

HSD NO. XXXUniversity bulletin HSD Verkündungsblatt
Issued by: The President(D)D MONTH 2024
Number XXX

This English translation is intended to allow international readers a better understanding of these Regulations. It is solely for information purposes and only the German version is legally binding.

**Regulations for Safeguarding Good Research Practice
and Avoiding Research Misconduct
of Hochschule Düsseldorf – University of Applied Sciences****Dated 6 June 2024**

Pursuant to section 2 subsection 4 sentence 2 and section 4 subsection 4 sentence 3 of the HG NRW (higher education act of North Rhine-Westphalia), dated 16 September 2014 (GV NRW (gazette of law and ordinances), p. 547) as last amended, Hochschule Düsseldorf – University of Applied Sciences has issued the following regulations as statutes.

Contents**First Part: Principles of Good Research Practice**

Section 1 – Scope

Section 2 – Basic Principles of Good Research Practice, Professional Ethics

Section 3 – Responsibilities of the Board of Management and the Working Units

Section 4 – Supervising early-career Researchers

Section 5 – Handling Research Data and Knowledge: Access, Back-Ups and Storage

Section 6 – Confidentiality and Neutrality in Review Processes and Discussions

Section 7 – Performance and Evaluation Criteria

Section 8 – Quality Assurance in the Research Process

Section 9 – Research Publications and Authorship

Section 10 – Legal and Ethical Frameworks, Usage Rights

Second Part: Procedures in Cases of Alleged Research Misconduct

Section 11 – Research Misconduct

Section 12 – Appointment and Tasks of the Ombudspersons

Section 13 – Procedure in Cases of Suspected Research Misconduct

Section 14 – Inquiry Commission

Section 15 – Inquiry Process in the Commission

Section 16 – Procedure for the Board of Management

Section 17 – Protecting Whistleblowers and the Accused

Section 18 – Sanctions

Third Part: Entry into Force

Section 19 – Entry into Force; Repeal

Preliminary notes

Hochschule Düsseldorf – University of Applied Sciences has passed these Regulations to govern the details pertaining to section 4 subsection 4 sentences 1 and 2 of the HG NRW. According to that section of the HG NRW, all students and anyone engaging in research work at the university are obligated to uphold the standards of research probity. This means adhering to the generally recognised principles of good research practice.

When creating these Regulations, HSD based its considerations on the following statutes, publications and guidelines. Some of the phrasing in these Regulations was taken directly and some indirectly from these documents (list is arranged chronologically by publication date):

- European Commission: European Charter for Researchers; Code of Conduct for the Recruitment of Researchers, EUR 21620, Luxembourg: Office for Official Publications of the European Communities, 2005, ISBN 92-894-9311-9.
- World Conference on Research Integrity (WCRI) 2010: Singapore Statement on Research Integrity.
- German Science and Humanities Council (WR): Anforderungen an die Qualitätssicherung der Promotion [requirements for quality assurance for doctorates]; Position Paper, Drs. 1704-11, November 2011.
- Recommendations of the 14th General Meeting of the German Rectors' Conference (HRK) on 14 May 2013 in Nuremberg: Good Scientific Practice at German Higher Education Institutions.
- World Conference on Research Integrity (WCRI) 2013: Montreal Statement on Research Integrity in cross-boundary research collaborations.
- German Research Foundation (DFG): Proposals for Safeguarding Good Scientific Practice – Memorandum, revised edition 2013, Wiley-VCH Verlag, Weinheim, ISBN 978-3-527-33703-3.
- Hochschule Geisenheim University: Satzung zur Sicherung guter wissenschaftlicher Praxis und Verfahrensregeln für den Umgang mit wissenschaftlichem Fehlverhalten [statutes for safeguarding good research practice and procedural regulations for handling research misconduct], published on 13 March 2014 in the Official Notices.
- Universität Hamburg: Statute for Safeguarding Good Research Practice and Avoiding Research Misconduct at Universität Hamburg dated 20 January 2022.
- German Science and Humanities Council (WR): Recommendations on Academic Integrity, position paper; 2015.
- HM Hochschule München University of Applied Sciences: Richtlinie der Hochschule für angewandte Wissenschaften München zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit wissenschaftlichem Fehlverhalten in der Fassung vom 19. Juli 2016 [HM Hochschule München University of Applied Sciences' guidelines for safeguarding good research practice and for handling research misconduct in the version dated 19 July 2016].
- Hannover Medical School: The Principles of Hannover Medical School for the Safeguarding of Good Scientific Practice and Procedural Rules for Dealing with Scientific Misconduct, 18 October 2017.
- Helmholtz Centre for Infection Research (HZI): Regulation for Working with the Laboratory Journals of the HZI, version 1 June 2018 (original implementation on 1 January 2006).
- Rosenheim Technical University of Applied Sciences: Satzung zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit wissenschaftlichem Fehlverhalten an der Technischen Hochschule Rosenheim vom 13. Juni 2018 [statutes for safeguarding good research practice and handling research misconduct at Rosenheim Technical University of Applied Sciences, dated 13 June 2018].

