

## **Regulation for safeguarding good research practice and for dealing with academic and scientific misconduct at Helmut-Schmidt-Universität/Universität der Bundeswehr Hamburg<sup>1</sup>**

**(Decision of the Academic Senate of Helmut-Schmidt-Universität/Universität der Bundeswehr Hamburg (HSU/UNIBW H) of 19 July 2023)**

### **Preamble**

“Scientific integrity forms the basis for trustworthy science. The constitutionally guaranteed freedom of research is inseparably linked to a corresponding responsibility. Taking this responsibility into full account and embedding it in individual conduct is an essential duty for every researcher and for the institutions where research is carried out.” (Excerpt from the preamble of the guidelines for safeguarding good research practice of the German Research Foundation – [Code of Conduct] of August 2019)

This regulation is issued in compliance with the Code of Conduct of the German Research Foundation (DFG). The guidelines and explanations included in the Code of Conduct as well as the subject-specific provisions and case studies of the German Research Foundation will be used to interpret this regulation.

## **I. Scope of application; requirements of good research practice**

### **Section 1 Scope of application**

(1) This regulation applies to all those involved in science and research at HSU/UNIBW H. This includes, in addition to research members of HSU/UNIBW H, non-members who are temporarily involved in research or teaching or who gain academic qualifications at HSU/UNIBW H. This regulation also applies to non-academic personnel, provided that they are employed in academic fields.

(2) The regulation also applies to persons referred to in (1) who are no longer working at HSU/UNIBW H if the allegation of academic or scientific misconduct relates to their former activity at HSU/UNIBW H.

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<sup>1</sup> Please note that this translation of the original German text is for information purposes only. Exclusively the German text as published in Hochschulanzeiger Nr. 07/2023 by date 05.09.2023 is legally binding.

(3) If the allegation of academic or scientific misconduct relates to a time when the person concerned was not yet a member of HSU/UNIBW H or was not otherwise performing academic activities there, HSU/UNIBW H may inform the relevant institution and refer the matter to it or conduct the procedures specified under Part III. itself.

(4) Responsibility for investigating academic misconduct of students in connection with taking examinations as part of their study programme lies with the responsible Examination Committee.

## **Section 2 Requirements of good research practice**

Good research practice includes, in particular, the following requirements:

1. Scientific research must be conducted in accordance with the prevailing state of knowledge. This includes knowledge of both the current state of research and the appropriate methods. Methods to avoid (unintentional) distortions are used to interpret findings as far as this is practicable and reasonable. It is necessary to investigate the significance of gender and diversity to a research project.
2. The methods used, the data obtained and the results are to be documented, archived and made available for subsequent use. The origin of data, organisms, materials and software used in the research process must be identified, the subsequent use established and the original sources cited. Retention obligations on the basis of legal provisions as well as measures for protecting personal data will remain unaffected.
3. Scientific findings must always be questioned. If findings have been made public and discrepancies or errors are identified afterwards, they must, if possible, be corrected as appropriate.
4. Research results will be made accessible to the research community in the form of publications.
5. As for contributions of third parties, strict honesty is essential in research publications. Joint responsibility of several authors is to be documented.
6. Legal requirements, in particular those resulting from legal provisions and contracts with third parties, as well as ethical standards must be observed. This includes safeguarding third-party user rights and carefully assessing the ethical aspects of a research project. The consequences of each research project (also as part of dual use) are to be thoroughly assessed.
7. Young researchers are to be supervised and promoted in a responsible manner.
9. The requirements of the various disciplines regarding good research practice must be met.

## **II. Safeguarding good research practice**

### **Section 3 Responsibilities of the researchers**

Research requires “lege artis” work and scientific honesty at all career levels. Researchers implement the fundamental values and standards of research work in their activities and stand up for them. They are responsible for ensuring that their own conduct meets the requirements of good research practice, taking into account the specifics of the relevant subject area. They will inform the responsible authorities about suspected academic or scientific misconduct by persons to whom this regulation applies. Researchers continuously update their knowledge of the standards of good research practice. They support each other and are engaged in a regular dialogue as part of the continuous process of learning and advanced training.

