

Regulations governing the principles for safeguarding good academic practice at the University of Oldenburg

dated 22/12/2021

On 15/12/2021, the Senate of the University of Oldenburg decided on the following reformulation of the Guidelines for Good Academic Practice and the procedure for suspected academic misconduct pursuant to Section 41.1.1 of the Lower Saxony Higher Education Act (NHG):

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Preamble

Academic honesty and compliance with the principles of good academic practice are indispensable prerequisites for academic work that strives to gain knowledge for the benefit of society. The principles of good academic practice set out below are in line with the guidelines published by the German Research Foundation (DFG) in 2019. The application and dissemination of the principles, as well as the implementation thereof within a specific discipline, must be guaranteed within the framework of academic research and teaching. The university discloses these rules for good academic practice to its members and associates of all positions and obliges them in a comprehensible manner to comply with them, taking the specificities of the relevant subject area into account. Any person working in academia is responsible for their own behaviour meeting the standards of good academic practice.

Section one Good academic practice

1 General

(1) Commitment to honesty and integrity is the top priority in academic work. Academic work takes place at all stages of academic life, from research papers and theses, to PhD dissertations, participation in research projects and managing research teams. All researchers, regardless of their position in the world of academia, must always have a consistent self-critical attitude towards the results obtained through their research. Strict observance of discipline-specific rules for gathering and selecting sources and data, as well as working in a professional manner, are vital for ensuring good academic practice.

(2) Academic misconduct, in whatever shape or form, violates both the image and the credibility of science. As well as casting doubt on the work of other researchers, academic misconduct damages the standing of the dishonest researcher and tarnishes the reputation of the university and science as a whole.

(3) With that in mind, the following requirements are essential for ensuring good academic practice:

1. Researchers must, to the best of their knowledge and belief, carry out their research according to current scientific knowledge in a professional and honest manner. To do this, they apply scientifically sound and comprehensible methods, place particular importance on quality assurance and establishment of standards when developing and applying new methods and examine all results with a critical eye in terms of their plausibility. In doing so, they adhere to the current guidelines for safeguarding good academic practice issued by the DFG. Absolute honesty is essential regarding contributions from partners, supervisors, employees, colleagues, competitors and predecessors. Researchers must mention all sources used in their research.
2. The methods, findings and results and other primary data used must be adequately documented and stored for at least ten years. Scientific procedures and results must be recorded and documented in a precise and traceable manner, especially for experimental work, since it is absolutely essential that the research and experiments can be reproduced.
3. Scientific results are usually communicated to the scientific community in the form of publications and reports. As such, scientific publications and reports, as well as empirical scientific research, are the product of researchers' work.
4. The discipline and subject-specific principles of academic work must be adhered to. This also includes the observance of and compliance with the corresponding legal regulations and voluntary commitments. The Embryo Protection Act, the Stem Cell Law, the Drug Law, the Medical Devices Act and the Helsinki Declaration must be observed,

in particular when testing on or with humans and on identifiable human material. When performing experiments on animals, the provisions of the Animal Protection Act as well as the animal testing regulations must be complied with. If aspects of the research project fall under the scope of the Convention On Biological Diversity (CBD), the DFG guidelines for research projects that fall into this category must be observed. For experiments involving genetically modified organisms (GMOs), the Genetic Engineering Act and corresponding legal regulations must be complied with. If required, researchers shall seek approvals and votes from the Committee for Research Impact Assessment and Ethics or the university's Medical Ethics Committee.

2

Preventing and avoiding academic misconduct

- (1) In order to ensure good academic practice, it is essential that suitable measures are introduced to prevent academic misconduct from occurring in the first place.
- (2) Based on the following regulations, the schools are called upon to examine whether their study, examination, doctoral degree and habilitation regulations comply with academic quality standards and prevent academic misconduct, and if necessary adapt these regulations. Regulations for penalising attempts to cheat and other infringements of the examination regulations, as well as regulations regarding the legal consequences of such attempts to cheat and infringements, must be drawn up.

3

Students, early-career researchers and academic staff

- (1) The University of Oldenburg assumes its responsibility towards its graduates by teaching the principles of academic work and good academic practice to its students during their studies and promoting honesty and accountability in academia. It also communicates the sensitive nature of recognising academic misconduct.
- (2) The university lays the foundations and creates the framework conditions for persons working in academia to be able to adhere to legal and ethical standards. The framework conditions include clear, written procedures and principles for selecting staff and staff development as well as for supporting early-career researchers and promoting equal opportunities.
- (3) The University of Oldenburg assumes its responsibility towards its academic staff by conducting continuous discussions with them about the principles of academic work and good academic practice in all the necessary breadth and depth resulting from the subject-related differences and similarities.
- (4) In the pursuit of scientific knowledge and to encourage the professional development of its early-career researchers, the University of Oldenburg encourages third-party research projects, provided they do not interfere with the execution of university tasks, and is committed to providing transparent information regarding the funding arrangements.