- German Rheumatism Research Centre Berlin (DRFZ): Regulations for the Preparation of a Thesis at the German Rheumatism Research Centre Berlin (DRFZ), a Leibniz Institute. 2018.
- Mittweida University of Applied Sciences: Ordnung zur Sicherung guter wissenschaftlicher Praxis an der Hochschule Mittweida vom 23. Januar 2019 [regulations for safeguarding good research practice at Mittweida University of Applied Sciences dated 23 January 2019].
- German Research Foundation (DFG): Guidelines for Safeguarding Good Research Practice, revised version 1.1, 2022.
- German Research Foundation (DFG): Rules of Procedure for Dealing with Scientific Misconduct, DFG form 80.01 – 05/24, version dated 1 May 2024.
- TH Köln – University of Applied Sciences: Regulations for Safeguarding Good Scientific Practice of the TH Köln – University of Applied Sciences from 15 May 2023, published on 17 July 2023.
- Heinrich Heine University Düsseldorf: Rules on the Principles for Safeguarding Good Scientific Practice at the HHU dated 15 March 2022.
- University of Bonn: Regulations for Safeguarding Good Research Practice at the University of Bonn dated 12 February 2021.
- German Research Foundation (DFG): Principles of Effective Career Support in Academia, dated 19 April 2021.

Preamble

Research is a systematic and methodical process of investigating and explaining ‘nature, technology, society and thinking’¹ that requires everyone involved to act responsibly and reliably due to the potential consequences. Good research work is based on general principles common to all disciplines. First and foremost of these is researchers’ honesty both to others and to themselves. The integrity that arises from this forms the foundation for all research cooperation and is an essential prerequisite for research to remain credible. The general public will only place its trust in research that is worthy of that trust.

At HSD, we aim to continually improve our research work. For us, research quality always has priority over research quantity. That is why everyone involved at any stage of the research process must obligate themselves to orient their research assistance or work on these Regulations, to support the Regulations’ implementation and to work together to actively prevent research misconduct. These efforts are most successful when researchers not only follow the principles of good research practice when conducting research, but also actively teach these principles to early-career researchers. We are aware that good research work must adhere to standards and does not violate the rights of others. This applies in particular to copyright, but also to aspects of employment law that we aim to clearly regulate in this document – and to intentional and unintentional violations of these.

The Board of Management has a particular responsibility when it comes to safeguarding good research practice, and its goal is to show appreciation and provide the best possible assistance for research and all activities and services that support research. It creates the conditions that enable researchers to follow the rules set down in these Regulations and also acts as a role model.

It should be noted here that we assume that the colleagues in HSD’s faculties already follow the basic principles of good research practice. However, these Regulations were developed to ensure transparency – especially regarding any processes that are unclear – and to give researchers and research assistants confidence in their actions.

¹ Article “Wissenschaft” [Science], In: Georg Klaus, Manfred Buhr (ed.): Philosophisches Wörterbuch [Philosophical Dictionary]. 11th edn, Leipzig 1975. All quotes from works originally in German that do not have an official, published translation have been translated for these Regulations.

FIRST PART: PRINCIPLES OF GOOD RESEARCH PRACTICE

SECTION 1 – SCOPE

- (1) This new version of the Regulations defines Hochschule Düsseldorf – University of Applied Sciences' principles for safeguarding good research practice and handling accusations of research misconduct. They apply to everyone who carries out research at HSD.
- (2) The university strives to raise long-term awareness of these Regulations among everyone carrying out research work at HSD to ensure they are familiar with the principles. To this end, the Regulations will be published on the university's website in a place where they can be easily seen and found. A copy of the Regulations will also be given to new staff members involved in research, for example when a professor is appointed, when someone is hired as a research assistant and in all similar situations. Students are taught about these Regulations in the course of their studies.
- (3) In contrast to the process described in the second part of these Regulations, for HSD's students, the respective examiner and examination board are responsible for reviewing whether there are violations of good research practice in a written research assignment or in a bachelor's or master's thesis.
- (4) In addition to these Regulations, the university's other policies also apply.

SECTION 2 – BASIC PRINCIPLES OF GOOD RESEARCH PRACTICE, PROFESSIONAL ETHICS

- (1) Everyone involved in research work at HSD is obligated to adhere to the basic principles of good research practice under consideration of any particularities unique to their discipline and commit themselves in particular to:
 - working *lege artis* in all phases of research, that is, according to the research standards of the respective disciplines in the faculties
 - documenting research results, how they were achieved and the quality assurance mechanisms applied in a timely manner, truthfully, meticulously, completely, unambiguously and understandably
 - applying sound and understandable research methods
 - placing particular emphasis on quality assurance and the establishment of standards when developing and applying new methods
 - meticulously researching the state of the art when planning research projects and ensuring the level of knowledge remains current
 - continually, critically and consistently questioning your own results and seeking out critical discourse in the research community
 - ensuring strict honesty regarding your own contributions and the contributions of others, in particular contributions from those involved in research projects, researchers whom you are supervising, competitors and predecessors while completely and correctly citing your own and others' prior work
 - taking responsibility for appropriate supervision of early-career researchers

- unambiguously identifying the source of all data, materials and software used in the research process and citing original sources
- adhering to the provisions on handling research data and generated knowledge set down in these Regulations
- always conscientiously exercising the freedom of research and associated responsibility
- adhering to ethical standards when carrying out research projects, evaluating any possible ethical consequences in advance and, if necessary, getting the positive vote of an ethics committee
- assessing the consequences and risks of research in advance, in particular for security-related research
- obtaining any necessary approvals for the research project
- adhering to the rules described in these Regulations

(2) People who carry out research work also obligate themselves to prevent research misconduct and regularly update their knowledge of the standards of good research practice. They stand up for the fundamental values of science and take active measures to safeguard good research practice. In particular, this includes teaching the basic principles of good research practice to early-career researchers at the earliest possible stage.