### **Section 4 Responsibilities of the governing bodies**

(1) HSU/UNIBW H provides the framework conditions required for research work. In particular, HSU/UNIBW H creates the prerequisites for researchers to comply with good research practice. By means of this regulation, HSU/UNIBW H also ensures adequate organisation, including clearly allocated tasks of quality assurance, conflict resolution as well as identification and punishment of academic or scientific misconduct. HSU/UNIBW H is responsible for adequate communication of this organisation and these tasks.

(2) The competent organs and bodies of HSU/UNIBW H are responsible for providing adequate support for the careers of researchers. They establish clear principles, criteria and procedures for the selection and development of research staff and research support staff and ensure personnel selection and personnel development, taking into account gender equality and diversity. The corresponding processes are transparent and avoid unintended bias as much as possible.

(3) By establishing an appropriate organisational structure at the institution, the University Governance creates the framework conditions necessary to ensure that research work is conducted in accordance with the rules. The University Governance thus creates the prerequisites to enable researchers to comply with legal and ethical standards.

(4) In accordance with the conditions and principles laid down in paragraphs (1) to (3) and within the scope of their task areas, faculties and academic institutions are responsible for the organisational, institutional and infrastructural framework conditions of research work and for communicating the requirements of good research practice. They create the structures necessary for a clear allocation of quality assurance tasks and ensure that these tasks are actually performed. They guarantee the conditions needed to enable researchers to comply with legal and ethical standards. The faculty management ensures that suitable organisational measures are in place to prevent the abuse of power and exploitation of dependent relationships.

## **Section 5 Organisation and management of the research units**

(1) If several persons are responsible for the research topic, the scientific analysis, the interpretation of the findings, and the report to a research community, all members of this research unit will be subject to this regulation.

(2) The head of a research unit is responsible for the entire unit. They ensure that the unit as a whole can fulfil its tasks and ensure the necessary cooperation and coordination. They ensure that all members of the unit are aware of their roles, rights and duties and, if applicable, that their roles and responsibilities are adapted. In accordance with Section 4 (4) sentence 3, the head of the unit will also ensure that abuse of power and exploitation of dependent relationships are prevented.

(3) In particular, leadership tasks include skills training, research support, and supervision. Support and personal responsibility focus on promoting independence and are geared to the respective career level.

(4) Adequate individual guidance and supervision of young researchers as well as the career development of research staff and research support staff will be ensured.

(5) The research members of the unit are granted rights of participation and support in keeping with their personal responsibility and support requirements.

## **Section 6 Support of young researchers**

(1) Experienced researchers teach students and young researchers the basics of research work and the requirements of good research practice as well as fundamental ethical values in performing research work. These are integral parts of academic teaching and training.

(2) Young researchers in particular are entitled to adequate advice and support in research matters and in connection with their career paths and, if required, to mediation in conflict situations. HSU/UNIBW H provides postgraduate academic training and advisory structures, including standards of good research practice, and promotes interdisciplinary exchange. Those with supervisory and/or academic leadership responsibility ensure that young researchers receive adequate and individual supervision and advice. This can be specified, for example, in a supervision agreement.

(3) Young researchers are provided with adequate support regarding the compatibility of their research careers and family life. As part of their tasks and competences and using the structures existing at HSU/UNIBW H, supervisors and academic leaders will assume responsibility for creating gender-neutral conditions and for shaping a family-friendly working and research environment, taking into account the various lifestyles. They recognise the diversity of young researchers, provide the best possible support to their development and prevent discrimination and harassment.

## **Section 7 Performance assessment**

(1) Performance and assessment criteria for examinations, the awarding of academic degrees, promotions, recruitment, appointments, allocation of funds and granting of benefits are determined on the basis of performance. The assessment of subject-specific relevance, quality and quantity, etc. is based on the criteria of the individual disciplines.

(2) The scientific or academic quality of a scientific paper does not solely depend on the medium in which it is published.

(3) A multidimensional approach is necessary to assess the performance of the researchers. The entire performance spectrum must be considered, in particular involvement and achievements in research, teaching, academic self-governance, and knowledge transfer.

