

## **Guidelines and rules of procedure for ensuring good academic practice at Bielefeld University of 9 February 2023**

### **English version (not legally binding)**

Based on § 2 (4) of the Higher Education Act of the State of North Rhine-Westphalia (*Hochschulgesetz*; HG) of 16 September 2014 (GV. NRW. p. 547), last amended by Article 1 of the Act of 30 June 2022 (GV. NRW. p. 780b), Bielefeld University has adopted the following guidelines and rules of procedure to ensure good academic practice:

#### **Preamble**

Academic integrity is the foundation of trustworthy academia. It is a form of academic self-obligation that includes respectful treatment of each other, study participants, animals, cultural assets, and the environment and that strengthens and promotes society's indispensable trust in science. The constitutionally guaranteed freedom of academia is inextricably linked to a corresponding responsibility. Fully considering this responsibility and anchoring it as a guideline for their own actions is, first and foremost, the task of all researchers as well as of those departments that organise academia. Academia as such ensures good academic practice through honest thought and action, not least through organisational and procedural rules. Bielefeld University regards the safeguarding of good academic practice as a central task of all its members and affiliates. Bielefeld University is a place of excellent, nationally and internationally recognised research. All researchers are aware of the principles of good academic practice and follow them in their daily research work. Young researchers should be supported by their supervisors in complying with good academic practice and be made aware of this subject on their way to becoming independent researchers. Bielefeld University considers the assurance of academic quality standards in research, in particular sincerity and accuracy, to be a significant task.

Bielefeld University adopts the following guidelines and rules of procedure in order to ensure good academic practice.

### **Part 1 Standards of good academic practice**

#### **§ 1 Principles**

(1) Researchers working at Bielefeld University must observe the standards of good academic practice. They are obligated:

- to work *lege artis*,
- to maintain strict honesty regarding their own and third parties' contributions,
- to consistently question all results themselves, as well as
- to permit and promote critical discourse in the academic community.

In addition, the special regulations of individual disciplines must be observed.

(2) In addition to measures to identify and punish academic misconduct, appropriate measures must be taken or strengthened to prevent academic misconduct from occurring. Bielefeld University also has an institutional responsibility in this regard as a centre of research, teaching, and promotion of young researchers.

#### **§ 2 Professional ethics**

Researchers are responsible for implementing the fundamental values and standards of academic work in their actions and for standing up for them. Teaching the basics of good academic work starts at the earliest possible stage in academic teaching and academic training. Acquisition of the rules of good academic practice in the scope of teaching academic work techniques is an integral part of every study programme at Bielefeld University. Researchers at all career levels regularly update their knowledge of the standards of good academic practice and the state of research.

#### **§ 3 Organisational responsibility of the management of academic departments**

The university management of Bielefeld University creates the framework conditions for academic work. It is responsible for upholding and communicating good academic practice and for providing adequate career support for all researchers, and for ensuring adequate organisation to warrant that the tasks of management, supervision, conflict resolution, and quality assurance are clearly assigned and actually performed. University management creates the conditions for researchers to comply with legal and ethical standards. The framework conditions include clear and written

procedures and principles for staff selection and staff development, in particular under consideration of equal opportunities for all genders and diversity, as well as for the promotion of young researchers and equal opportunities.

#### **§ 4**

#### **Responsibility of the management of working units**

(1) The head of an academic working unit is responsible for the entire unit. The interaction in academic working units is such that the group as a whole can perform its tasks, that the necessary cooperation and coordination take place, and that all members are aware of their roles, rights, and obligations. The management's tasks also include, in particular, ensuring appropriate individual supervision of young researchers – embedded in the overall concept of the respective department – as well as career promotion of the academic and academia-supporting staff. Abuse of power and exploitation of relationships of dependency are to be prevented by appropriate organisational measures both at the level of the individual academic working unit and at the level of the management of Bielefeld University.

(2) The guideline for good supervision of doctorates of Bielefeld University must be considered.

#### **§ 5**

#### **Dimensions of academic achievements and evaluation criteria**

A multidimensional approach is needed to evaluate the academic achievement (in particular in the context of examinations, awarding of university degrees, promotions, recruitment, or appointments and funding allocations) of researchers: The evaluation of academic achievement primarily follows qualitative standards; quantitative indicators can only be included in the overall evaluation in a differentiated and reflected manner. Depending on the assessment context and if legally permissible, other aspects may be considered in addition to academic achievements, such as e.g., originality, commitment to teaching, academic self-administration, public relations, knowledge and technology transfer, academic attitude such as openness to knowledge, and willingness to take risks; contributions that are of interest to society as a whole can be considered as well. If voluntarily indicated, individual peculiarities in CVs may be included in assessments as well – in addition to the categories of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*).

