

# Statutes of Europa-Universität Flensburg on Good Research Practice

Dated June 12, 2023

Announcement in NBl. HS MBWFK Schl.-H., p. 43

Date of announcement on the EUF website: June 12, 2023

Pursuant to § 6 paragraph 2 sentence 1 of the Higher Education Act (HSG) in the version of the announcement dated February 5, 2016 (GVOBl. Schl.-H., p. 39), last amended by Article 1 of the law dated February 3, 2022 (GVOBl. Schl.-H., p. 102), the following statute is enacted following a resolution by the Senate of the Europa-Universität Flensburg on May 31, 2023.

## Chapter 1 Good Research Practice

### Section 1 Research Practice

#### § 1 General principles of research practice

(1) Europa-Universität Flensburg commits its students, instructors and researchers to full adherence to the rules of good research practice, as adopted in the resolution of the general assembly of the German Research Foundation on July 3, 2019.

(2) These principles require honesty, integrity, and responsibility in research. In academic teaching, they are conveyed in the introductory courses of the bachelor's and master's degree programs. In these courses, students are also sensitized to possible academic misconduct.

(3) Academic staff, doctoral candidates, and post-docs shall be selected solely on the basis of professional criteria at every stage of their careers. Discrimination of any kind is not permissible.

(4) The compatibility of family life and research work shall be sought.

(5) Members and affiliates of Europa-Universität Flensburg who are active in teaching and research shall independently adhere to the standards of good research practice. This includes, in particular:

1. Working in accordance with the research standards of one's own discipline (*lege artis*) and within the framework of legal regulations,
2. Transparently documenting and publishing results and data,
3. Consistently questioning all results and allowing and encouraging critical discourse within the research community, and
4. Maintaining strict honesty regarding one's own contributions and those of others.

#### § 2 Specific duties requiring action

The obligation to adhere to the "Principles of Good Research Practice" includes, in particular, a commitment to ensure that:

1. The current state of research is comprehensively considered and acknowledged when planning a project. Identifying relevant and appropriate research questions requires careful investigation of the research that is already publicly available. Europa-Universität Flensburg ensures the necessary framework conditions for this.
2. The methods used are transparently and comprehensibly described.
3. All data collected during the research process and relevant to the publication are comprehensively documented.
4. Representations and illustrations are used in accordance with applicable copyright law.
5. Research results are presented in a verifiable manner.
6. Sole or co-authorship of another person is claimed only with their declared consent.
7. Third parties are not hindered in their research work in any way, such as through sabotage or misinformation.
8. The rights of third parties, especially concerning significant research findings, hypotheses, teachings, or approaches, as well as copyrighted works, are respected.

Prohibited actions include:

1. Plagiarism, i.e., the unauthorized use of the intellectual property of others by claiming authorship or feigning scientific authorship or co-authorship,
2. Idea theft, i.e., the exploitation of another person's research approaches and ideas without naming the author, especially as a reviewer
3. Content distortion or unauthorized publication
4. Unauthorized disclosure to third parties of another person's research work or data, before the research work, underlying research approach, knowledge or insights, hypothesis, or result have been published and made generally accessible

### **§ 3 Data security**

Primary data on which publications are based should be stored for at least ten years on durable and secure media at the Europa-Universität Flensburg facility where they were generated, in a manner that ensures their accessibility during that period. Alternatively, this data can also be stored on external repositories that meet this requirement.

### **§ 4 Authorship**

An author, in the context of these regulations, is someone who has made a genuine, traceable contribution to the content of an academic text, data, or software publication. So-called "honorary authorship," meaning authorship without a personal contribution, is excluded from this definition. All authors of a research publication shall agree to the final version of the work to be published. They bear joint responsibility for the publication unless explicitly stated otherwise.

### **§ 5 Primacy of quality**

Academic originality and quality – understood as an independent contribution to the academic development of the field – take precedence over mere quantity as evaluation criteria for examinations and the awarding of academic degrees.