SECTION 3 – RESPONSIBILITIES OF THE BOARD OF MANAGEMENT AND THE WORKING UNITS

(1) HSD's Board of Management creates the conditions necessary for good research work. The leadership of HSD and of the faculties and research working units ensure that the working conditions enable researchers to adhere to the necessary standards.

(2) The Board of Management and faculties will jointly ensure the following:

- clear and documented processes and principles for selecting new staff members and for personnel development under consideration of equal opportunity and diversity aspects
- suitable supervision structures and policies for supporting early-career researchers
- appropriate career support for all research staff members

(3) Suitable infrastructure for using, securing and archiving research data will be ensured by HSD's leadership and centrally provided.

(4) Good research practice is only possible if all HSD members work together. Researchers who head a research working unit are responsible for ensuring that the conditions for good research practice are provided within the working unit and that the rules are taught and followed. All members of the working unit obligate themselves to communicate clearly and openly, as this is a prerequisite for successfully safeguarding good research practice.

(5) The head of a research working unit must organise their unit such that there is a clear assignment of tasks for leadership, supervision, conflict management and quality assurance and ensure that the tasks receive the necessary amount of attention. Heading a research working unit requires availability and the ability to keep an overview. If the head of the unit cannot maintain sufficient availability, then

leadership tasks need to be delegated to other qualified individuals. The roles, rights and obligations of each member of a working unit should be outlined and communicated in a joint discussion. All members of a working unit must implement these roles, rights and obligations and be aware of their importance.

(6) Appropriate organisational measures are to be coordinated and set down by the Board of Management and the faculties and working units; these measures could include, for example, establishing an independent office for advisory services and an office responsible for following up on reports in order to prevent abuse of power and exploitation of dependent relationships.

(7) The head of a research working unit must communicate these Regulations to early-career researchers in a consistent and sustainable manner, repeating the instructions regularly or as necessary. For this purpose, it is not sufficient to assume that early-career researchers are already familiar with these Regulations or to simply hand them a copy or send a link to the website. Instead, the head of the unit must actively convey the content of the Regulations.

(8) In cooperation projects, it should be ensured that the roles are clearly assigned, and it is possible that the roles will need to be re-negotiated among the cooperation partners if there are any changes. At the start of the project, the research goals are set down in writing together. If there are changes during the course of the project, it is possible to adjust these goals. Procedures for conflict resolution are to be set down and implemented. If the project partners come from different organisations or countries, the various regulations for safeguarding good research practice relevant to these cooperation partners are to be compared at the start of the project to see whether there are possible conflicts.

SECTION 4 – SUPERVISING EARLY-CAREER RESEARCHERS

(1) Part of good research practice is researchers' obligation to ensure that early-career researchers have good supervision.

(2) Each person who supervises early-career researchers bears responsibility for ensuring that the supervised person is familiar with these Regulations and adheres to them. Exceptions are possible, for example, if the supervisor objectively could not have noticed or prevented the supervised person's research misconduct.

(3) To ensure these Regulations are followed, supervisors should establish a constructive and positive working relationship, as this is a requirement for efficient knowledge transfer and a successful career for the early-career researchers.

(4) Good research practice is an integral element of teaching and training early-career researchers. The faculties therefore ensure that the rules and standards are continually taught to students as early as possible and as suits their level of education.

(5) Early-career researchers should be alert to possible misconduct in their environment in their own interest, as well.

(6) To define the individual conditions and set down rights and obligations of supervisors and doctoral students, supervisors should conclude a doctoral agreement with their doctoral students and with other supervisors, if applicable.

(7) Doctoral supervision should be organised such that the supervisor has an overview of the doctoral student's ongoing research activities and the major development steps of their work. This includes regular supervision meetings to ensure that the work is progressing. The doctoral students should be enabled to complete their work within a reasonable period of time.

(8) Supervising doctoral students includes measures to build up a research network and develop their research career, for example, by offering opportunities to publish their contributions to research papers or even their own research papers and to present these to a larger audience.

SECTION 5 – HANDLING RESEARCH DATA AND KNOWLEDGE: ACCESS, BACK-UPS AND STORAGE

(1) Research data is data that arises when planning, carrying out and documenting academic projects or data that is used in these projects. Research data can include raw data or data that has been structured. This includes measurement data, laboratory values, audiovisual information, samples, texts, correspondence, questionnaires, software and simulations.

(2) Researchers follow the legal framework pertaining to the research data and the rights of use arising from legal regulations or contracts (see also section 10). At the earliest possible time in the research project, they reach and document agreements on access control, storage and rights of use to the research data and research findings. Documented agreements should be reached especially when several institutions are involved in a research project or when it becomes clear that a researcher will be changing institutions.

(3) Particularly the researcher who collected the data is entitled to use that data. As part of an ongoing research project, those who have the right to use the data decide jointly at an early stage whether and how third parties are to receive access to the data, whereby legal and contractual obligations must be taken into consideration.

(4) If the researcher who is responsible for a research dataset leaves HSD, responsibility for the data must be transferred smoothly and clearly to another person. The process is to be documented in writing in a data transfer report. The researcher who is leaving HSD is obligated to ensure this process is planned and implemented in a timely manner before leaving. In general, responsibility for the data is transferred to the principal investigator. However, this responsibility can be delegated to another person. This person must be carefully chosen, instructed, supported and supervised.

(5) Students are taught how to handle research data as part of their studies.