(4) As part of the performance assessment, appropriate and context-related consideration is given to special personal, family or health situations leading to prolonged training or qualification phases, alternative career paths, or comparable circumstances. Information on these specific details is provided on a voluntary basis.

## **Section 8 Reviews**

Researchers are obliged to maintain honesty when reviewing and evaluating submitted manuscripts, funding applications or personal qualifications. They maintain strict confidentiality with regard to third-party contents into which they gain insight. Disclosure of the contents to third parties and own use is forbidden. All facts that may give rise to fear of prejudice or conflicts of interest with regard to the research project under review or the person or matter being discussed must be reported to the responsible body.

## **Section 9 Documentation, use and archiving**

(1) Researchers document all information that is relevant to the development of a research result in a comprehensible manner. Their own and third-party preparatory work is to be fully and correctly documented unless, in accordance with the practices of the respective discipline, this can be waived by way of exception in the case of own results that are already publicly available. Repetition of the contents of own publications is limited to the extent necessary for understanding these contents. The results should be reviewed, evaluated, and subjected to a scientific review by repeating a study (replication). All individual results, regardless of whether they support the hypotheses or not, must be documented. Where subject-specific recommendations exist for review and assessment, documentation is to be conducted in accordance with these guidelines. Justified deviations from the guidelines must also be documented.

(2) The best possible way for researchers to protect documentation and research results from manipulation is to archive the underlying raw data, methods and process documentations, such as laboratory books, software, or source codes, for a period of usually ten years from the

date of publication, or otherwise from completion. Statutory regulations that provide for shorter archiving periods remain unaffected.

(3) In particular researchers who have collected the research data are entitled to use them. At the earliest possible date, agreements must be concluded and documented on user rights of data and findings that result from the research project and on the question of whether and how third parties will be granted access to the research data.

(4) As far as possible and reasonable, researchers make research data, materials, information, methods and software on which their research results are based available to the research community for subsequent use, and describe them fully and comprehensibly. If research software is developed, the relevant source code will be documented as far as this is possible and reasonable. This is done in accordance with the FAIR principle (Findable, Accessible, Interoperable, Re-usable). Exceptions are permitted for patent applications. If there are good reasons for not storing certain data and for not making them available to the public, the researchers will explain this. The decision to make research results available to the public must not depend on third parties.

(5) HSU/UNIBW H provides the infrastructure required for storage, archiving and subsequent use or supports the use of suitable cross-location repositories and non-university research infrastructure.

## **Section 10 Research publications**

(1) Authors carefully select the publication medium with due regard for its quality and visibility in the relevant field of discourse. Researchers carefully select for which publication medium they assume the role of editors.

(2) Researchers account for their work through publications, factoring in subject-specific practices, and thus share their findings with the research community. If a publication is based on a paper prepared on behalf of third parties, this is to be disclosed.

(3) If errors or discrepancies occur before the paper is published, its publication must be prevented. If the paper has already been published, the part concerned must be revoked and corrected in an appropriate manner. A correction or revocation must be identified accordingly.

## **Section 11 Authorship**

(1) An author is a researcher who has made a genuine and identifiable contribution to the content of a research publication, in particular the development and conceptual design of a research project or the preparation, collection, acquisition and provision of data, software, sources or the analysis/evaluation or interpretation of data and sources, and who has participated in the conclusions drawn from them or in drafting the manuscript. Further roles as authors may result from subject-specific practices or in connection with new forms of publication. Honorary authorship where no such contribution was made is not permissible.

Contributions such as the management of an institution or the provision of funds, equipment or test material do not, on their own, justify authorship. If a contribution is not sufficient to justify authorship, this support may be mentioned as appropriate in the publication.

(2) In the case of jointly produced research results, the authors coordinate the publication of the final version of the work. The order of the names is determined on the basis of comprehensible criteria at the latest when the manuscript is drafted, taking into account the conventions of the relevant subject area. Consent to publication must not be refused without sufficient reason and only in connection with verifiable criticism of data, methods or results.