## **Section 2 Supervision**

### **§ 6 Responsibility of senior researchers**

Notwithstanding the responsibility of the university management, every head of a research institution and research group leader is tasked with ensuring an appropriate organizational structure their area. This organization must ensure the clear assignment and actual execution of leadership, supervision, quality assurance, and conflict resolution tasks and duties. Researchers in early career stages should be appropriately guided and supervised in accordance with their qualification levels.

### **§ 7 Supervision of early-career researchers**

- (1) Special attention shall be given to the training and promotion of researchers in early career stages and to their instruction on adhering to the principles of good research practice.
- (2) At the start of their academic careers, researchers in early career stages must be informed about the professional image of a researcher and the opportunities and risks of a research career. They should be given opportunities to exchange ideas and reflect on their own ideas and assumptions.
- (3) During the research qualification phase, the personal and family circumstances of research staff shall be considered. This is especially the case for individuals with special needs as per § 52 Paragraph 4 Numbers 1 to 3 of the HSG.
- (4) Supervisors shall support and promote early-career researchers in an appropriate academic manner, so that the targeted research goals can be achieved within the intended timeframe.

### **§ 8 Supervision of students and doctoral candidates**

Students, doctoral candidates, and graduates at Europa-Universität Flensburg and its institutions shall be appropriately guided and supervised by all full-time and part-time teaching and research staff at all times. Intensive and repeated instruction and guidance in the principles of good research practice is an essential component of this continuous support.

## **Chapter 2 Academic Misconduct**

### **Section 3 Types of Academic Misconduct**

#### **§ 9 Academic misconduct**

Academic misconduct occurs when, in an academic context, false statements are intentionally or negligently made, or the rights of third parties (such as intellectual property rights) are violated or their research activities are hindered. For cases of student misconduct and misconduct by doctoral students, § 25 of these statutes additionally applies.

#### **§ 10 False statements**

False statements specifically refer to:

1. Data falsification, which includes inventing, altering, or distorting data, or
2. Incorrect information about a publication medium and forthcoming (in-press) publication, or
3. Failure to disclose parallel publications.

### **§ 11 Violation of third-party rights**

The rights of third parties are violated when a person, for example:

1. Publishes or uses without authorization a copyrighted work created by another, while claiming authorship (plagiarism) or distorting its content,
2. Claims co-authorship of a work without having contributed to it,
3. Conceals significant contributions from staff members, colleagues, or superiors, or
4. Presents or uses as their own the insights, hypotheses, or research approaches that have been confidentially submitted by another for review

### **§ 12 Hindrance of third-party research activities**

Hindrance of research activities particularly includes damaging, destroying, or manipulating experimental setups, equipment, documents, hardware, software, chemicals, or other materials needed by third parties to conduct an experiment, as well as manipulating or destroying data. It is also impermissible to harm researchers or their research projects through slanderous or defamatory assertions, or false statements intended to demean.

### **§ 13 Responsibility**

The responsibility for academic misconduct arises not only from one's own actions or omissions, but also from knowingly and intentionally, i.e., deliberately or through gross negligence, participating in the misconduct of others, as well as from gross negligence in one's supervisory duties.

## **Section 4 Procedures for Handling Academic Misconduct**

### **§ 14 Handling academic misconduct**

- (1) Europa-Universität Flensburg shall investigate any specific suspicion of academic misconduct among its members and affiliates.
- (2) For this purpose, it establishes the Committee for the Investigation of Academic Misconduct (Committee for Good Research Practice, hereinafter referred to as the Investigative Committee) and appoints an Ombudsperson for compliance with the rules of good research practice (Ombudsperson).
- (3) Researchers may reach out to the Ombudsperson. If appropriate or necessary, they may also

directly contact the Investigative Committee or the supra-regional body "Ombudsman for Science" [Ombudsman für die Wissenschaft].

(4) If, after thorough clarification of the facts, the suspicion of academic misconduct is confirmed, the university management shall take appropriate measures, within the bounds of legal possibility, to penalize the misconduct and to uphold the research standards of Europa-Universität Flensburg.