4

Principles for preparing academic theses and dissertations

- (1) Justification, autonomy, reflectiveness and originality are the most important criteria for assessing and ensuring the quality of all academic work. Depending on the nature and level of the academic or scientific work, these criteria will be subject to gradually increasing requirements. All academic theses and dissertations must be thoroughly and carefully researched, and include citations and references. The use of someone else's work,

regardless of whether this involves adopting their text or ideas and theories, must be immediately recognizable to the reader. If the thesis or dissertation makes use of someone else's intellectual property or work, the reader must always be made aware. All theses and dissertations must include a sworn statement affirming that the work was carried out independently and without inadmissible assistance from a third party.

(2) All external factors that may cast doubt on whether the scientific judgement was reached independently must also be disclosed in theses and dissertations. Any scholarships, third-party funding or economic benefits for the author associated with the work must be declared in full.

5

Principles for quality assurance during doctoral degree procedures

(1) The awarding of a doctoral degree demonstrates an ability to conduct advanced independent academic work. It represents an achievement in independent research. Doctoral candidates are early-career researchers who, with the scientific findings published in their dissertations, provide a substantial and innovative contribution to the advancement of scientific knowledge and the future viability of the academic system.

(2) The admission requirements for a doctoral degree will be defined in clear and unambiguous terms. Applications to join the school as a doctoral candidate must be accompanied by a statement in which the candidate declares to be fully aware of the principles and regulations in place at the University of Oldenburg for safeguarding good academic practice. The schools must integrate the subject of good academic practice into the methodology courses taught at the graduate schools.

(3) All doctoral candidates are provided a suitable environment in which to successfully pursue their research. Doctoral candidates are entitled to academic support. It is recommended to conclude a doctoral agreement outlining the nature and scope of the support as well as the basic requirements on the part of the supervisor and doctoral candidate. In addition to the primary academic supervisor, it may also be advisable to assign other experienced researchers to help support the doctoral candidate. More information can be found in the doctoral degree regulations.

(4) Regulations and procedures for determining the invalidity of doctoral assignments and for revoking a doctoral degree must be defined in the doctoral degree regulations of the University of Oldenburg.

6

Principles for quality assurance during habilitation procedures

As a prerequisite for admission to the habilitation process, professorial candidates must submit a statement indicating that they undertake to comply with the rules of good academic practice. A stipulation to this effect must be included in the applicable habilitation regulations. In all other respects, Section 5 shall apply accordingly.

7

Organisation of academic collaboration

(1) If several individuals contribute in some way to theoretical work or experiments, to the evaluation of data, the scientific publication or processes for patenting results as part of an academic collaboration or working group, the lead researchers (e.g. heads of working groups) are responsible for establishing a suitable communication culture and organising the project efficiently. They are also responsible for providing transparent information regarding authorship criteria for planned publications. The lead researchers must ensure that the tasks and responsibilities concerning management, supervision, conflict resolution, quality assurance and transparency are clearly assigned and actually carried out.

(2) Heads of working groups are responsible for making sure that early-career researchers receive sufficient support (doctoral candidates as well as students and researchers in the initial stages of a postdoc position). Each of them must be assigned a primary contact person in the working group, who will inform them of the principles for safeguarding good academic practice.

(3) The rules for using scientific results arising from cooperation in a working group are designed in such a way that the individual copyrights of all members of the working group are preserved even after they leave the group.

8a

Research and research implications

(1) Researchers shall use the freedom of research granted to them by constitutional law responsibly. They shall support the university in its task of promoting the transfer of knowledge and technology.

(2) They shall consider rights and obligations, in particular those arising from legal regulations, but also from contracts concluded with third parties, and shall obtain and submit approvals and ethics votes if necessary. With regard to research projects, the research implications should be thoroughly assessed and the respective ethical aspects evaluated.

(3) As part of research projects, personal data may only be published if

- a) the person concerned has given informed consent and has been informed about the risks of such publication or
- b) if this is essential for presenting research results on events in contemporary history.

8b

Authorship when publishing academic results

(1) As a general rule, members and associates of the university who are entitled to conduct research make the results of their research available to the academic community, and, where necessary and appropriate, to the general public, by publishing their work.

(2) Authors shall select the means of publication carefully, taking its quality and visibility in the relevant field of discourse into account. In their function as publisher, they shall carefully check for which means of publication they take on this task.

(3) The author is the person who has made a genuine, verifiable contribution to the contents of an academic text, data or software publication. Genuinely verifiable contributions must relate to one of the following aspects:

- a) the topic,
- b) the research plan,
- c) carrying out research and investigations or
- d) evaluating or interpreting the results and findings.

