

Unofficial Reading Version of the JSL (Legal Affairs in Studies and Instruction)

Regulations of the University of Freiburg on Safeguarding Academic Integrity from 11 June 2011 (*Amtliche Bekanntmachungen*, Vol. 42, No. 38, pp. 280–281) in the amended version from 30 April 2013 (*Amtliche Bekanntmachungen*, Vol. 44, No. 24, pp. 280–281)

Regulations of the University of Freiburg on Safeguarding Academic Integrity

On the basis of § 3, Paragraph 5, Clause 4, in connection with § 19, Paragraph 1, Clause 2, No. 10 of the Higher Education Act of the State of Baden-Württemberg (Landeshochschulgesetz – LHG) from 1 January 2005 (GBl. p. 1), last amended on 7 February 2011 by Article 1 of the Act (GBl. p. 47), the Senate of the University of Freiburg passed the following regulations in its session on 25 May 2011.

First Section: Academic Self-Regulation

§ 1 Commitment to Academic Integrity

- (1) All persons engaged in research¹ at the University of Freiburg as well as students shall be bound to act in accordance with the rules of good academic practice described in § 2. The faculties and research centers are obligated to familiarize their students and junior researchers with the rules of good academic practice and warn them against academic misconduct.
- (2) The University of Freiburg is committed to providing the necessary organizational structures and personnel for safeguarding academic integrity and preventing academic misconduct and to developing them continually to ensure that they remain compatible with current academic practice.
- (3) The faculties and research centers shall draft discipline-specific principles of academic work for their area and make them known in an appropriate manner. Several faculties or research centers may agree to adopt common principles of academic work.
- (4) The rules of good academic practice shall be integrated into instruction and the training of junior researchers.

§ 2 The Rules of Good Academic Practice

- (1) The rules of good academic practice include the following general principles of academic work:
 - working in accordance with accepted rules (*lege artis*),
 - documenting research findings,
 - acting with integrity toward the work of partners, rivals, and predecessors,
 - avoiding academic misconduct and taking precautions to prevent it.
- (2) Furthermore, the rules of good academic practice also include the discipline-specific principles of academic work developed by the individual faculties and research centers.

§ 3 The Responsibilities of Heads of Research Groups and Research Institutes at the University

- (1) The heads of research groups and research institutes at the university
 1. shall serve as models of academic integrity,
 2. shall ensure that management, supervision, quality assurance, and conflict settlement responsibilities are clearly delegated and properly observed, and

* All offices, functions, and other personal designations named in the following apply to women and men in equal measure.

3. shall ensure that students and doctoral candidates receive appropriate supervision and have a primary advisor to guide them in the principles of good academic practice.

(2) Irrespective of the responsibility of the executive management of the university, each faculty, each research center, and all other research institutes shall be responsible for maintaining an adequate organizational structure in which

1. management, supervision, quality assurance, and conflict settlement responsibilities are clearly delegated and properly observed and

2. junior researchers receive proper guidance and supervision for their educational level.

§ 4 Academic Publications

(1) With regard to the publication of research findings, co-authors as defined in § 8, Paragraph 1, of the Copyright and Related Rights Act (German Copyright Act) from 9 September 1965 (BGBl. I S. 1273) in the version currently in effect are entitled to be acknowledged as co-authors. Persons who do not fulfill the preconditions named in § 8, Paragraph 1, of the German Copyright Act may not be acknowledged as co-authors.

(2) All persons who participate in a research project shall be given the opportunity to attain co-authorship whenever possible. The head of the project is advised to name the potential candidates for co-authorship before the research project begins.

(3) More concrete guidelines for the publication of research findings shall be set down in the discipline-specific principles of academic work to be drafted by the faculties and research centers (§ 1, Paragraph 3).

§ 5 Instructions on the Rules of Good Academic Practice and Compliance

(1) These regulations shall be handed out to all academic staff of the University of Freiburg at the start of their tenure or employment.

(2) The students and other junior researchers shall be informed about the content of these regulations.

(3) All teaching and research faculty as well as students must see to it themselves that they adhere to the rules of good academic practice and avoid academic misconduct. In case of doubt, they should seek advice from the head of their research group, an experienced researcher, or the representative for academic self-regulation (§ 6).

