

# **Regulation**

## **for Safeguarding Good Scientific Practice at HZI and Procedure in Case of Scientific Misconduct**

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## **Preamble**

Scientific work is based on principles which are the same in all academic disciplines and in all countries. These principles focus on honesty towards oneself and others, and are considered the basis of good scientific practice.

On 19 January 1998 the DFG commission “Professional Self-Regulation in Science” set out its “Proposals for Safeguarding Good Scientific Practice”. These call upon universities and research institutes to formulate binding rules of this kind and to develop a procedure for dealing with accusations of scientific misconduct. The following guidelines are based on the information provided by the DFG Commission and the recommendations of the German Rectors’ Conference of July 1998, which are based on the resolutions passed by the Senate of the Max-Planck Society.

### **1. Rules of good scientific practice**

#### **1.1. Tasks undertaken by working group leaders**

Working group leaders are responsible for organising the group such that members are assigned and perform roles as leaders, supervisors, conflict managers and quality assurance officers. Among other things, it is important to ensure that students and doctoral students receive appropriate supervision. There should be a primary reference person within the working group who conveys the principles of good scientific practice at the HZI.

#### **1.2. Scientific publications**

- 1.2.1. Originality and quality always have precedence over quantity in their criteria for performance evaluation. Authors of scientific publications are always jointly responsible for their content; a so-called “honorary authorship” is inadmissible.
- 1.2.2. Primary data as the basis for publications shall be securely stored for 10 years at the HZI in a durable form. Other data shall be stored as agreed with the head of the department / working group, but shall be stored for at least 5 years (Appendix 1).

## **2. Scientific misconduct**

### **2.1. Definitions**

- 2.1.1. Scientific misconduct is generally said to have occurred if a scientifically significant amount of misinformation is provided deliberately or due to gross negligence.
- 2.1.2. In this context, **misinformation** means inventing or falsifying data, e.g. by choosing or rejecting results selectively without revealing this: manipulating data, diagrams or images, or providing incorrect information in application letters or funding applications.
- 2.1.3. In this context, the **violation of intellectual property rights** means using scientific findings, research approaches or hypotheses without permission, under the pretension of authorship (plagiarism); exploiting others' ideas, for example as a reviewer (idea theft), making information available to third parties before publication without permission, and removing or falsifying primary data.
- 2.1.4. Misconduct shall also arise from acting as an accessory to or co-author of publications affected by falsification, or from gross neglect of supervisory duties.

### **2.2. Contact people**

Contact people are to be available who can be informed in suspicious circumstances, including people who are in a position of authority but have an independent role in this task. For this purpose, an ombuds group (mediating group) shall be formed at the HZI.

## **3. Ombuds group**

### **3.1 Election**

- 3.1.1. This group's work requires a great deal of trust. Any members of the scientific departments or technical scientific services employed at the HZI may be elected to the ombuds group as long as they are science graduates. All scientific staff at the HZI are entitled to vote. All those entitled to vote shall be called upon to propose election candidates at least three months before voting. At least five votes are required to be nominated. The list of proposed candidates shall be made public four weeks before the date.
- 3.1.2. The election shall be organised every four years by the scientific staff. Based on the voting results, an ombuds group shall be selected, consisting of five people, as well as possible successors, to avoid the post becoming vacant when temporary contracts run out.

### **3.2 Ombudsperson**

- 3.2.1. The ombuds group shall select one ombudsperson from among them as an impartial counsellor. This will generally be an experienced scientist with national and international contacts.
- 3.2.2. This ombudsperson shall advise those who approach him or her with a matter of concern as described in Point 2, and shall inform the HZI management once any resulting action has been taken. The ombudsperson shall check the specific details and significance of the accusations from the point of view of plausibility, looking for

possible motives and whether or not they can be dismissed.

- 3.2.3. If the ombudsperson can be accused of bias, a deputy shall be appointed from among the members of the ombuds group.

### **3.3 Commission / chair**

In a proceeding, the ombuds group shall take action as an investigative commission. They shall name one of their members as a chair.