(4) Merely providing supporting contributions or performing supportive tasks, such as

1. being responsible for raising funds,
2. supplying standard research equipment and material,
3. training employees in standard methods,
4. providing technical contribution to data collection,
5. providing purely technical support (provision of equipment or test animals),
6. merely providing standard data sets,
7. merely reading the paper without contributing substantially to the content, or

8. managing an institution or organisational unit in which the publication was written,

do not justify an individual being mentioned as (co-)author (including the exclusion of 'honorary authorship'). All authors are entitled to receive payments and proceeds from reuse of the research as appropriate. With regard to mentioning and ranking the authors, the specific nature of each discipline must be taken into account.

(5) All co-authors must approve, in writing, the release of the paper for publication, and a record is made of which individuals or working groups were responsible for which aspect of the research and/or paper. By agreeing to be co-authors, the researchers are jointly responsible for ensuring that the co-authored publication complies with academic standards. This particularly applies to their own individual contribution to the research. The co-authors are responsible for ensuring that their own contribution is correct, and that this contribution is incorporated in the publication in an academically legitimate way. If researchers are named as co-authors of a publication without their consent, and if they are unwilling to agree to being named as co-authors after the fact, they can submit an objection to their inclusion to the team leader or the publisher or the journal concerned.

(6) If unpublished observations, findings, results or hypotheses of other persons or institutions are used in a paper, their written consent must be obtained and the paper must give credit to those individuals and institutions.

(7) It is against the rules of good academic practice to terminate collaboration on a publication without sufficient grounds or to prevent the publication of the results as a co-author, on whose consent the publication is dependent, without a compelling reason. Refusals to publish must be substantiated by verifiable critique of the data, methods or results.

(8) The publication of scientific results must not be unreasonably refused by university associates such as cooperation partners or delayed beyond the time required for legal security, usually three months.

8c

Rights to research results

(1) The rights to scientific results and their publication are governed by the relevant statutory protection regulations for university employees, such as in particular the Employee Invention Act.

(2) At the beginning of a project, agreements should be made governing access to the resulting data, artefacts and results as well as their usage.

(3) Members and associates of the university entitled to carry out research cannot waive their rights to the results of their research in advance (in the sense of patent exploitation or similar economic exploitation). Such obligations are void.

9

Preservation of primary data and documentation requirements

(1) The university takes infrastructure measures to ensure that its academic staff can secure primary data in the long term.

(2) Primary data (e.g. archaeological findings, surveys, questionnaires, material samples, test results, collections, studies, transcribed interviews and cell cultures) on which publications are based must remain accessible in secure repositories for at least ten years, together with the meta data and software artefacts necessary for its interpretation, insofar as it is an essential element of the scientific records (i.e. 'scientific relevance') or meets the subject-specific academic standard. Responsibility for

transferring these data and artefacts to stable and secure data carriers or to long-term secure repositories as well as for documenting them in a way that is also comprehensible to third parties lies with the working group in which they were created. Deviating legal regulations remain unaffected. Each researcher is responsible for this and is obliged to provide proof that such data have been recorded in the standard manner customary in the particular discipline. In addition, all experiments, tests and numerical calculations must be suitably recorded or documented in such a way that, if necessary, another expert is able to repeat the experiments or tests or comprehend the calculation bases in order to demonstrate reproducibility.

(3) This information can be recorded, for example, in laboratory books, logs or workbooks or be stored digitally. The records must be protected against unauthorised access and kept safe, and secured and stored in such a way that prevents them from being forged or falsified. If a researcher moves to a different institution or organisation, the original data and records usually remain at the institution or organisation where they were collected. It is possible to come to an arrangement that deviates from this standard regulation, in particular with regard to duplication, within the framework of the applicable laws.

(4) All publications based on empirical studies, trials or numerical artefacts, evaluation software or other software artefacts must contain a 'Materials and Methods' section, which compiles these records in such a way that the work can be reproduced elsewhere.

10

Transparency and bias

(1) The University of Oldenburg provides transparent information about who is conducting research on whose behalf and with which questions. It will inform the public of its research, including how it is financed and what procedures are involved.

(2) Members and associates of the university entitled to carry out research shall document the agreements on the rights to use research data and research results arising from the research process.

(3) Within the framework of the Senate's right of information pursuant to Section 41.3 of the Lower Saxony Higher Education Act, the Senate will also be provided with regular information about the university's research activities. It will also receive information about the situation and development of teaching and programmes.

(4) Members and associates of the university are bound by strict confidentiality in judgement forming processes, in particular when assessing manuscripts, funding applications and the credentials of individuals, and shall provide transparent information about whether there is any bias or apprehension of bias in accordance with the DFG's general regulations and bias criteria. A member may not participate in a statement, hearing, meeting or decision-making process in an advisory or voting capacity if this provides them, their associates, colleagues or other research partners with a direct advantage or disadvantage, regardless of whether this is of a legal, economic or intangible nature (grounds for exclusion). This shall apply in particular if the member themselves is affected by the procedure. If a member is aware that there is due cause and reason for them to be excluded from such proceedings, they must notify the chair promptly and without delay. If the chair finds themselves in this position, the vice chair will act in their place. In the event of uncertainty, the members shall decide by a simple majority whether there is reason to exclude a member.