§ 6 Representative for Academic Self-Regulation

(1) On a recommendation by the rector, the senate shall appoint a member of the teaching faculty as representative for academic self-regulation as well as two deputies, who may not serve concurrently on the investigative commission (§ 8). The term of office is three years; reappointment is permissible. In selecting between candidates, the rector and the senate shall see to it that there is always at least one representative qualified to represent the natural sciences and engineering as well as the humanities and the social sciences.

(2) The representative for academic self-regulation shall advise persons who inform him or her of an alleged case of academic misconduct as well as those who have been accused of academic misconduct themselves. The representative shall also independently investigate evidence of academic misconduct that has been brought to his or her attention by any other means.

(3) The representative for academic self-regulation shall investigate the concreteness and significance of the accusations in accordance with plausibility criteria. If the suspicion is found to be sufficiently grounded, the representative shall inform the appropriate governing bodies. In doing so, the representative may only pass on information disclosed by the person seeking counsel if there is adequate reason to believe that the academic misconduct could cause considerable damage to the University of Freiburg, its employees, or third parties if no

further action is taken.

Second Section: Proceedings in Cases of Suspected Academic Misconduct

§ 7 Academic Misconduct

(1) Academic misconduct is any conduct in an academic context that violates legal provisions or written or unwritten rules seen as indispensable in general, in a broad academic area, or in a specific discipline. In particular, academic misconduct is present if a person makes false statements in an academic context, infringes on the intellectual property rights of others, or interferes with their research activities in another manner. A catalog of conduct to be regarded as academic misconduct is provided in the appendix to these regulations.

(2) Academic misconduct may also result from

- active participation in the academic misconduct of others,
- knowledge of a falsification of data or findings by others,
- co-authorship in publications with false statements,
- neglect of supervisory responsibilities.

§ 8 Investigative Commission

(1) The University of Freiburg shall appoint an investigative commission to safeguard academic integrity. The permanent members of this investigative commission are appointed by the senate on a recommendation by the rector. The permanent members shall include five professors of the university representing the five areas (a) theology, philosophy, and philology, (b) law, (c) behavioral sciences and economics, (d) natural and environmental sciences, and (e) medicine; further permanent members include two academic employees of the university from different faculties and one non-full-time employee of the university or external member with qualifications for judicial office. A deputy is appointed for each member of the investigative commission to stand in for the member in the case that he or she is incapacitated. The term of office is three years; reappointment is permissible. The investigative commission also includes a member of the executive board of the faculty the person accused of academic misconduct belongs to or belonged to.

(2) The investigative commission is responsible for advising the rector in cases concerning academic integrity and investigating allegations of academic misconduct pursuant to § 7. The jurisdiction of the examination, doctoral, and habilitation committees for ascertaining and penalizing academic misconduct directly connected to the awarding of academic degrees shall remain unaffected. If the investigative commission finds sufficient evidence of conduct requiring disciplinary proceedings or involving a violation of contractual responsibilities in the course of an investigation procedure (§ 9), the investigative commission shall inform the rector immediately and temporarily suspend the investigation.

(3) The investigative commission shall elect a chair as well as a deputy chair from among its members. It may request approval from the senate to draft rules of procedure. Sessions of the investigative commission are not public. The commission may call in employees of the university and other experts to participate in an advisory capacity.

(4) The members of the investigative commission are bound to secrecy. In the case of members who are not civil service employees of the University of Freiburg bound to secrecy by virtue of their office, the chair shall bind them to secrecy individually; the same is true of external persons called in to serve as experts. The commitment to secrecy shall be put on record.

(5) If the responsible examination, doctoral, or habilitation committee initiates proceedings on the basis of sufficient evidence of academic misconduct, the investigative commission shall temporarily suspend its investigation. If the evidence of academic misconduct results in responsibilities or obligations of the employer of the accused, Clause 1 applies mutatis mutandis.

§ 9 Investigation Procedure

(1) If the investigative commission is informed of an alleged case of academic misconduct by the representative for academic self-regulation, the university's governing bodies, or employees or students of the university or learns of such a case in another way, it shall investigate the matter upon establishing its jurisdiction over the

case.

(2) The identity of the person who informed the investigative commission of the alleged case of academic misconduct may not be disclosed to the person accused of academic misconduct without the former's explicit consent. This does not apply if the accused cannot otherwise properly defend him or herself; in particular, this may be the case if the informant's credibility is of fundamental significance for clearing up the suspicion.