### **Part 2 Research process**

#### **§ 6**

#### **Phase-comprehensive quality assurance**

The researchers will perform each step in the research process in a *lege artis* manner. When academic findings are made publicly available (in the narrower sense in the form of academic publications, but also in the broader sense by way of other academic communication channels), the quality assurance mechanisms applied are always presented. This is true in particular when developing new methods. If any inconsistencies or errors regarding such published findings are discovered or pointed out subsequently, they will be corrected or, if necessary, retracted as soon as possible. The origin of data, organisms, materials, and software used in the research process must be identified, including citation of the original sources, and details on the requirements to subsequent use must be provided. The source code of publicly available software must be persistent, citable, and documented as far as this is possible and reasonable. The type and scope of the resulting research data must be described. The ability of other researchers to replicate results and findings is an essential part of quality assurance, depending on the area of expertise in question.

#### **§ 7**

#### **Actors, responsibilities, and roles**

The roles and responsibilities of the researchers and academic support staff involved in a research project must be clear at all times during the research project. Roles and responsibilities will be adjusted if necessary.

#### **§ 8**

#### **Research design**

Researchers must fully consider the current state of research and recognise it when planning a project. Identifying relevant and appropriate research questions requires a careful search for research results that have already been made publicly available. Bielefeld University ensures the necessary framework conditions for this. Methods to avoid bias, including unconscious bias, are used where possible and reasonable when interpreting findings. Researchers will examine whether and if so to what extent gender and diversity are relevant for the research project, e.g., regarding methods, work programme, goals.

## **§ 9**

### **Legal and ethical framework, rights of use**

Researchers must handle the constitutionally granted freedom of research responsibly. They must consider rights and obligations, in particular those resulting from legal requirements but also from any agreements with third parties, and, where necessary, obtain, and submit approvals and ethics votes. Consequences of research should be thoroughly assessed, and the respective ethical aspects evaluated, for any research projects. The legal framework of a research project also includes documented agreements on the rights of use of research data and research results arising from it. In particular, the researcher who collects the data has the right to use it. The authorised users will also decide on whether any third parties are to be granted access to the data within the scope of a current research project, in particular in accordance with data protection regulations.

## **§ 10**

### **Methods and standards**

Researchers must use academically sound and comprehensible methods to answer research questions. They must place particular emphasis on quality assurance and the establishment of standards when developing and applying new methods.

## **§ 11**

### **Documentation**

Researchers must document all information relevant to the achievement of a research result as comprehensibly as is necessary and appropriate in the area of expertise in question in order to be able to verify and evaluate the result. They must, therefore, also document individual results that do not support the research hypothesis. Selection of results must be avoided in this context. Research software programmed on one's own must be made publicly available with its source code. If there are any specific professional recommendations for review and evaluation, the researchers must document this according to the respective guidelines. If the documentation does not meet these requirements, the differences and their reasons must be explained in a comprehensible manner. Documentation and research results must not be manipulated; they must be protected against manipulation to the greatest degree possible.

## **§ 12**

### **Establishing public access to research results**

Researchers will generally bring all results to the academic discourse. However, there may be reasons not to make results publicly available (in the narrower sense in the form of publications, but also in the broader sense via other communication channels) from case to case. This decision must not depend on any third parties. Researchers are responsible for deciding whether, how and where to make their results publicly available, under consideration of the practices of the area of expertise in question. Once the decision to make results publicly available has been made, researchers must describe them fully and comprehensibly. This also includes making the research data, materials, and information on which the results are based, the methods applied, and the software used, available and comprehensively explaining work processes, as far as this is possible and reasonable. Researchers must provide complete and correct evidence of their own and others' preliminary work. Inappropriately detailed publications are to be avoided and repetition of the content of own publications is to be limited to the degree required for comprehension.

## **§ 13**

### **Authorship**

An author is someone who has made a genuine, traceable contribution to the content of any academic text, data, or software publication. Researchers must agree on the authorship and the order of naming in time, typically at the latest when the manuscript is written. This will be done based on comprehensible criteria, under consideration of the conventions of the area of expertise. If any contribution is insufficient to justify authorship status, credit can be given in another form, e.g., in the acknowledgement. Honorary authorship where no such contribution has been made is inadmissible, as is derivation of authorship from mere management or supervisory functions. All authors must agree to the final version of the work to be published; they must not withhold their consent without sufficient reason. Refusal must be justified by verifiable criticism regarding the data, methods, or results. Authors will be jointly responsible for the publication, unless explicitly stated otherwise. They will ensure and, as far as possible, work towards their research contributions being marked by publishers or infrastructure providers so as to permit correct citation by users.