Section two Academic misconduct

11

Infringement of academic quality standards, academic misconduct

(1) The University of Oldenburg pursues every concrete suspicion of academic misconduct. In doing so, it respects the general personal rights and the fundamental rights of all individuals involved. If there is proof of intentional or grossly negligent infringements of academic standards, which can be qualified as academic misconduct, appropriate measures must be taken against the person or persons responsible to prevent damage to science, and to protect the reputation and good name of the University of Oldenburg.

(2) Academic misconduct occurs when researchers make false statements in academia either deliberately or through gross negligence, violate the intellectual property of others or severely impair their research activities. The circumstances of the individual case are decisive.

(3) The following acts in particular are regarded as academic misconduct:

1. False statements, such as:
 - a) invention or falsification of data,
 - b) distorting data (for example, selecting and omitting undesired results without disclosing the selection or omission; manipulating an illustration or image),
 - c) including incorrect information in an application letter, a funding application or a research-related procedure (including inaccurate information concerning the means of publication or forthcoming publications),
 - d) claiming 'honorary authorship';
2. violations of intellectual property with respect to third-party copyrighted material (including drawings, pictorial representations etc.) or major scientific insights, hypotheses, teachings or research approaches derived from any of the following:
 - a) unauthorised use of texts or ideas of others following a claim of authorship (plagiarism),
 - b) use of research approaches and ideas of others without providing sufficient sources and citations (intellectual property theft),
 - c) presumption or unfounded acceptance of scientific authorship or co-authorship,
 - d) falsification or alteration of the content,
 - e) unauthorised publication and disclosure to third parties prior to the publication of the work, findings, hypothesis, teaching or research approach;
3. failing to mention or cite authors who made a significant contribution to the research project. The particularities of each discipline must be taken into account.
4. mentioning the name of someone who was not involved in the project as a (co-)author,
5. plagiarising texts, data or data analyses prepared by third-party authors with their consent ('ghostwriting'),

6. seriously compromising research activities by committing acts of sabotage and damage, destroying or manipulating trials, experimental procedures, equipment, data collection instruments, documentation, hardware, software, chemical or biological substances or materials or other objects required by someone else to carry out scientific work,
7. destroying data insofar as this is contrary to legal provisions or the regulations for storing primary data (Section 9),
8. a cavalier approach to the allegation of academic misconduct, in particular making unsubstantiated allegations against one's better judgement.
9. Joint responsibility for academic misconduct can also arise as a result of:
 - a) active involvement in the misconduct of others,
 - b) knowledge that someone else has falsified information,
 - c) co-authorship of falsified publications or
 - d) gross neglect of one's obligation to monitor scientific research and work.

Section three Ombudspersons and the committee for good academic practice

12 Ombudspersons

(1) The University of Oldenburg appoints a total of two lecturers and a total of two representatives as ombudspersons from among the school members, who are responsible for handling issues regarding good academic practice. It also appoints an additional, external ombudsperson.

Individuals who already hold a management position at the University of Oldenburg may not be appointed. The schools submit their nominations (members who are deemed suitable for the position) for ombudspersons to the Senate. Based on this pool of nominations, the Senate then selects ombudspersons for a period of three years. The appointed ombudspersons must then commit themselves to complying with the provisions in these regulations. Ombudspersons are permitted to serve several terms.

(2) If an ombudsperson stands down from the position prematurely, the school of which the ombudsperson is a member nominates another person to assume the role of ombudsperson for the remainder of the term; subsections 2 and 3 shall apply mutatis mutandis.

13 Ombudspersons' duties

- (1) Ombudspersons at the University of Oldenburg are responsible for the following tasks:
1. As individuals in a position of trust, they advise members and associates of the University of Oldenburg who have informed them of an incident of suspected academic misconduct. They clarify the principles of good academic practice, if necessary in cooperation with the committee for good academic practice.
 2. They independently act on relevant information, of which they have become aware, either directly or indirectly.
 3. They examine whether the allegation is plausible in terms of its concreteness, importance and potential motivation, and determine whether the allegation can be dismissed or resolved through mediation.
 4. If there is sufficient evidence to prove academic misconduct, the ombudspersons inform the bodies and committees responsible for the enforcement of sanctions (e.g. school bodies or the committee for good academic practice). If the committee for

good academic practice is responsible for enforcing sanctions for academic misconduct pursuant to Section 15 (allegation of academic misconduct against researchers working at the university), the ombudspersons request the implementation of the preliminary investigation procedures in accordance with Section 19 of these regulations.