(6) Data and knowledge generated in research projects are to be saved according to the FAIR Data Principles, that is, they must be findable, accessible (for authorised persons), interoperable and reusable. If these principles cannot be followed in a particular case for unavoidable, objective reasons for which the researchers are not at fault, then the limitations and reasons must be completely and understandably documented.

(7) Individual results that do not support the research hypothesis must also be documented. Researchers must not pick and choose the results in this manner.

(8) Access to all research data is restricted and monitored. The head of a research working unit is responsible for regulating authorised access to research data. The rules for access are to be described transparently and understandably. If original data is lost in a working unit, this violates the basic principles of research diligence and justifies a *prima facie* suspicion of dishonest or grossly negligent behaviour (see section 11).

(9) As long as research data is being actively used, it must be secured at least according to the 3-2-1 back-up principle, that is, three versions of a dataset are to be saved on two different media, one of which is located in a separate location.

(10) Research data and knowledge generated are to be provided to the public as best as possible, in a timely manner and under consideration of the discipline's standards and legal requirements so that follow-up research is possible and the research results can be reproduced. Relevant research data should be published together with the respective work so that it is publicly accessible as long as there are no legal or ethical reasons not to do so. In general, research data can be uploaded to recognised repositories so others can use it. This is not to be done in place of adequately archiving the data (according to subsection 12).

(11) HSD will create the general conditions necessary for looking up research work that has been made publicly available. Research data and findings that have been made publicly available are to be archived together with the materials on which the data and findings are based for the purpose of verifiability according to subsection 13.

(12) Research data used as a basis for a publication is to be archived completely and as a duplicate together with the publication manuscript and with correspondence related to the publication according to subsection 13.

(13) The data stated under subsections 11 and 12 is to be archived for at least 10 years as of the date it is made publicly accessible if there are no differing regulations specifying longer retention periods. The data is to be archived on durable media that is protected from digital and physical manipulation. The researcher responsible for archiving the data must protect the data as best as possible from manipulation. Shortened retention periods or the retention of only part of the data are permitted if understandable reasons, such as legal reasons, are documented. Archiving is to be done by the researcher who collected the data and at the institution at which the research data was created. After the archiving period has ended, the principal investigator or the person who took on responsibility for the research data decides whether it makes sense to store the data for a longer period or whether the data can be destroyed. The decision should be based on a prognosis as to whether the data could still offer insights in the future, for example if it is analysed with a different focus or with new technology.

(14) Researchers who leave HSD should be given the opportunity to take with them copies of research data that is necessary for their research work. If copies of original data cannot or may not be taken for plausible or legal reasons, then researchers have a right to access the data.

SECTION 6 – CONFIDENTIALITY AND NEUTRALITY IN REVIEW AND ADVISORY PROCESSES

Researchers who evaluate submitted manuscripts, funding proposals or personal qualifications and who work in advisory and decision-making bodies are obliged to maintain strict confidentiality with regard to this process. This prohibits them taking the material submitted by others and passing it on to third parties or using it themselves. Reviewers must also report to the responsible office any facts that could justify a bias or conflict of interest for themselves or others.

SECTION 7 – PERFORMANCE AND EVALUATION CRITERIA

- (1) Researchers' performance should be evaluated using a multidimensional approach. The originality and quality of research work should always be given priority over quantity as performance and evaluation criteria. Quantitative indicators should only be included in the overall assessment after reflecting on their meaning and must be considered in particular in the context of the specific discipline and all circumstances of the individual case.
- (2) Besides research achievements, other aspects can be used when evaluating researchers' performance, such as evidence of particular dedication in teaching, university self-government, public relations work, or knowledge and technology transfer.
- (3) Under consideration of the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz*), information on individual circumstances provided on a voluntary basis can be included when evaluating the researcher's performance, including time taken off for personal, family or health reasons or alternative career paths.
- (4) The evaluation of academic achievements during studies is set down in the examination regulations.

SECTION 8 – QUALITY ASSURANCE IN THE RESEARCH PROCESS

- (1) Quality assurance in the research process is to be carried out in all phases, especially in regard to: the research design, interpretation of the data, documentation and in considering conflicts of interest.
- (2) When planning the research design, researchers are to look carefully into the current state of the art and established standards to identify relevant and suitable research questions that systematically build on existing knowledge. Strict care is required when selecting subject-specific methods, tools and processes. The methods chosen must be scientifically sound and understandable. Justified exceptions are possible.
- (3) The entire research process should be reviewed to look for any possible violations of fairness and discrimination in all forms. In this respect, HSD is committed to the principles of equal treatment and modern, appreciative diversity management. When interpreting findings, methods to avoid unconscious biases should be applied.
- (4) Researchers must create truthful, accurate, complete, unambiguous and understandable documentation in a timely manner and with all the information relevant to obtaining the research results. Even undesirable results must be documented and should be published. Researchers must refrain from selecting only those results that support their thesis. Any subject-specific recommendations and standards to review and evaluate results should be used and should also be comprehensibly documented if there are constraints to how they can be used. The head of each working unit determines the rules for documentation and instructs their working unit accordingly. The head of each working unit confirms with their signature that the staff members have been instructed as to these rules and regularly ensures that the rules are being followed. For cooperation projects with third parties, the partners should agree on a documentation standard in advance, if possible, and state this standard in writing.
- (5) Researchers are to disclose all of the financial and other conflicts of interest that could influence their credibility. It is important to avoid any appearance of bias.