### **III. Academic and scientific misconduct and investigation procedures**

#### **Section 12 Academic and scientific misconduct**

(1) Academic and scientific misconduct includes deliberate or grossly negligent violations of the standards of good research practice. Deliberate acts include the intention to commit criminal offences in accordance with paragraph (2), despite knowing all the objective circumstances. Grossly negligent acts include failing to a very serious and unusually high extent to exercise reasonable care.

(2) In particular, academic and scientific misconduct exists in the event of the following:

1. Provision of false information, in particular

- a) fabrication of data, sources, evidence, illustrations, texts or research results,
- b) falsification of data, sources, evidence, illustrations, texts or research results that are relevant to the research issues, for example by manipulating, hiding or selecting desired results and rejecting unwanted results but failing to disclose this,
- c) claim to research authorship, co-authorship, editorship or co-editorship of other persons' research editions without their consent,
- d) false information on own academic achievements in a letter of application or a funding application,
- e) false information as a member of a selection or expert committee on an applicant's academic achievements,
- f) concealment of conflicts of interests and other facts that constitute fear of prejudice;

2. Violation of confidentiality by researchers when evaluating manuscripts, funding applications or personal qualifications, also as members in advisory and decision-making bodies;

3. Violation of intellectual property rights, e. g. copyrighted works created by another party or another party's substantial scientific findings, hypotheses, theories or research approaches, in particular by

- a) misappropriation while falsely claiming authorship (plagiarism),
- b) unauthorised use or exploitation of research approaches and ideas, especially as an expert (stealing ideas),
- c) unauthorised or inappropriate claim to research authorship, co-authorship, editorship or co-editorship of research editions,
- d) falsification of the content of research texts or research results,
- e) unauthorised publication and unauthorised disclosure to third parties while the paper, finding, hypothesis, theory or approach has not yet been published.

4. Sabotage of research activities including damaging, destroying or manipulating experimental setups, equipment, documents, hardware, software, chemicals or other things another person needs to conduct an experiment;

5. Delay of editor or expert activities with the intention to cause damage;

6. Termination of research cooperation without sufficient reason, or prevention of the publication of jointly produced research results as jointly responsible author;

7. Elimination of primary data in such a way that it is in violation of legal provisions or acknowledged principles in the relevant discipline.

(3) Academic and scientific misconduct also results from complicity in the misconduct of others. In particular, complicity may result from

1. active involvement in the misconduct of others,
2. knowledge of falsification by others,
3. deliberate, grossly negligent, or repeated co-authorship of a publication that contains false information or the research achievements of others for which ownership has been claimed without permission,
4. repeated or permanent gross neglect of the duty of supervision.

(4) Academic or scientific misconduct also exists in the event of failure to implement an agreement within the meaning of Section 14 (5) and of refusal of participation in the investigation of academic or scientific misconduct or the deliberate delay thereof, for example as part of an ombuds procedure (Section 14 (4)) or an inquiry procedure (Sections 16, 17).



(5) Deliberate false or malicious allegations can also constitute a case of academic or scientific misconduct.

### **Section 13 Internal scientific self-regulation bodies at the University**

(1) HSU/UNIBW H will investigate each concrete case of suspected academic and scientific misconduct irrespective of the person concerned.

(2) The University will establish the following internal scientific self-regulation bodies to investigate academic and scientific misconduct:

1. Ombudsperson for safeguarding good research practice,
2. Permanent Commission for the Investigation of Academic and Scientific Misconduct.

(3) In the performance of their tasks, the Ombudsperson and the members of the Commission are independent and not bound by instructions.

(4) The functions of the Ombudsperson and membership in the Commission are incompatible with the office of President, Vice-President and Dean.

### **Section 14 Ombudsperson for safeguarding good research practice and the German Research Ombudsman of the German Research Foundation**

(1) On a proposal of the President, the Academic Senate will appoint the Ombudsperson for safeguarding good research practice and the deputy ombudsperson from the professorial staff for a period of four years. Reappointment is allowed once. The Ombudsperson and their deputy are to be members of different faculties.