5. The ombudspersons serve as advisory members on the committee for good academic practice pursuant to the provisions laid down in Section 14 paragraph 5.
6. Once the investigation or procedures have been concluded, they are responsible for supporting those persons involved and informing them in accordance with Section 22 of these regulations.
7. They are obliged to document their actions, taking into account the personal privacy of the informants and those affected.

(2) Every member and former member and every associate and former associate of the University of Oldenburg has the right to speak to the university's local ombudspersons or the national governing committee 'The German Research Ombudsman'"within an appropriate time frame.

14

Committee for good academic practice¹

(1) The committee for good academic practice is responsible for providing information regarding academic misconduct.

(2) As many of the schools as possible must be represented by the committee members. The committee is composed of five voting members: four lecturers and one administrative/technical staff member who holds a doctorate degree; the latter only has an advisory vote when it comes to academic misconduct committed by lecturers. If a student is alleged to have committed academic misconduct, a student is also asked to participate in the committee in an advisory capacity.

(3) Committee members are nominated by their respective group representatives in the Senate; the Senate then selects the members based on these nominations. In accordance with Section 10 paragraph 7 of the general regulations, the term for committee members is two years (one year for students). Members are permitted to serve several terms.

(4) If a member stands down from their position on the committee prematurely, the relevant group representatives in the Senate shall nominate another person to be a member for the remainder of the term. Paragraphs 2 and 3 shall apply *mutatis mutandis*.

(5) The ombudspersons serve as advisory members on the committee for good academic practice pursuant to the provisions laid down in Section 12. Ombudspersons cannot simultaneously be members of the committee within the meaning of paragraph 2.

(6) The names and school affiliation of the members of the committee for good academic practice are published on the University of Oldenburg website.

15

Responsibilities and duties of the committee for good academic practice

(1) The committee for good academic practice is responsible for investigating allegations of academic misconduct against researchers who are currently employed, or who were previously employed by the University of Oldenburg. Procedures before the committee do not replace any other procedures governed by law or regulations. This is particularly excluded by

1 Investigation committee within the meaning of Section 5 paragraph 5 letter i) of the University Charter.

procedures which are contained within the programme, examination, doctoral degree and habilitation regulations at the University of Oldenburg.

(2) The committee acts at the request of an ombudsperson or the President. The committee can end proceedings regarding suspicion of academic misconduct or submit proposals for penalising misconduct (Section 24 ff.).

16

Chairmanship and procedures of the committee for good academic practice

(1) The committee for good academic practice appoints a university lecturer from among its members to chair or vice chair. The chair invites members to the meetings, leads the meetings and makes decisions.

(2) The committee may invite up to two additional persons, who have specialist knowledge of the academic field which is currently under review or who have experience in dealing with relevant procedures, to participate in their meetings as advisory members.

(3) Reasonable time limits are set for statements, hearings, meetings and decisions, so as to ensure a speedy process.

Section four

Preliminary procedure (ombudsperson) in the event of suspected academic misconduct

17

Reporting a suspicion and protecting the informant

(1) In the event of a concrete suspicion of academic misconduct, members and associates of the university must inform an ombudsperson immediately. If a member of the committee for good academic practice receives information concerning a concrete suspicion of academic misconduct, that member is required to inform an ombudsperson immediately.

(2) Suspicions must be reported to the best of one's knowledge and belief; allegations may not be made without first being examined and without sufficient knowledge of the facts. A cavalier approach to the allegation of academic misconduct, in particular making unsubstantiated allegations against one's better judgement, also represents a form of academic misconduct.

(3) If possible, the suspicion should be reported in writing, stating all facts and any evidence. If a suspicion is reported verbally, the ombudsperson must record the suspicion, as well as the facts and evidence justifying it, in writing.

(4) As a general rule, the ombudsperson examines whether the allegations constitute a concrete suspicion of academic misconduct within three weeks of the initial report. In doing so, the ombudsperson must investigate the facts comprehensively and completely after due consideration, taking into account not only the circumstances which serve the allegations but also the circumstances which serve to defend the accused person. Upon completion of the investigation, the ombudsperson will draw up a written report of the outcome.

(5) The ombudsperson may approach up to two additional individuals (either other ombudspersons or members of the committee for good academic practice) to assist them with their investigation. If the allegation involves a student, the student representative on the committee should be involved.

(6) If the ombudsperson's investigation concludes that the allegations do not constitute a concrete suspicion of academic misconduct, they shall inform the individual accused of misconduct and the informant. If the informant disagrees with the ombudsperson's decision, they are entitled to submit their objection, in writing or verbally, within three weeks to the chair of the committee for good academic practice.