## **§ 15 Ombudsperson for compliance with the rules of good research practice**

(1) On the recommendation of the university leadership, the Senate shall appoint a faculty member of Europa-Universität Flensburg to serve as an independent Ombudsperson, along with a deputy who shall assume the duties of the Ombudsperson in case of bias or availability. While serving in this office, the Ombudsperson may not belong to any central managing body of Europa-Universität Flensburg. Persons chosen as Ombudspersons must be integrity-driven researchers with leadership experience. They shall receive the necessary substantive support and acceptance in performing their duties.

(2) The term of office is three years; re-election is possible once. If the Ombudsperson departs prematurely, the Senate shall elect a new Ombudsperson and a deputy for a full term. If the deputy departs prematurely, the Senate shall elect a new deputy for the remaining term.

(3) The appointment of the Ombudsperson and their deputy, as well as their contact details, shall be announced to the university.

(4) The Ombudsperson advises all members and affiliates of Europa-Universität Flensburg in matters of good research practice and explains the rules to be observed.

(5) The Ombudsperson examines reports of possible violations against the rules of good research practice set forth in these statutes, based on plausibility criteria regarding the specificity and relevance of the reported information. The Ombudsperson advises those seeking counsel on options for further action and, in cases of conflict, mediates between the conflicting parties, and works toward a solution. Further details are regulated in § 16 of these Statutes.

(6) In performing their duties, the Ombudsperson and their deputy are obligated to maintain absolute confidentiality.

## **§ 16 Plausibility checks (preliminary procedure)**

(1) The Ombudsperson shall first carry out a confidential examination of any information submitted to them with regard to suspected academic misconduct, as per Sections 1 and 3 of these statutes, to assess its plausibility in terms of specificity and relevance and with the presumption of innocence. An anonymous report can only be examined if the informant presents the Ombudsperson with reliable and sufficiently concrete facts.

(2) In the case of a well-founded initial suspicion, the Ombudsperson shall refer the matter to the Investigative Committee, thereby initiating the main procedure. The right of the person seeking advice to directly contact the Investigative Committee remains unaffected.

(3) If the Ombudsperson decides not to initiate a main procedure, they shall notify the person who provided the information. The informant then has four weeks to appeal the decision, if they so wish, by submitting a counterstatement to the Investigative Committee, which in turn shall examine the plausibility of opening a main procedure. The decision of the Investigative Committee as to whether to initiate a main procedure is not contestable.

(4) If the Investigative Committee becomes aware of suspected academic misconduct, it shall ask the Ombudsperson to carry out a plausibility check. In addition, § 14 Paragraph 3 of these statutes applies.

(5) In examining any suspicions of academic misconduct, the Ombudsperson and the investigative committee shall strive to protect both the informant and those affected by the allegations. Neither the informant nor the accused should suffer disadvantages to their own academic or professional advancement on account of the report.

## **§ 17 Committee for the Investigation of Academic Misconduct**

(1) To clarify academic misconduct in accordance with Sections 1 and 3 of these Statutes, the Senate of Europa-Universität Flensburg shall appoint an Investigative Committee on the recommendation of the university management.

(2) The committee shall consist of three members of Europa-Universität Flensburg, at least two of whom must be full-time professors. The term of office is three years. In the event of a member's premature departure, the Senate shall select a new member for the remaining term.

(3) If a member of the committee is suspected of bias as per § 81a LVwG or if there is a reason for exclusion within the meaning of § 81 LVwG, that person shall be excluded from handling the specific case. To determine bias, before handling a specific case the members of the committee shall provide a statement in accordance with the appendix to these statutes. This appendix is an integral part of these statutes. In case of doubt, the Executive Board [Presidium] shall decide whether there is a bias. The Senate shall elect a substitute member for the biased committee member. This substitute member shall perform the duties of the biased member only in that specific case.

(4) The Investigative Committee shall elect one of its members to act as its chairperson.

(5) When dealing with cases of academic misconduct, the Investigative Committee may seek advice from individuals who have special experience in these matters and/or may seek external legal support. No more than two individuals can be consulted per case. The chairperson shall instruct these individuals regarding, in particular, their duty of confidentiality. If any costs are incurred, these are to be discussed in advance with the university management.