(2) In accordance with Section 4 (1), it must be ensured that the Ombudsperson and their deputy receive acceptance and are supported in their tasks. This includes measures to reduce their workload.

(3) Researchers can turn to the Ombudsperson in matters of good research practice as can persons who inform or wish to inform about academic and scientific misconduct (whistleblowers). The whistleblower must make the allegation in good faith. The Ombudsperson is responsible for providing advice in matters of good research practice and in alleged cases of academic and scientific misconduct as well as for providing solutions in the event of conflicts. The Ombudsperson looks into specific allegations that are disclosed to them, also possibly by third parties. They also give advice to the whistleblowers.

(4) Every year, the Ombudsperson will provide the President with an anonymous written report on their work.

(5) The Ombudsperson will firstly examine sufficiently substantiated allegations of academic or scientific misconduct for plausibility, correctness, specificity, relevance, and any potential non-academic motives on the part of the whistleblowers. While safeguarding the interests of the persons concerned, the Ombudsperson is entitled to obtain information and statements required to investigate the facts and, in individual cases, to also involve experts from the relevant subject area.

(6) Based on the findings from the investigation of all information and statements submitted, the Ombudsperson can make a recommendation for settling the conflict. If this recommendation is accepted, it will be laid down in a written agreement, and a deadline for implementation will be specified. This form of conflict settlement applies in particular to non-compliance with the requirements of good research practice that does not yet constitute academic or scientific misconduct.

(7) If there is reasonable suspicion of academic or scientific misconduct, the Ombudsperson will refer the case to the Permanent Commission for the Investigation of Academic and Scientific Misconduct.

(8) Participation in an ombuds procedure is binding on the members of the University.

(9) Persons concerned can also turn to the German Research Ombudsman of the DFG for advice and for solution-oriented conflict settlement in questions of good research practice and violation through dishonesty in research. This also applies to whistleblowers who are unable to check the facts themselves in the event of objective indications of a possible violation of the standards of good research practice or who are uncertain as to the interpretation of the DFG guidelines for safeguarding good research practice.

(10) The President of HSU/UNIBW H will ensure that the names of the Ombudsperson, their deputy, and the German Research Ombudsman of the DFG are revealed as appropriate.

## **Section 15 Permanent Commission for the Investigation of Academic and Scientific Misconduct**

(1) The Permanent Commission for the Investigation of Academic and Scientific Misconduct (Commission) consists of four professors and one research associate. A deputy is appointed for each member. One member of the Commission must be qualified to hold judicial office. The members of the Commission are appointed by the Academic Senate for a period of four years on a proposal of the faculties. Reappointment is possible. The Ombudsperson and their deputy are advisory members of the Commission. The Commission appoints one member as chairperson. Decisions are made by a simple majority. In the event of a tie in votes, the chairperson has the deciding vote.

(2) The Commission is responsible for investigating a reasonable suspicion of academic or scientific misconduct. It conducts a preliminary inquiry procedure (Section 16) and, if further prerequisites are met, a formal inquiry procedure (Section 17).

(3) The Commission advises the President on matters of good research practice.

## **Section 16 Preliminary inquiry procedure**

(1) If the case is forwarded by the Ombudsperson (Section 14 (6)), the Commission will initiate a preliminary inquiry procedure. In cases where alleged academic or scientific misconduct is otherwise brought to the attention of the Commission, it will notify the Ombudsperson without delay and refer the matter to them. If the case has been dealt with by the Ombudsperson, the Commission may initiate a preliminary inquiry procedure on the basis of reasonable suspicion of academic or scientific misconduct even if the ombudsperson has failed to forward the case in accordance with Section 14 (6).

(2) The Commission must, without delay, give persons alleged with reasonable suspicion of academic or scientific misconduct the opportunity to submit a written statement. This also applies to the whistleblowers if the suspicion is based on their information. The deadline for the statement will be two weeks; it may be extended once by two weeks.