#### **§ 14 Publication medium**

Authors must choose the publication medium with care – under consideration of its quality and visibility in the respective field of discourse. Possible publication media are not limited to books and journals, but also include subject, data, and software repositories or blogs. Researchers who take on the role of editor should carefully consider for which publication media they perform this task. The academic quality of a contribution does not depend on the publication medium in which it is made publicly available.

#### **§ 15 Confidentiality and neutrality in assessments and consultations**

Honest behaviour is the basis of legitimacy of a judgement process. Researchers who assess submitted manuscripts, funding applications, or the credentials of persons in particular are obligated to maintain strict confidentiality in this regard. Confidentiality of the third-party content to which they gain access excludes disclosure to any third parties and own use alike. They must disclose any facts that may give rise to concern of bias. The obligation to maintain confidentiality and to disclose facts that may give rise to concerns of bias also applies to any members of academic advisory and decision-making bodies.

#### **§ 16 Archiving**

Researchers must adequately secure research data or research results that have been made publicly accessible, as well as the underlying central materials and, if applicable, the research software used, in accordance with the standards of the area of expertise in question; they shall preserve them for an appropriate period of time, generally for ten years following publication. Archiving must take place in an accessible and traceable manner at the department of origin or in site-comprehensive repositories. If there are any comprehensible reasons for not archiving certain data or for doing so for a shorter period of time, this may be done and the researchers must explain the reasons accordingly. Bielefeld University will ensure that the necessary infrastructure to enable archiving is in place.

### **Part 3 Academic misconduct**

#### **§ 17 Academic misconduct**

- (1) Not every violation of the rules of good academic practice constitutes academic misconduct. Academic misconduct is deemed to have occurred in particular if any false statements are made intentionally or due to gross negligence, if other people's academic achievements are unjustifiably adopted as one's own, or if the research activities of others are impaired in a context relevant to academia. The circumstances of each individual case are decisive.
- (2) Academic misconduct within the meaning of paragraph 1 shall include in particular:
- a) Misrepresentation, in particular
    - inventing of data and/or research results;
    - falsifying of data and/or research results, e.g., by suppressing and/or eliminating data and/or results obtained in the research process without disclosing it or by manipulation of a representation or image;
    - inconsistent representation of an image and its associated statement,
    - providing incorrect information in a letter of application, an application for funding, or in the context of the reporting obligation (including false information on the publication medium and on publications in the process of printing), as far as these are related to academia;
    - claiming (co-)authorship of another person without their consent.
  - b) Unauthorised attribution of other people's academic achievements by
    - unmarked adoption of third-party content without the required citation of the source (plagiarism);
    - exploitation of research approaches and ideas of others ("idea theft");
    - unauthorised disclosure of data, theories, and findings to any third parties;
    - presumption or unfounded assumption of academic authorship or co-authorship, in particular if there is no genuine, comprehensible contribution to the academic content of the publication;
    - falsification of the content;
    - unauthorised publication and unauthorised making available to any third parties while the work, finding, hypothesis, teaching, or research approach has not been published yet.
  - c) Interference with the research activities of others by
    - sabotage of research activity (including damaging, destroying, or tampering with experimental set-ups, equipment, records, hardware, software, chemicals, or any other items that

- others require for research purposes);
  - falsification or unauthorised removal of research data or research documents;
  - falsification or unauthorised removal of research data documentation.
- (3) Academic misconduct – in the case of intent and gross negligence – also results from
- co-authorship of a publication that contains false statements or unauthorised appropriation of third-party academic achievements;
  - neglect of supervisory duties when another person objectively commits the offence of academic misconduct and this would have been prevented or made significantly more difficult by the necessary and reasonable supervision.
- (4) Academic misconduct further results from the intentional participation (within the meaning of instigation or aiding and abetting) in the intentional misconduct of others.

## **§ 18**

### **Prosecution of academic misconduct**

- (1) Bielefeld University will investigate any specific suspicion of academic misconduct at the university. Bielefeld University will set up an investigation commission (§ 20) and appoint an ombudsperson (§ 19) for this purpose. If the investigation commission finds that academic misconduct has been committed, the measures appropriate from case to case (Annex 1) will be taken within the scope of the options available.
- (2) The procedure for determination of academic misconduct according to these guidelines and the rules of procedure does not replace nor preclude any other procedures stipulated by law or by the bylaws. Where appropriate, these will be initiated by the relevant competent bodies, under consideration of these guidelines and procedural rules.
- (3) The examination and doctoral degree regulations shall apply to any cheating attempted in examination procedures. The procedural principles stipulated here are to be observed in this context. The ombudsperson or a member of the investigation commission may be invited to attend meetings of the competent bodies in an advisory capacity. This shall not apply to any post-doctoral habilitation procedures. The faculties must document such cases in an appropriate manner and report them to the ombudsperson once a year.

