodies.

c) Withdrawal of scientific publications.

5. Consequences under criminal law must be considered if it is suspected that scientific misconduct at the same time constitutes an offence in terms of the Criminal Code or other criminal provisions, or a misdemeanour, including in particular copyright infringements, falsification of documents (including falsification of technical drawings), criminal damage (including changing data), offences against property and assets (as in the case of theft, fraudulent acquisition of funding or embezzlement), violation of personal details or private matters (such as through data espionage or exploitation of another person's

secrets), injury to life or physical injury (for example to test persons as a consequence of false data).

(2) Whether and to what extent charges are to be brought by BTU in such a case is reserved at the discretion of the Rector.

(3) The relevant applicable provisions of the different examination, course, doctoral and habilitation regulations remain unaffected by this.

## **Part VI: Final provisions**

### **Section 19 Entry into force/expiry**

<sup>1</sup>This Statute shall enter into force following publication in the Official Gazette (Amtliches Mitteilungsblatt) of BTU. <sup>2</sup>At the same time, the "Statute for Safeguarding Good Scientific Practice at the Brandenburg University of Technology Cottbus (WissPraxSa)" of 5 February 2003 (Abl. 02/2003) and the "Order for Safeguarding Good Scientific Practice at Lausitz University of Applied Sciences" of 27 May 2002 (Gazette No. 71/2002) shall expire.

Approved and issued based on the resolution of the Senate of 14 December 2017

Cottbus, March 2, 2018

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Hon.-Prof. (ECUST, CN)  
President

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