(3) After receipt of the statements or after expiry of the deadline, the Commission will decide within four weeks whether the preliminary inquiry procedure is to be terminated on grounds of the absence of reasonable suspicion of academic or scientific misconduct. In justified cases, the deadline for the decision may be extended by two weeks. If the procedure is terminated, the decision and the reasons must be communicated in writing to the person concerned and the whistleblower. In case of negligent disregard of good research practice, the notification to the person concerned can be accompanied by a written instruction. In the event of reasonable suspicion of academic or scientific misconduct, a formal inquiry procedure will be initiated without delay.

## **Section 17 Formal inquiry procedure**

(1) As part of the formal inquiry procedure, the Commission will, without delay, gather the information and statements required to investigate the facts while safeguarding the interests of the persons concerned. The person concerned and, if required, the whistleblower must again be given the opportunity to make a statement. The deadline for the statements will be four weeks; it may be extended once by four weeks. The person concerned and, as the case may be, the whistleblower can be heard in spoken or written form; at their request, oral hearings are to be held. The person concerned may bring a confidant for support to the oral hearing. This right will also apply to other persons whom the Commission invites to an oral hearing. The Commission may exclude persons suspected of academic or scientific misconduct as confidants.

(2) The Commission holds closed oral hearings. It examines available evidence for proof of academic and scientific misconduct. During the ongoing procedure, the scope of the subject of investigation can be widened if further allegations of academic or scientific misconduct on the part of the person(s) concerned become known. The Commission may, at its own discretion, involve specialist reviewers from the relevant scientific field as well as specialists for dealing with cases of academic and scientific misconduct from HSU/UNIBW H and other universities or research institutions as additional advisory members or experts. On request of the persons concerned or the whistleblowers, specialist reviewers from the scientific field to be assessed will be involved as experts.

(3) Within six months after the initiation of a preliminary inquiry procedure, the Commission normally submits a report – including the main reasons – to the President on the outcome of its investigation. If the Commission finds the allegation of academic or scientific misconduct proven, it will also make recommendations on how to proceed. It will inform the person concerned and the whistleblower in writing about the completion of the inquiry procedure and the main reasons for the decision.

(4) Legal remedy against decisions made by the Commission is not possible.

### **Section 18 Procedures and measures after completion of the investigation**

(1) Consequences that may result from the identification of academic or scientific misconduct in accordance with this regulation or other legal provisions will be included on a non-exhaustive basis in the annex.

(2) If the findings of the investigation affect the area of responsibility of the faculties or other academic institutions, the President will refer the report to the dean of the responsible faculty or to the head of the institution. In urgent cases, the Commission can send the report directly to them.

(3) Academic measures will be decided by the relevant faculty or academic institution on the basis of the Commission's report. The faculty or institution is not bound by the report and the recommendations of the Commission. The faculty or institution may involve members of the Commission in the procedure. The procedure will conform with the relevant provisions. The person concerned must be given the opportunity to provide a statement.

(4) If the Commission's report documents any academic or scientific misconduct, the President will decide what measures to take under labour law or public service law within the scope of the employment or service status of the person concerned. The person concerned must be given the opportunity to provide a statement.

(5) The President will decide, according to their best judgement, on the disclosure of the investigation results to third parties who have a reasonable interest and to academic organisations that are affected by the academic or scientific misconduct. The President will decide whether the report and the recommendations will be disclosed in full or in part. In doing so, they will consider case-specific aspects relating to the protection of third-party rights, the maintenance of confidence in scientific honesty, the restoration of scientific reputation, the prevention of consequential damage, and the protection of public interest.

(6) In the cases referred to in Section 12 (2) No. 6, the research results can be published after approval by the Ombudsperson in agreement with the relevant institution of the faculty concerned, even without the consent of the responsible co-author who terminates the research cooperation, unless there are conflicting copyright reasons.

(7) The files of an inquiry procedure of the Commission will be kept by the University for a period of 30 years after completion of the procedure. The President will determine the

conditions for storage and the right to inspect the files. They will decide on the transfer of information in each individual case. The Commission's authority to use the files for later investigation procedures, the legal right to inspect the files and the right to information will remain unaffected.

### **Section 19 Procedural principles**

(1) The arbitration scheme pursuant to Section 14 (6) and the inquiry procedure pursuant to Sections 16 and 17 are subject to the highest level of confidentiality also within HSU/UNIBW H. Confidentiality must be strictly maintained even after a procedure has been completed.