## **4. Proceedings**

### **4.1 Review by the ombudsperson**

In cases of suspicion, the primary reference person is the ombudsperson, who checks whether any accusations made are plausible or significant. This check may consist of consultation with the person suspected of misconduct. After consultation with the informant, the ombudsperson shall inform the ombuds group of any relevant information, maintaining confidentiality. The group shall then carry out the subsequent proceedings as an investigatory commission.

### **4.2 Proceedings before the investigatory commission**

- 4.2.1. The ombudsperson shall play an advisory part in the proceedings to be carried out by the investigatory commission. The commission is entitled at any time and on its own initiative to take any steps which might serve the purpose of resolving the matter. To this end, it may gather any necessary information and statements, including involving members of the department in question if necessary. The people in question shall support the commission in its work. Consultations shall not be held in public. The commission shall use whatever evidence it holds necessary to prove whether scientific misconduct has taken place.

#### **4.2.2. Preliminary proceedings**

The person or persons suspected of misconduct shall be informed of this and of the incriminating facts or evidence and be given the opportunity to respond to the accusations before the commission within an appropriate timeframe (usually within two weeks). After this response is received, the commission has two weeks within which to decide whether the preliminary proceedings shall be brought to a close, as the suspicion cannot be sufficiently substantiated.

#### **4.2.3. Investigation**

If there is sufficient suspicion, the case shall become a formal investigation. During the investigation, the person in question shall again be given the opportunity to respond in an appropriate manner; in the case of a verbal hearing, he or she may bring in a trusted person for support. During this stage, at the latest, the name of the informant must be revealed.

If the commission does not consider misconduct to have been proven, it shall recommend that the proceedings be closed. If the informant does not agree with the proceedings being closed, he or she shall be heard once again within two weeks, on request, and the commission shall check its decision based on the facts. If, however, misconduct appears to have been proven, the commission shall advise on recommendations for further action, the possible consequences for the person involved and any suggestions for protecting others' interests.

If the initial suspicions are confirmed, the commission shall create a report based on which the ombudsperson shall advise the people currently or previously involved in

the case. In particular, the ombudsperson shall advise young scientists and students who have become caught up in processes of scientific misconduct through no fault of their own, with regard to maintaining their personal and scientific integrity.

**4.2.4. Informing the HZI management**

Based on the commission's report, the ombudsperson shall inform the HZI management of the results of the proceedings. The management shall decide within four weeks on any subsequent consequences and, if appropriate, redirect the case back to the commission via the ombudsperson.

**4.2.5. Consequences of the proceedings**

Ultimately, the consequences for the person in question include steps taken by the HZI management under not only labour law or public services law but also those under civil or criminal law.

**4.3 Confidentiality**

While the proceedings are underway, all people involved are obliged to maintain strict confidentiality regarding all information relating to the case. The files from the formal investigation are to be kept for 30 years. Those affected are entitled to a statement by the ombudsperson regarding the length of time they will be stored.

**5. This regulation came into effect on 1 May 2002.**

Braunschweig, \_\_\_\_\_

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Scientific Management

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(English copy valid without signature. The relevant document is the German one.)

1 Appendix

### **Recording of scientific data and storage of scientific documentation**

All experimental steps and all primary data shall be recorded such that the results can be traced back and – when provided with identical investigative material – reproduced at any time.

All staff and guests working in the scientific departments of the HZI shall be provided with a bound laboratory book containing a table of contents and sequentially numbered pages. This book shall be used to record all experimental steps / considerations / observations and data, results and working materials which require external archiving. These materials shall also include vectors, cell lines, new substances, etc.

The gathering, processing and evaluation of digital data shall be documented in a central section of the laboratory book (name of data carrier, file name, date of creation, cross references). Digital data shall be backed up at regular intervals, in a non-over writable form whenever possible.

The group leaders shall be responsible for properly maintaining the laboratory books in German or English, and for their staff archiving the working materials. Recordings and materials shall be made available to all members of the working group unless any commitments to maintaining confidentiality stand in the way. In case of doubt, the department leader or managers shall decide. As well as documentation being kept for individuals, it can also be kept for projects. Cross-references to that effect on individual data shall ensure transparency.