(3) The person accused of academic misconduct shall be given the opportunity to make a statement. The accused may request a hearing; he or she may bring a legal advisor to this hearing. For the informant, Clause 2 applies *mutatis mutandi*. Where useful, the investigative commission may combine or again separate several cases it has been entrusted with that concern the same matter. Employees, students, and institutions of the university shall support the investigative commission in fulfilling its responsibilities.

(4) On all other points, the regulations of the State Law on Administrative Proceedings are applied where appropriate, in particular §§ 20 and 21 as well as 88 to 93.

(5) The investigative commission shall submit a progress report on the investigation and its results to the rector; it does not have the authority to propose sanctions or recommendations. The rector shall decide whether, and to whom, to disclose the progress report. The progress report is not legally binding. The rector shall inform the investigative commission of the further proceedings in the cases for which a progress report has been submitted. The responsible organs of the university shall investigate on their own authority what measures to take, if any, to penalize persons guilty of academic misconduct and prevent similar misconduct in the future.

§ 10 Report on Academic Misconduct Proceedings

(1) The faculties and research centers shall collect data on the academic misconduct proceedings they conduct and submit a yearly report to the investigative commission; the report may not include any personal data.

(2) The investigative commission shall submit a yearly report to the senate on the state of the proceedings it is currently conducting as well as on proceedings it has received knowledge of from the faculties and research centers.

§ 11 Former Employees or Students of the University

If the person accused of academic misconduct was an employee or student of the University of Freiburg during the period under investigation, these regulations shall apply even if the person is no longer affiliated with the university.

§ 12 Retention of Documents

The files of the investigative proceedings shall be retained for 30 years.

Final Clauses

§ 13 Period of Validity and Interim Regulations

(1) These regulations are effective as of 1 June 2011. On the same day, the Regulations of the University of Freiburg on Ensuring Self-Responsibility in Research and Dealing with Academic Fraud from 10 November 2004 (*Amtliche Bekanntmachungen*, Vol. 35, No. 67, pp. 384–399), last amended on 5 October 2007 (*Amtliche Bekanntmachungen*, Vol. 38, No. 57, p. 231), shall cease to be in force.

(2) The terms of office of the intermediary agent, members of the faculty investigating committees, and members of the central investigating committee in accordance with §§ 3, 6, and 7 of the Regulations of the University of Freiburg on Ensuring Self-Responsibility in Research and Dealing with Academic Fraud shall end when these regulations come into effect. Cases of alleged academic misconduct already being treated by the intermediary agent, the faculty investigating committee, or the central investigating committee shall pass into the jurisdiction of the representative for academic self-regulation (§ 6) or the investigative commission (§ 8).

Appendix to § 7

Catalogue of Conduct to Be Regarded as Scientific Misconduct (taken from Appendix 1 of the Rules of Procedure in Cases of Suspected Scientific Misconduct of the Max Planck Society from 24 November 2000)

In particular, the following may amount to misconduct:

I. False statements

1. the fabrication of data;
2. the falsification of data, e.g.
 - a) through the undisclosed selective reporting and rejection of unwanted results,
 - b) through the manipulation of a representation or illustration;
3. incorrect statements in a letter of application or in an application for support (including false statements concerning the publication in which work is said to have appeared, and concerning work accepted for publication).

II. Infringement of intellectual property

4. with respect to a copyright work of another person or the significant scientific findings, hypotheses, theories or research methods of others
 - a) the unauthorized exploitation involving usurpation of authorship (plagiarism),
 - b) the misappropriation of, particularly in an expert opinion, of research methods and ideas (theft of ideas),
 - c) the usurpation of scientific authorship or co-authorship, or the unjustified acceptance thereof,
 - d) the falsification of the contents or
 - e) the unauthorized publishing and making accessible to third persons of work, findings, hypothesis, theory or research method not yet published;
5. the assertion of the (co-)authorship of another person without his or her consent;

III. Impairment of the research work of others

- 6) the sabotage of research work (including damaging, destroying, or manipulating experimental arrangements, equipment, documents, hardware, software, chemicals or other items required by another person for carrying out an experiment).

Amended Versions:

Regulations of the University of Freiburg on Safeguarding Academic Integrity from 11 June 2011 (*Amtliche Bekanntmachungen*, Vol. 42, No. 38, pp. 280–281)

First revision from 30 April 2013 (*Amtliche Bekanntmachungen*, Vol. 44, No. 24, pp. 280–281): **Article 2 Period of Validity**

This revision is effective as of 1 May 2013.