SECTION 9 – RESEARCH PUBLICATIONS AND AUTHORSHIP

- (1) In general, research results gained with public funding are to be published and introduced into academic/scientific discourse. To the extent possible, third parties should be given access to all relevant information necessary for replication. In individual cases, there can be reasons (e.g. ethical or legal) not to publish results. These reasons must be documented appropriately. The decision to publish results and on the type and manner of publication is in general up to the researchers themselves.
- (2) However, researchers should avoid publishing inappropriately small amounts of information or referencing their own publications more than is necessary (self-referencing). Secondary publications are to be clearly marked as such. This also applies to translations of research publications.
- (3) Any prior work done by the researcher or other people and relevant publications by other authors upon which the work is directly based must be completely and correctly named. When citing sources, primary sources should be given preference over secondary sources.
- (4) Falsified hypotheses or mistakes such as errors or inconsistencies are to be communicated publicly. If these have occurred in research publications, the authors must work to have the issue corrected or the publication retracted. ‘Undesirable’ results should also be published.
- (5) Authors should carefully select the publication medium, taking into account its quality and visibility in the relevant field of discourse. A key criterion to selecting a publication medium is whether it has established guidelines on good research practice. A new or unknown publication medium is to be evaluated to assess its seriousness. The scientific/academic quality of a contribution does not depend on the medium in which it is published.
- (6) The source code of publicly accessible software used must be persistent, citable and documented. When creating research software, the source code must be documented. If self-created research software is provided to third parties, appropriate licensing agreements should be made.
- (7) Researchers who assume the role of editor carefully select where they will carry out this activity.
- (8) An author is an individual who has made a genuine, identifiable contribution to the scientific/academic content of a research publication of text, data or software. All authors agree on the final version of the work that is to be published. They share responsibility for the publication unless explicitly stated otherwise. Authors seek to ensure that, as far as possible, their contributions are identified by publishers or infrastructure providers such that they can be correctly cited by users.

What constitutes a genuine and identifiable contribution must be evaluated on a case-by-case basis and depends on the subject area in question. An identifiable, genuine contribution is deemed to exist particularly in instances in which a researcher – in a research-relevant way – takes part in

- the development and conceptual design of the research project, or
- the gathering, collection, acquisition or provision of data, software or sources, or
- the analysis/evaluation or interpretation of data, sources and conclusions drawn from them, or
- the drafting of the manuscript.

(9) If a contribution is not sufficient to justify authorship, the individual’s support may be properly acknowledged in footnotes, a foreword or an acknowledgement. Honorary authorship where no such contribution was made is not permissible. A leadership or supervisory function does not itself constitute co-authorship.

(10) The following contributions alone do not justify an individual being named as an author of a research publication:

- organisational responsibility for procuring the funding
- instructing staff members on standard research methods
- technical assistance with data collection
- technical support, e.g. providing access to apparatuses, standard research materials or datasets
- reading the manuscript without making any substantial contributions to the content
- heading an institution or organisational unit in which the publication arose or having a supervisory function.

(11) Collaborating researchers agree on the order in which authors are named at the latest when the manuscript is drafted. All authors agree on the final version of the work to be published, thus taking on joint responsibility for the publication upholding research standards. Researchers may not refuse to give their consent without sufficient reasons such as verifiable criticism of data, methods, results or a lack of clarity regarding rights of use.

(12) It violates the rules of good research practice to end cooperation on a publication without a sufficient reason or, as a co-author, to hinder or refuse to permit the publication of the results without an urgent reason (see section 11).

(13) In public discussions, researchers limit their professional comments to their own core subject competences. Personal opinions must be able to be differentiated from expert, fact-based comments.

SECTION 10 – LEGAL AND ETHICAL FRAMEWORKS, USAGE RIGHTS

(1) HSD researchers are obligated to adopt a responsible approach to the constitutionally guaranteed freedom of research. They acknowledge, evaluate and assess the consequences and risks of their research projects. They maintain a continual awareness of the risks associated with the misuse of research results. They seek approvals and ethics statements when these are necessary to carry out a research project.

(2) HSD researchers must comply with rights and obligations arising from legal requirements as well as agreements or contracts with third parties. This includes agreements on the use of research results and grant notifications including the funding organisations' collateral clauses.

(3) Agreements or contracts that regulate usage rights must typically be concluded before starting a research project. They are particularly important when a research project is taking place with third parties (see section 3) or when it is foreseeable that one of the participating researchers will leave HSD (see section 5).

SECOND PART: PROCEDURES IN CASES OF ALLEGED RESEARCH MISCONDUCT

SECTION 11 – RESEARCH MISCONDUCT

(1) Research misconduct exists if a researcher violates the rules or standards of good research practice intentionally, knowingly or with gross negligence. The circumstances of each individual case determine whether research misconduct occurred.