## **§ 19**

### **Ombudsperson**

- (1) The rectorate of Bielefeld University will appoint an experienced researcher and a deputy to whom members and affiliates may turn in matters of good academic practice and suspected academic misconduct upon the recommendation of the Senate. The deputy will represent the ombudsperson if they are prevented from attending or in cases of bias. The names and contact details of the ombudsperson and their deputy will be published on the website of Bielefeld University. Alternatively, members and affiliates of Bielefeld University may also turn to the DFG's supra-regional "Ombudsman for academia" body.
- (2) Appointment will be for four years with the possibility of one reappointment. The ombudsperson and their deputy must not be members of a central governing body of the university during their terms of office. The ombudsperson and their deputy as well as the investigation commission (§ 20) will be supported by an office.
- (3) The ombudsperson will serve as a neutral and qualified advisor to be contacted in matters of good academic practice; they will accept enquiries while maintaining confidentiality and check whether the suspicious facts presented appear plausible, specific, and definitive. To this end, the ombudsperson will listen to the allegations, clarify any facts as required, may request statements from other persons as necessary, and will invite the parties involved to oral discussions individually or together to discuss possible solutions. The ombudsperson's activities are based on the objectives of determining whether there is actually sufficient suspicion of a violation of the rules of good academic practice; they will then either forward the case directly to the investigation commission (§ 20) or, if necessary, seek a solution that is acceptable to all parties if there is a conflict between two or more parties. In the case of a conflict between two or more parties, this also involves mediating between the parties. If no solution is found or no agreement can be reached in the course of the ombudsperson's mediation efforts, and if there is a specific suspicion of academic misconduct, the ombudsperson will also forward the information to the investigation commission (§ 20), which will investigate the matter while maintaining confidentiality to protect both the persons providing information and the accused persons.
- (4) Finally, the ombudsperson will also advise such persons who are or were involved in the case after completion of a formal investigation procedure. They will advise such persons (in particular including young academics and students) who have been involved in academic misconduct through no fault of their own with regard to safeguarding their personal and academic integrity.

## **§ 20 Investigation commission**

- (1) The Senate will appoint an investigation commission to investigate academic misconduct. The Senate will appoint three members of the group of university teachers and one member of the group of academic employees, who must be members of Bielefeld University, as members of the commission for a term of four years. In addition, the Senate will appoint a deputy for each member of the commission. They will deputise for the respective member of the commission if the member is prevented from attending or in cases of bias. Repeat appointment of the commission or individual commission members is possible; the senate will appoint a new member if a member resigns early.
- (2) The investigation commission will appoint one of its members as chairperson. The chairperson must come from the group of university teachers.

## **Part 4 Procedure following suspected academic misconduct**

### **§ 21 General principles of procedure**

- (1) Ombudspersons and investigation commissions reviewing allegations of academic misconduct must adequately protect both the whistleblower and the accused person. The investigation of allegations of academic misconduct will explicitly take place with due regard for confidentiality and the fundamental principle of the presumption of innocence. The whistleblower's report must be made in good faith. Deliberately false or wanton accusations can in turn constitute academic misconduct. Neither the whistleblower nor the accused person should suffer any disadvantages for their own academic or professional advancement as a result of the report.
- (2) The investigation commission meetings are not open to the public.
- (3) Decisions of the investigation commission will be made by simple majority.
- (4) The ombudsperson will participate in the proceedings to be conducted by the investigation commission in an advisory capacity. The investigation commission has the right to take any steps to clarify the facts of the case on its own initiative at any time. For this purpose, it may obtain all necessary information and statements and also consult experts from the academic field in question in individual cases.
- (5) The incriminating facts and evidence must be brought to the attention of the accused person.
- (6) Both the accused person and the person providing the information must be given the opportunity to make an oral statement.
- (7) The investigation commission will examine whether or not academic misconduct has occurred in free assessment of evidence.
- (8) The files of the formal investigation will be archived for 30 years.