(6) The Investigative Committee is independent of official directives, but is subject to legal supervision by the university management.

(7) The university management shall assign to the Investigative Committee a member of the university administration who is qualified to hold judicial office, and with whom investigation committee shall coordinate all procedural acts from a legal point of view.

## **§ 18 Confidentiality of the committee's work**

(1) The members of the Investigative Committee are bound by absolute confidentiality. This also applies after a member has left the committee.

(2) The sharing of documents and committee reports to third parties is prohibited.

(3) The term "third parties" does not include the Ombudsperson for compliance with the rules of good research practice, newly elected members of the Investigative Committee, the Executive Board of Europa-Universität Flensburg, the legal department of Europa-Universität Flensburg, and state law enforcement agencies.

## **§ 19 Principles of the committee's work**

(1) The Investigative Committee shall meet in closed sessions. The Ombudsperson, the assigned member from the university administration, and the representative of the university management shall be allowed to attend without voting rights.

(2) All participants in oral or written proceedings of the Investigative Committee are bound by absolute confidentiality.

(3) Decisions of the Investigative Committee are passed by a simple majority. No internal appeals process against decisions of the Investigative Committee exists.

(4) The Investigation Committee is authorized to take all steps that are legally possible to clarify the facts of the case. To this end, it may obtain all necessary information and opinions. In individual cases, it may also seek advice and counsel from external experts from the affected academic field.

(5) The Investigative Committee can assign one of its members to act as a reporter to investigate the facts of the case. The reporter shall coordinate their investigations with the Investigative Committee and report back to the Investigative Committee on the facts established. After this presentation, the Investigative Committee shall decide whether further investigations are needed, or whether it will accept the results of the investigation.

(6) The person concerned must be informed of the incriminating facts and, if applicable, the evidence of the Investigative Committee.

(7) The person concerned must be heard on the matter. They can make statements to the Commission both orally and in writing.

(8) The informant has the right to comment on whether they are a victim of academic misconduct.

(9) The name of the informant, if known, is to be treated confidentially and not disclosed to third parties without appropriate consent. Exceptions only apply if there is a legal obligation or because the person affected by the allegations cannot defend themselves appropriately, because this (exceptionally) depends on the identity of the informant. Before the informant's name is disclosed, the informant shall be immediately told; the informant can decide whether to withdraw the report if their name is likely to be disclosed. If the informant goes public with their suspicions, the confidentiality of the procedure is compromised. The investigating body shall decide on a case-by-case basis how to deal with the informant's breach of confidentiality. The informant must also be protected in the case of unproven academic misconduct, provided that the reporting of the allegations did not occur demonstrably against better knowledge.

## **§ 20 Investigation procedure (main procedure)**

(1) If, after the plausibility check, the Ombudsperson refers a suspected case of research misconduct to the Investigative Committee, the latter shall initiate a full investigation of the facts and promptly inform the university management.

(2) The Investigative Committee shall inform the accused person of the allegations, citing the incriminating facts and evidence, and ask them for a position statement.

## **§ 21 Termination of the investigation procedure**

(1) If the Investigative Committee believes that the alleged research misconduct has been clarified to the fullest extent possible, it shall conclude the investigation procedure with this finding.

(2) The Committee shall report to the university management on the results of its work and submit its decision recommendation.

(3) The decision to terminate the investigation procedure, to forward it to the university management, or to discontinue the investigation procedure must be justified in writing and promptly communicated in writing to the affected person and the informant.

(4) At the end of the main procedure, the Ombudsperson shall inform all persons who are or were involved in the case of its outcome. The Ombudsperson shall also advise those individuals, especially early-career researchers or students, who were involved in academic misconduct incidents through no fault of their own, in matters concerning the safeguarding of their personal and academic integrity.

## **§ 22 Punitive measures against academic misconduct**

(1) The university management shall decide on the basis of the final report and the recommendation of the Investigative Committee whether to discontinue the main procedure or whether academic misconduct has been sufficiently proven.