(2) In particular, research misconduct includes:

1. Misrepresentation by

- a) fabricating research-related data or results
- b) falsifying research-related data or results, in particular by suppressing or eliminating data or results obtained in the course of the research process without disclosing this suppression or elimination or by undertaking an undisclosed modification of a representation or illustration
- c) not mentioning undesirable results without disclosing this
- d) presenting an image/graphic/table and a statement corresponding to it in an incongruous manner
- e) making inaccurate statements in a grant proposal, application, within the scope of the reporting obligation or in another competitive process (including false statements on the publication medium and the publications that have been accepted or are awaiting publication)
- f) claiming another person's authorship or co-authorship without that person's consent
- g) making false statements when invoicing and administrating research projects
- h) concealing conflicts of interest

2. Inadmissible appropriation of others' research achievements by

- a) using research content from third parties without sufficient references to the source (plagiarism)
- b) exploiting research approaches and ideas (theft of ideas)
- c) refusing another's rightful claim to co-authorship based on genuine contributions
- d) not disclosing key relevant prior work carried out by others
- e) falsifying or changing content, for example by arbitrarily leaving out or adding results and/or information relevant to the topic
- f) passing on data, theories and findings to third parties without authorisation
- g) assuming or accepting authorship or co-authorship of a research publication without justification (honorary authorship)
- h) publishing and making information accessible to third parties without authorisation as long as the work, finding, hypothesis, doctrine or research approach is not yet published
- i) claiming authorship of texts written by other authors with their consent (ghost-writing)

3. Interference with the research activities of others, especially by

- a) making research activity impossible for another person or significantly impeding that person in their research by damaging, destroying or manipulating experimental set-ups, devices, documents, hardware, software, chemicals or other items that are needed for the purpose of the research (sabotage)
- b) falsifying research data or documents or removing these without authorisation
- c) falsifying the documentation of research data or removing such documentation without authorisation
- d) ending research cooperation without sufficient justification or obstructively hindering the publication of research results as a co-author, especially if the author requires approval for

publication

e) seriously neglecting supervisory duties when supervising doctoral students or others for whom the supervisor has assumed responsibility

4. discriminating, bullying, harassing and abusing power or exploiting dependent relationships in a research context
5. using allegations of research misconduct in a grossly negligent manner, especially making false allegations against one's better judgement or making serious allegations of research misconduct with the aim of harming the reputation of the person against whom the allegation is being made or undermining the principle of the presumption of innocence
6. misconduct as a reviewer when evaluating grant applications and publications. In particular, this includes
 - a) not disclosing facts or circumstances that may give rise to the suspicion or appearance of a conflict of interest
 - b) using data, theories or findings for one's own research or the research of others without authorisation if these were obtained when acting as a reviewer
 - c) breaching the confidentiality of the review process by sharing grant applications, manuscripts or parts of these with third parties without authorisation
 - d) unjustified and arbitrary delaying of reviews with the intention of benefiting oneself or others due to the delay in research funding
7. hindering an ombuds or investigation process being carried out according to these Regulations or intentionally delaying the suspicion of research misconduct from being cleared up
8. carrying out research projects without first obtaining the necessary legal and other approvals such as ethics approvals
9. improperly storing and/or insufficiently documenting original data and any resulting loss of research data
10. failing to instruct all members of the academic working unit participating in the research about the rules of good research practice, in particular students, doctoral students and postdoctoral researchers.
11. Research misconduct can also include behaviour that results in joint responsibility for another person's misconduct, in particular by
 - a) actively participating in someone else's misconduct (including in the form of aiding and abetting)
 - b) knowing of someone else's falsifications
 - c) co-authorship of publications that include falsifications
 - d) grossly negligent neglect of supervisory duties if another person has objectively and recognisably fulfilled the criteria for research misconduct and this would have been prevented or made significantly more difficult if the required and reasonable supervision had been carried out.

SECTION 12 – APPOINTMENT AND TASKS OF THE OMBUDSPERSONS

- (1) HSD will appoint at least two ombudspersons to make up an ombuds council, which will advise all

current and former HSD members and associates, the Board of Management, the dean's offices and the faculties on questions and possible violations of matters related to good research practice. The ombudspersons can also make recommendations.

- (2) The ombuds council will create rules of procedure for processing questions and allegations.
- (3) The heads of the faculties can present the Board of Management with suggestions for ombudspersons. Early-career researchers, especially doctoral students, should be included in a suitable manner in the appointment of the ombuds candidates. The Board of Management will nominate at least two ombudspersons and provide the University Senate with the appointment suggestions. If the University Senate has no reasoned objection, the Board of Management decides on the appointments. The appointments are for three years, and one re-appointment is possible.
- (4) Together with the ombuds council, the Board of Management ensures that the appointed ombudspersons' terms of office will not all end at the same time.
- (5) The ombudspersons should be experienced in researching and in supporting early-career researchers; they should have academic leadership experience and be persons of integrity. At any given time, HSD must have at least two ombudspersons in office to avoid biases and to ensure that absences are covered. Members of the University Senate, Board of Management, University Council, deans or other individuals at HSD with leadership functions may not be appointed as ombudspersons.
- (6) The Board of Management will provide the ombudspersons with the support and acceptance, both in terms of content and organisational matters, needed for carrying out their tasks. The ombudspersons are noted in the list of courses, and their names, contact details and services will be announced on HSD's website in a way that they can easily be found. To improve their effectiveness, ombudspersons' other workloads are to be reduced accordingly.
- (7) The principles of work as an ombudsperson are confidentiality, fairness and transparency. The ombudspersons work independently and are not subject to directives. As neutral and qualified individuals, ombudspersons offer advice on general questions of good research practice and if there are cases in which research misconduct is suspected. The ombudspersons actively inform HSD members about current topics related to good research practice and raise awareness on how to avoid research misconduct.
- (8) The ombudspersons may fill in for one another and can, on a confidential basis, discuss questions about interpreting these Regulations amongst each other and request advice from the German Research Ombudsman. They should ensure that the rules of good research practice and any violations of the rules are handled as consistently as possible.
- (9) If there are indications of research misconduct, the ombudspersons also advise those in charge on how to correct and clear up the matter and on how to avoid similar mistakes in the future.
- (10) The ombudspersons decide independently whether tips they receive directly or indirectly from third parties are specific enough for them to pursue in order to protect anyone who may be involved.
- (11) All HSD members have the right to speak personally and confidentially to an ombudsperson of their choice in a timely manner. Instead of contacting HSD's ombudspersons, university members and associates may contact the German Research Ombudsman national committee at any time. It is not possible for a case to be worked on by the local ombudsperson and the German Research Ombudsman at the same time.
Decisions made by the local ombudsperson cannot be sent to the German Research Ombudsman for an appeal.
- (12) Each year, the ombudspersons present the Board of Management and the University Senate