(7) If the allegations do constitute sufficient evidence for academic misconduct, the ombudsperson, subject to other legal provisions,

shall inform the relevant body or committee of the suspicion and submit their written report. Relevant bodies and committees within the meaning of the previous sentence are:

- a) in the event of allegations relating to an infringement of the university's regulations for programme, examination, doctoral degree and habilitation procedures, the school bodies or committees in accordance with the corresponding regulations;
- b) in the event of allegations relating to a researcher's conduct, the committee in accordance with Section 14.

(8) Throughout the entire procedure, the confidentiality of the accused and the informant will be protected as far as possible by all parties concerned in order to safeguard their rights.

(9) Researchers who report a suspicion of potential academic misconduct (whistle-blowers) must not fear any disadvantages or suffer detriment to their own scientific or professional development. Ombudspersons and all other bodies and committees that are involved in the investigation into academic misconduct share a responsibility to protect the informant accordingly.

18

The accused's statement

(1) The committee for good academic practice immediately gives the individual suspected of misconduct an opportunity to comment on the incriminating facts and evidence within a period to be determined. The deadline for submitting statements is usually four weeks.

(2) The informant's name may not be disclosed to the accused at this stage of the procedure unless the former explicitly gives their consent to this.

Section five

Procedure before the committee in the event of suspected academic misconduct

19

Preliminary investigation

(1) Once the accused's statement has been received, or if the deadline for submitting a statement has expired, as a general rule and subject to due diligence and consideration of all the circumstances incriminating and exonerating the accused individual(s), within six weeks (or within ten weeks outside of term time) the committee for good academic practice will decide:

1. whether the preliminary investigation procedure should be terminated, informing the accused and informant of the reasons for this, because the suspicion of academic misconduct has not been adequately confirmed or alleged academic misconduct has been fully cleared up or it has been deemed not to be particularly serious, or
2. the accused and informant declare the matter to be settled, or
3. whether the preliminary investigation needs to be transferred to a formal investigation for further clarification and consideration.

Section 21.4 shall apply mutatis mutandis.

(2) If the informant disagrees with the termination of the preliminary investigation procedure, they are entitled to submit their objection, in writing or verbally, to the chair of the committee for good academic practice within four weeks. The committee for good

academic practice shall deliberate and decide on the objections in corresponding application of Section 19.1, if necessary after consulting the accused for a second time. The accused and the informant shall be informed of the decision.

(3) There are no provisions to formally appeal against the committee's decision to terminate the preliminary investigation procedure.

20

Formal investigation procedure

(1) The chair of the committee for good academic practice initiates the formal investigation procedure by notifying the accused of the outcome of the preliminary investigation procedure. They shall inform the President that the formal investigation procedure has been initiated.

(2) The committee for good academic practice shall gather for discussion in a closed meeting. It must be free to assess and evaluate the evidence to determine whether there has indeed been academic misconduct. The committee examines all of the facts on which the investigation is based for possible academic misconduct, and is not bound by the statement or requests of the people involved when assessing the content and scope of the investigation. The committee is entitled to use its own initiative and also examine uncontested elements of the underlying facts of the incident. In order to examine the facts, the committee may also request independent statements from knowledgeable third parties if this is deemed necessary for factual or legal reasons.

(3) The people accused of possible misconduct, as well as the working group and institution concerned, must be given the opportunity to comment. Upon request, the accused may give their statement orally; they may ask a person they trust to act as an advisor. The same applies to any other individuals who form part of the investigation and are required to give a statement or information.

(4) The accused shall be made aware of the names of the informants upon request, insofar as they are otherwise unable to mount an adequate defence or if the credibility and motives of the informants are essential for the clarification of the allegations. The informants must be informed of the disclosure.