(2) In cases of academic misconduct, the university management shall decide on the appropriate punishment in light of the individual circumstances of the misconduct case, in order to uphold the academic standards of Europa-Universität Flensburg. In addition to verbal or written reprimands, work and disciplinary measures should be especially considered. If the misconduct is deemed criminally relevant by the university management, the case will be reported to the competent public prosecutor's office.

(3) The person concerned must be immediately informed in writing of the university management's decision. The main reasons leading to the decision must also be communicated.

## **§ 23 Rehabilitation**

If the suspicion of academic misconduct has been unjustly raised, the university management shall initiate all necessary measures for the complete rehabilitation of the accused person.

## **§ 24 Procedural principles**

(1) The investigation and decision-making procedures under these regulations must be carried out without culpable delay. The entire main procedure should be completed within six months at the latest, unless specific circumstances of the individual case prevent this.

(2) The records of the main procedure shall be kept for 30 years by the university management of Europa-Universität Flensburg. After this period, they shall be destroyed.

## **Section 5 Academic Misconduct by Students**

### **§ 25 Students and doctoral candidates**

(1) In cases of academic misconduct by students during examinations taken during the course of their studies, the designated examination committee is responsible (in deviation from these regulations), as set forth in the supplementary regulations of the relevant examination regulations. In cases of academic misconduct by doctoral students within the scope of their doctoral project, the designated doctoral committee is responsible (in deviation from these regulations), as set forth in the regulations of the relevant doctoral regulations.



(2) The responsibility of the Ombudsperson and the Investigative Committee for all other cases of academic misconduct by the groups of persons from paragraph 1 remains unaffected.

(3) In cases of academic misconduct by students or doctoral candidates not covered by paragraph 1, the Ombudsperson shall issue a statement as to whether and under what conditions the opportunity to complete a degree can be granted, and whether any conditions must be met.

(4) The university management shall decide whether to exclude the student from further studies or doctoral candidacy upon the request of the Examination Committee, the Doctoral Committee, or the Investigative Committee, unless the examination and doctoral regulations set forth different regulations. Paragraph 1 remains unaffected.

### **Chapter 3 Final Provisions**

#### **§ 26 Entry into force**

This statute comes into effect the day after its announcement.

Flensburg, June 12, 2023

Europa-Universität Flensburg  
Prof. Dr. Werner Reinhart, President

Attachment

Declaration of committee member \_\_\_\_\_

in the procedure: \_\_\_\_\_

1. I am related to a someone involved in the procedure \* Yes No

2. I have a personal close relationship with someone involved in the procedure\*\*  
Yes  No

3. I have close academic relationships to the following people involved in the procedure:

1. Participant in the procedure	Number/Types	Times
Employment contract ***		
Dissertation/habilitation supervision		
Joint courses/research projects		
Joint publications		
Current/former institute or department colleagues		

2. Participant in the procedure	Number/Types	Times
Employment contract		
Dissertation/habilitation supervision		
Joint courses/research projects		
Joint publications		
Current/former institute or department colleagues		

\_\_\_\_\_  
Signature

Notes

\* Relatives are excluded from the procedure, in accordance with § 20 VwVfG. Relatives include: 1. the fiancé(e), 2. the spouse, 3. relatives and immediate in-laws, 4. siblings, 5. children of siblings, 6. spouses of siblings and siblings of spouses, 7. siblings of parents, 8. persons connected within a household community through a long-term care relationship, like parents and children (foster parents and foster children). Relatives include the persons listed in sentence 1, even if: 1. (in the cases of numbers 2, 3, and 6) the marriage that established the relationship no longer exists; 2. in the cases of numbers 3 to 7, the relationship or affinity has ceased due to adoption as a child; 3. in the case of number 8, the domestic community no longer exists, provided the persons continue to be connected like parents and children.

\*\*This includes, among other things, friendly ties, neighborly relations, and shared leisure activities e.g., in clubs.

\*\*\*This includes not only direct employment contracts between committee members and procedure participants, but also university-issued employment contracts, such as those between professors and their own research staff.