with an anonymised report on their experiences and work. In addition, the ombudspersons can report on their work to members of the faculties in an anonymised form while ensuring they still maintain confidentiality.

SECTION 13 – PROCEDURE IN CASES OF SUSPECTED RESEARCH MISCONDUCT

- (1) The office carrying out the investigation and everyone participating in the procedure must ensure that the basic principle of the presumption of innocence is maintained at all stages of the procedure when weighing each case on its merits. Those accused of misconduct therefore cannot be disadvantaged in any way by the investigation into the possible misconduct.
- (2) At the same time, it must be ensured that whistleblowers are protected. Individuals who are unsure of whether good research practice has been violated and would like ensure that good research practice is maintained at HSD must not be disadvantaged because they contact the ombudspersons or give a tip about possible misconduct.
- (3) HSD members and associates with objective and concrete evidence for research misconduct can contact the ombudsperson of their choice at any time. This also applies if the person is unsure whether the behaviour they have observed constitutes research misconduct or if they cannot check the facts on their own.
- (4) The ombudsperson will follow up on every concrete suspicion of research misconduct at the university that is brought to their attention. Anonymous tips are also reviewed if the tips include reliable and sufficiently specific facts. The ombudsperson reviews the accusations as to their plausibility in terms of specificity and importance, and investigates the facts of the case using the documents provided. They also look into the possibility of resolving the conflict amicably while maintaining the rules of good research practice.
- (5) To protect the whistleblowers and anyone suspected of possible misconduct, the ombudspersons' work within HSD is subject to the highest degree of confidentiality that must be strictly maintained by everyone involved even after the procedure has concluded.
- (6) If the person accused of misconduct is not aware of the whistleblower's identity, the identity must be disclosed if this information is absolutely necessary for the accused person to properly defend themselves.
- (7) While safeguarding the legitimate interests of those concerned, the ombudsperson is authorised to obtain the information and statements necessary to clarify the matter and, in individual cases, to consult experts in the relevant field.
- (8) HSD members are obligated to participate in an ombuds process.
- (9) The ombudsperson may make a written recommendation for the resolution of the dispute based on a review of all findings arising from the information and statements provided.
- (10) If the whistleblower withdraws their tip, the ombudsperson decides whether to continue pursuing the case. This decision is to be made based on the specific circumstances of each individual case and whether a continued investigation can produce a meaningful result without the whistleblower.
- (11) If the suspicion is confirmed and the allegations cannot be dispelled, the ombudsperson must request that the inquiry commission open proceedings in accordance with section 15. The ombudsperson reports on this to the Board of Management while maintaining confidentiality.

SECTION 14 – INQUIRY COMMISSION

(1) If it is decided that a case is to be pursued, the Board of Management appoints an inquiry commission in consultation with the ombudsperson. The inquiry commission is made up of two professors from two different faculties who must be HSD members or associates and experienced in research work and training early-career researchers; two academic staff members with research experience are also to be part of the commission. If none of the appointed members is qualified to be a judge, then the Board of Management appoints an additional person who is qualified to be a judge. This person does not have to be an HSD professor. Gender parity is to be ensured when appointing members of the inquiry commission. Any possible biases must be taken into consideration when appointing members of the commission. Ombudspersons cannot be members of the inquiry commission, but they may be called on in an advisory function.

(2) The inquiry commission is formed ad hoc. The commission members are each in office for the duration of the investigation. Individuals can be appointed to inquiry commissions more than once.

(3) For members of the inquiry commission, the regulations in sections 20, 21 and 71 of the VwVerfG NRW (law on administrative procedures of North Rhine-Westphalia) in regard to concerns of bias apply. If one of the commission members has a conflict of interest, then the Board of Management appoints a different person according to section 14 subsection 1 in consultation with the inquiry commission.

(4) The documents and files on inquiries and ombuds processes must be retained for at least ten years.

SECTION 15 – INQUIRY PROCESS IN THE COMMISSION

(1) The inquiry commission takes up its work at the ombudsperson's request to the Board of Management. It selects one of its members as the chairperson. The commission has a quorum when at least three of its members are present. All the commission's decisions are passed with a simple majority. In the event of a tie, the chairperson casts the deciding vote. The inquiry commission is coordinated by an administrative unit determined by HSD's Board of Management.

(2) In compliance with all the requirements of the rule of law and in the free presentation of evidence, the inquiry commission must clarify and determine whether and to what extent research misconduct has occurred and, if necessary, make recommendations for sanctions.

(3) The inquiry commission's meetings are not open to the public. The work of the inquiry commission is strictly confidential, especially information about those participating and any insights gained in the process. Until a formal determination that research misconduct occurred has been made, no professional or other disadvantages may arise for anyone affected by such an accusation.