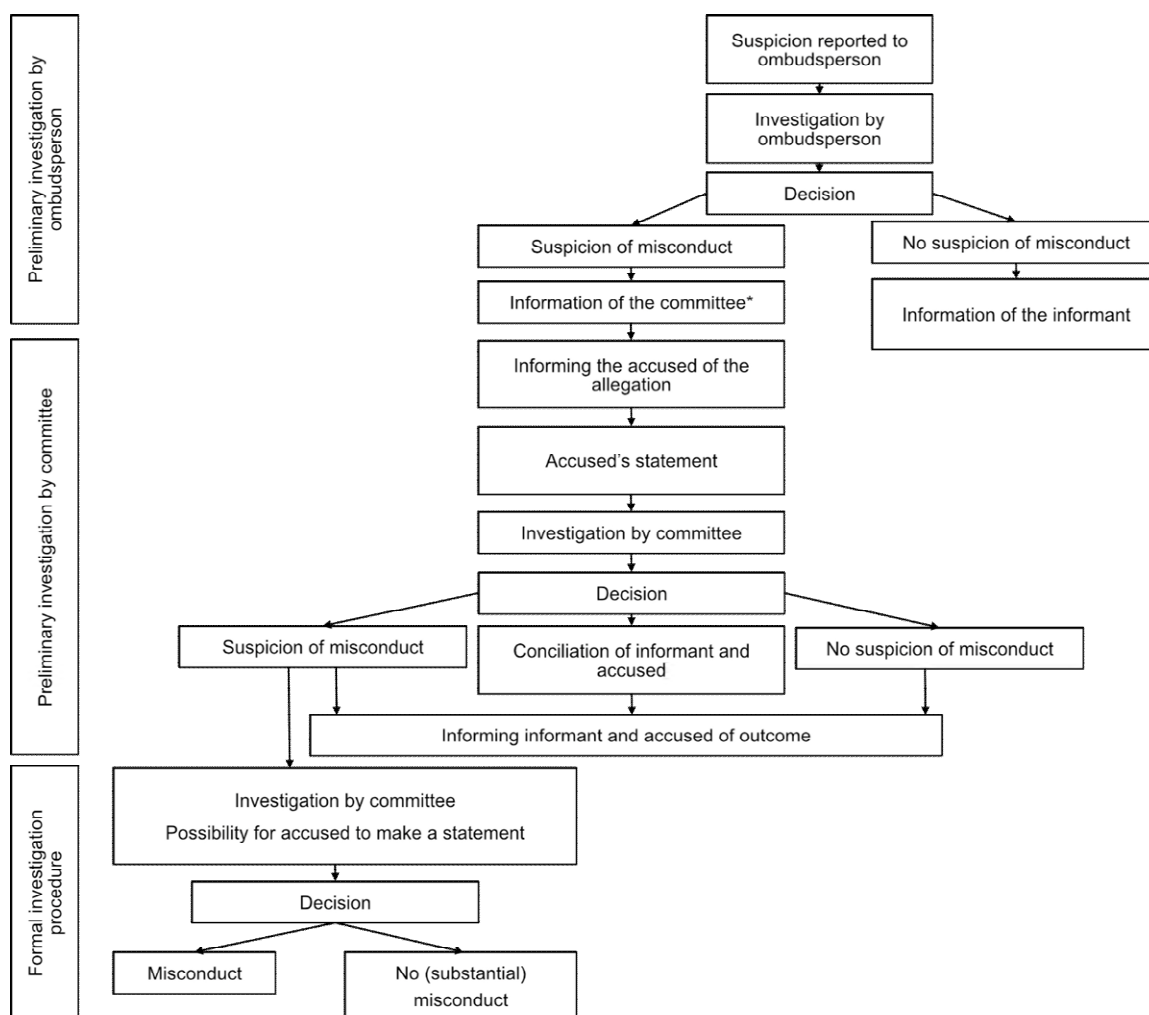


Figure 1: diagram showing the investigation procedure if the committee for good academic practice is the responsible body. If another body or committee is responsible, the ombudsperson shall inform the relevant school bodies or committees of the suspicion of misconduct (*).

21

Decision during the formal investigation procedure

- (1) If the committee for good academic practice has not been able to prove academic misconduct, it will terminate the proceedings. The first sentence will also apply if the committee for good academic practice regards the academic misconduct as not significant. The president is to be informed of the termination, including the main grounds for the decision.
- (2) If the committee for good academic practice has been able to prove academic misconduct, the committee shall send a written report to the President regarding the outcome of its investigation and shall propose how the procedure should continue as well as how the rights of others should be protected.
- (3) There are no provisions to formally appeal against the committee's decisions.
- (4) The records of the formal investigation procedure must be kept for 30 years. This also applies to related data which, due to their nature, cannot be recorded in writing.

22**Providing support to individuals involved and informants**

(1) Following the completion of the formal investigation procedure, the individuals who were unjustly involved in procedures or processes for sanctioning academic misconduct must be protected against any adverse treatment in terms of general personal rights, other basic rights and in particular their academic integrity. Their personal and academic integrity can be protected by:

- a) seeking advice from the ombudsperson;
- b) a written statement by the chair of the investigation committee that the person concerned has not committed academic misconduct or does not bear a shared responsibility in this procedure.

(2) Informants must be protected against adverse treatment in a similar way.

23**The President's decision**

(1) If the committee for good academic practice determines that there was indeed an incident of academic misconduct and reports the incident to the President in accordance with Section 21 paragraph 2, the latter, together with the other members of the presidential chair, shall examine the committee for good academic practice's proposals for further action and make a decision on one or more measures pursuant to Sections 25, 26, 27 paragraph 3. The criteria for this are the preservation of academic standards and the rights of all those individuals directly and indirectly involved, the nature and severity of the identified incident of academic misconduct, as well as the need for punishment.

(2) The President will inform the bodies concerned in writing of their decision regarding further action within a reasonable period.

24**Revoking academic degrees²**

The revocation of an academic degree (Bachelor's or Master's degree, the former German Diplom and Magister degrees, doctoral degree, Dr. habil.) or academic titles (professor, adjunct professor) shall be considered if the academic degree or academic title was achieved based on falsified publications or was otherwise fraudulently obtained. The individual's teaching licence may also be revoked. Further details can be obtained from the schools' programme, examination, doctoral degree and habilitation procedures.