### **§ 22 Preliminary proceedings**

- (1) As soon as the investigation commission learns of specific suspicions of academic misconduct through the ombudsperson, including those submitted anonymously and usually in writing, it will give the accused person an opportunity to comment on the suspicion in writing within two weeks, stating the incriminating facts and any evidence, if applicable. This period may be extended based on the circumstances of the individual case.
- (2) The name of the person providing information will not be disclosed to the accused person without their consent at this stage of the procedure.
- (3) The investigation commission will decide on whether the preliminary proceedings are to be terminated – informing the accused person and the person providing information of the reasons for this – since the suspicion has not been sufficiently confirmed or whether a transfer to the formal investigative proceedings is to take place after receiving the statement of the accused person or after the deadline has expired.
- (4) Discontinuation on grounds of insignificance is possible if a minor case of academic misconduct has been established and the accused person has significantly contributed to the clarification of the matter. In particular, it is considered a contribution to clarification if the accused person offers a measure, in particular an erratum, or if they have already taken measures to remedy any damage that has occurred.
- (5) If the person providing information or the accused person does not agree with discontinuation of the examination procedure, they must be heard by the commission within two weeks upon request. The commission will then review its decision again.

### **§ 23**

#### **Formal investigation procedure**

- (1) The rectorate must be notified of the opening of the formal investigation procedure by the chairperson of the commission.
- (2) The person accused of academic misconduct must again be given the opportunity to make a statement in an appropriate manner at the start of the formal investigation procedure. They must be heard orally upon request; they may involve a person of their confidence as an adviser for this purpose. This also applies to any other persons to be heard.
- (3) The name of the person providing information is confidential. The name will only be disclosed in individual cases if there is a legal obligation to do so or if the accused person cannot otherwise defend themselves properly because the identity of the whistleblower is exceptionally important.
- (4) The investigation commission will report on the results of its work to the rectorate and submit a recommendation for resolution. It will make a proposal for further procedure and possible measures (Annex 1) if academic misconduct is identified.
- (5) An internal appeal procedure against the commission's decision is not available.

### **§ 24**

#### **Decision of the rectorate**

- (1) The rectorate will decide on whether the proceedings are to be discontinued or whether academic misconduct is to be considered proven based on the report and recommendation of the investigation commission. In the latter case, the rectorate will also decide on the measures (Annex 1).
- (2) The accused person and the person providing information will be informed of the rectorate's decision in any case, including the relevant reasons.
- (3) Bielefeld University may publish its findings in individual cases if the misconduct concerns any published documents or research results.

### **§ 25**

#### **Entering into effect**

These guidelines and these rules of procedure shall enter into effect on the day following their publication in the Bielefeld University Gazette. The guidelines and rules of procedure for ensuring good academic practice at Bielefeld University of 1 March 2021 shall cease to apply at the same time.

#### **No complaints**

Claims from violation of any procedural or formal rules of the HG NRW or the university's regulatory or other autonomous law by these rules can only be asserted within one year of their publication, except if

- a) the rules have not been duly published,
- b) the rectorate has previously objected to the decision of the body adopting the rules,
- c) the university has been notified of the formal or procedural defect in advance and the violated legal provision and the fact giving rise to the defect have been designated in the course of this, or
- d) the legal consequence of the exclusion of complaint was not referred to in the public announcement of the rules.

The supervisory authorisations under § 76 HG shall not be affected by this.

Issued based on the resolution of the Senate of Bielefeld University of 25 January 2023.

Bielefeld, 09 February 2023

The rector  
of Bielefeld University  
University Professor Dr.-Ing. Gerhard Sagerer

## Annex 1

### List of possible decisions and measures in cases of academic misconduct depending on the type and severity of the misconduct identified

In the case of misconduct by students, the further procedure is regulated in detail by the relevant examination rules.

#### 1. Consequences under labour law, such as in particular

- Warning
- Termination without notice
- Ordinary termination
- Contract dissolution

#### 2. Consequences under the law on civil service, such as in particular

- Disciplinary action

#### 3. Academic consequences, such as in particular

- Written reprimand of the accused person
- Information of non-university academic departments and associations
- Requesting the accused person to withdraw the incriminated publication or to correct incorrect data (in particular by publishing an erratum) or to include a reference to the recovery of spent funds by funding agencies in the incriminated publication
- Withdrawal of academic degrees, such as in particular the master's or doctoral degree, under consideration of the respective examination rules
- Withdrawal of the authorisation to teach

#### 4. Consequences under civil law, such as in particular

- Issuance of a ban from the premises
- Claims for restitution against the accused persons, e.g., regarding any stolen academic material
- Claims for removal and injunctive relief under copyright law, infringement of personality rights, patent law, and competition law
- Claims for repayment (e.g., of scholarships, third-party funds, or the like)
- Claims for damages by the university or any third parties in cases of injury, damage to property, or the like