(2) At any stage of the procedure and on a case-by-case consideration, the Ombudsperson and the Commission as well as the institutions and bodies concerned in accordance with Section 18 will take into account the basic idea of presumption of innocence and the principle that no person is obliged to self-incriminate. As a rule, the person concerned will not suffer any disadvantages from the investigation of the suspicion before academic or scientific misconduct has been formally identified. This applies in particular to the preparation of academic qualification papers, working conditions, and possible contract extensions.

(3) The whistleblowers must not suffer any disadvantages regarding their academic and professional advancement as a result of giving specific information about possible academic or scientific misconduct. They are to be protected particularly in cases where allegations of academic or scientific misconduct are not proven, provided that the allegation has not been made against better judgment or does not constitute a misconduct in accordance with Section 12 (5). It is the responsibility of the President to ensure this.

(4) The whistleblowers' names will not be disclosed to third parties without their consent. This does not apply if the persons concerned are otherwise unable to properly defend themselves; this is particularly the case if the credibility of the whistleblowers is of vital importance in the investigation of the suspicion. The whistleblowers will be informed without delay before their names are disclosed and may then decide whether to withdraw the allegation.

(5) If the whistleblowers do not specify their names (anonymous reporting of an allegation), the allegation will not be checked unless reliable and sufficiently strong facts are presented which provide objective indications of academic or scientific misconduct.

(6) The Commission's procedure for the investigation of academic or scientific misconduct will be governed by the provisions of the Hamburg Law on Administrative Proceedings and the Framework Rules of Procedure for the HSU/UNIBW H bodies unless otherwise provided for in this regulation.

(7) With regard to personal participation and prejudice, the Ombudsperson and their deputy are subject to Sections 20 and 21 of the Hamburg Law on Administrative Proceedings.

### **Section 20 Entry into force, expiry**

This regulation will enter into force on the day after its publication in the HSU/UNIBW H Gazette. At the same time, the guidelines for safeguarding good research practice and for dealing with academic and scientific misconduct at HSU/UNIBW H (adopted by the Academic Senate on 10 October/7 November 2002, HSA No. 21/2002) will expire.

**Annex to Section 18 (1): Non-exhaustive overview of the consequences that may result from the identification of academic or scientific misconduct in accordance with this regulation or other legal provisions**

1. Academic consequences

- a) revocation of an academic degree, academic title or a licence to teach,
- b) publication even without the consent of an author who obstructs the publication,
- c) publication in full or in part of the Commission's report on the outcome of the investigation and of the Commission's recommendations,
- d) withdrawal of the right to supervise research work in the event of deliberate or grossly negligent violation of the supervision and support obligations towards students or young researchers,
- e) obligation of the persons concerned to revoke (rectify) their information in the event of academic or scientific misconduct through false information, violation of intellectual property rights, or participation in such misconduct,
- f) deletion of falsified publications from the publication list of the person concerned or appropriate marking (false information, violation of intellectual property rights, or participation in such misconduct).

2. Consequences under labour law or public service law

- a) if federal civil servants are affected, disciplinary proceedings under the German Federal Disciplinary Act and, if necessary, disciplinary measures (such as official reprimand, fine, reduction of emoluments, demotion, disciplinary discharge),
- b) if employees are affected, warning, ordinary termination or extraordinary termination of employment including termination on the grounds of suspicion as well as dissolution of contract.

3. Consequences under civil law

- a) ban on entering the premises,
- b) assertion of claims for restitution against the persons concerned, for example for the restitution of stolen material,
- c) claims to abatement and injunctive relief, particularly under the laws governing copyright, patent rights and/or competition rules,

d) assertion of claims for damages by the Federal Republic of Germany, HSU/UNIBW H or third parties in the case of personal injury, damage to property, or the like.

4. Consequences under criminal or regulatory law

punishment of a criminal offence or a regulatory offence.

5. Further consequences

repayment claims under civil or administrative law, for example relating to scholarship grants, third-party funds, or budgetary grants.