(4) The inquiry commission has the right to take any steps necessary to determine the facts of the case. It can call for statements, information, expert opinions etc. Those participating in the process have the right to be heard. The commission must obtain statements from them. A deadline is to be set for submission of the statements. The process may not be drawn out unnecessarily.

(5) The inquiry commission may consult with the ombudsperson or other persons for advice. In individual cases, the inquiry commission may also request expert opinions from the respective discipline. All steps of the process are to be documented carefully, completely, in writing and in a timely manner.

(6) The affected person is to be informed of the incriminating facts and any evidence. Both the accused person and the whistleblower are to be given the opportunity to submit a written statement and

to give an oral statement. If there is an oral hearing, the accused person and the whistleblower may each ask a trusted person to accompany them. The persons who accompany them are also subject to these Regulations even if they are not HSD members.

(7) Under consideration of all aspects of the written and oral statements and the results of any evidence-taking, the inquiry commission determines whether research misconduct has occurred. In the inquiry commission's decision, it is to state the primary reasons that led it to reach this decision.

(8) The chairperson of the inquiry commission then presents the Board of Management with a final report in writing with recommendations for further action. The report must detail whether research misconduct occurred and, if so, how serious it was, as well as the primary reasons that led to the commission reaching this decision. The report must typically be presented to the Board of Management at the latest six months after the inquiry process began.

(9) The chairperson of the inquiry commission is to inform the whistleblower and the accused of the results of the process and of the fact that the report will be presented to the Board of Management.

SECTION 16 – PROCEDURE FOR THE BOARD OF MANAGEMENT

(1) If the inquiry commission has determined that research misconduct occurred, then the Board of Management reviews which measures must be taken and decides on the punishment for the research misconduct. Possible punishments include labour law or employment law consequences as well as initiating academic, civil law or criminal law proceedings.

(2) The accused and the whistleblower must be informed in writing of the Board of Management's decision. This must include the primary reasons that led to the decision.

(3) The Board of Management can announce the decision in an appropriate manner. After the inquiry has concluded, it is also possible for the Board of Management to inform third parties who have a justified interest in the decision of the result. These third parties could include former or current cooperation partners, for example, as well as co-authors, research institutions, journals and publishers, professional associations, ministries or the general public. For externally funded research work, the funding organisation must be informed if it is determined that research misconduct occurred.

(4) At the end of the formal inquiry process, the ombudsperson identifies all persons who were or are involved in the case. The ombudsperson advises these persons, especially those who were not at fault for their involvement in the research misconduct, in terms of safeguarding their personal and academic integrity.

(5) The entire process, including the Board of Management's decision, should not take longer than one year. The documents for the case must be retained for at least ten years.

(6) In all other respects, the provisions of the VwVerfG NRW apply.

SECTION 17 – PROTECTING WHISTLEBLOWERS AND THE ACCUSED

(1) The whistleblower's name is not to be disclosed to third parties without the whistleblower's approval. An exception to this is made for legal obligations or if the identity of the whistleblower is absolutely necessary.

(2) Before the whistleblower's name is disclosed to the accused or to persons who are not involved in the inquiry, the whistleblower is to be informed.

(3) The whistleblower's identity is public if the whistleblower chooses to go public with the accusation during the ongoing inquiry. In this case, within the inquiry process it must be determined how this breach of confidentiality is to be handled.

(4) The whistleblower may not be subject to any disadvantages in their own academic and professional advancement regardless of whether the allegations of research misconduct prove to be well-founded or not, provided that there is no proof that they made the accusation in bad faith. The Board of Management ensures that the principles above are followed.

SECTION 18 – SANCTIONS

(1) Regardless of the labour law or employment law consequences or the academic, civil law or criminal law consequences, HSD's Board of Management reserves the right to impose further sanctions if the principles of good research practice are violated, dependent on the severity of the violation.

(2) Possible sanctions imposed by the Board of Management could include:

- written warning for the accused
- requirement to correct or retract incorrectly written publications
- exclusion from internal university funding procedures for a specified amount of time or indefinitely
- disciplinary consequences

(3) If the accused cooperates in a way that contributes to the facts of the case being clarified quickly and will prevent any further misconduct in the future, this can be reflected in milder sanctions.

THIRD PART: ENTRY INTO FORCE

SECTION 19 – ENTRY INTO FORCE; REPEAL

These Regulations will enter into force on the day after their publication in the HSD *Verkündungsblatt* (university bulletin of official announcements). At the same time, the Regulations for Safeguarding Good Research Practice and for Dealing with Research Misconduct at Hochschule Düsseldorf – University of Applied Sciences dated 2 September 2003 (HSD *Verkündungsblatt*, official announcements No. 26) will be repealed.

These Regulations were issued based on the decision of the HSD Senate on 23 April 2024.

Düsseldorf, (D)D MONTH 2024

On behalf of
The Vice President for
Financial Administration
and Human Resources of
Hochschule Düsseldorf –
University of Applied Sciences
Dr. Kirsten Mallossek

REFERENCE TO THE LEGAL CONSEQUENCES PURSUANT TO SECTION 12 SUBSECTION 5 OF THE HG

After one year from the announcement of these regulations, a violation of procedural or formal requirements of the HG or of the disciplinary regulations or the right to autonomous administration of Hochschule Düsseldorf – University of Applied Sciences may only be asserted under the conditions of section 12 subsection 5 nos. 1–4 of the HG; otherwise, a complaint is excluded.