25**Disciplinary actions**

(1) If the person concerned is employed by the university, the following disciplinary actions may be considered in the event of academic misconduct:

- a) reprimand;
- b) warning;
- c) extraordinary dismissal (including dismissal on grounds of suspicion);
- d) regular dismissal;
- e) termination of contract.

(2) If the person concerned is employed by the university in an official role, the following disciplinary actions, *inter alia*, may be considered in the event of academic misconduct:

² Only informative (see also Section 23 paragraph 1, which makes no reference to Section 24); if the investigation committee is not responsible for this procedure (see Section 15 paragraph 1), these sanctions may only be implemented by the schools.

- a) reprimand;
- b) fine, pay cut;
- c) removal from the post;
- d) retraction of the appointment.
- e) Disciplinary measures which can be taken against retired officials include:
 - reduction of the pension and
 - loss of entitlement to the pension.

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Civil and public actions

The following civil and public actions are particularly relevant in the event of academic misconduct:

1. revocation or cancellation of grant decisions, revocation of approved funding or recovery of funding which has already been spent;
2. a ban on entering the university;
3. enforcement and, where appropriate, execution of the right to recover possessions from the person concerned, in particular with regard to stolen materials, documents or data;
4. claims for abatement or removal or injunctive relief under copyright law, personal rights, patent law and competition law;
5. damage claims on the part of the University of Oldenburg or third parties in the event of personal damage, material damage or any other violations of legal interests;
6. disqualification of examination results.

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Criminal and administrative actions

(1) Criminal and administrative actions in the event of academic misconduct are applicable if there is sufficient evidence (initial suspicion) that a criminal act has taken place in accordance with the Criminal Code (StGB), the Administrative Offences Act (OWiG) or other laws.

(2) The following, *inter alia*, constitute criminal offences in the event of academic misconduct:

1. Infringement of personal and private life:
 - Section 202 of the German Criminal Code (StGB): Violation of the secrecy of correspondence;
 - Section 202a of the German Criminal Code (StGB): Data espionage;
 - Section 203 of the German Criminal Code (StGB): Doctor-patient confidentiality;
 - Section 204 of the German Criminal Code (StGB): Exploitation of another person's secrets.
2. Forgery:
 - Section 267 of the German Criminal Code (StGB): Forgery;
 - Section 268 of the German Criminal Code (StGB): Falsification of technical records;
 - Section 274 of the German Criminal Code (StGB): Suppression of documents.
3. Modifying data:
 - Section 303a of the German Criminal Code (StGB): Modifying data.
4. Copyright infringement:
 - Section 106 of the Copyright Law (UrhG): Unauthorised use of copyrighted works.
5. False declarations under oath:
 - Section 156 of the German Criminal Code (StGB).

6. Non-observance of specific legal requirements³.

(3) The President will, as a matter of duty, examine whether there are sufficient factual grounds to constitute a criminal act or administrative offence, and whether to report the offence or press charges.

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Retracting scientific publications

If the academic misconduct concerns false information or an infringement of intellectual property or involvement in such misconduct, the author in question must issue a retraction, at least for the affected parts of the publication. If the work in question is still unpublished, the author in question must retract their paper or contribution to the paper in good time. The author or co-authors responsible for the falsified publication are obliged to report to the competent body or committee within a reasonable time, particularly regarding the retraction of the publication or work concerned.

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Providing information to third parties and the public

Insofar as it is deemed necessary to safeguard third parties, to maintain their trust in scientific honesty, to restore the academic reputation, or to prevent consequential damages, affected third parties, the university and the press must be informed, in an appropriate manner and with due regard to the general personal rights of the affected individuals, about the decisions and any measures taken by the competent body or committee at the University of Oldenburg.

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Entry into force, transitional provisions

(1) These regulations will take effect following adoption by the Senate on the date following their publication in the Official Notices of the University of Oldenburg. At the same time, the 'Regulations regarding the principles for safeguarding good academic practice at the University of Oldenburg' from 17/03/2017 (Official notices 13/2017) expire.

(2) Ongoing procedures may, at the request of the informant and accused and by decision of the committee, be handled in accordance with these new regulations.

³ For example, in biomedical research: Sections 40 – 42 b of the German Medicines Act (AMG), Sections 20 – 23 a and 24 of the Medical Devices Act (MPG), the Radiation Protection Ordinance (StrSchV), German Federal Data Protection Act (BDSG)/Lower Saxony Data Protection Act (NDSG), Section 15 of the Professional Code of the Lower Saxony Medical Association (ÄKN)

Please note: This is an unofficial translation provided for your convenience only and does not have any legal binding effects! Only the German version is legally binding!"