

Please note that this document is a non-binding convenience translation. Only the German version of the document entitled “Ordnung zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit wissenschaftlichem Fehlverhalten der Johannes Gutenberg-Universität Mainz”, dated 13 February 2023, has legal validity.

## REGULATIONS

for ensuring good research practice  
and for dealing  
with research misconduct

of Johannes Gutenberg University Mainz  
dated February 13, 2023

**Regulations for ensuring good research practice  
and for dealing with research misconduct  
of Johannes Gutenberg University Mainz  
dated February 13, 2023**

Based on Section 3 Subsection 7, Section 72 Subsection 5 and Section 76 Subsection 2 No. 14 of the *Hochschulgesetz Rheinland-Pfalz* (HochSchG, Higher Education Act of Rhineland-Palatinate) dated September 23, 2020 (GVBl. p. 461), last amended by the law dated July 22, 2021 (GVBl. p. 453), BS 223-41, the University Senate issued the following regulations on January 27, 2023:

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## Preamble

The Basic Law for the Federal Republic of Germany (*Grundgesetz*) guarantees the freedom of scientific research, yet scientific freedom is not without limits. It is limited with respect to fundamental rights – in particular with regard to the scientific freedom of others – as well as with respect to both the subject-specific and interdisciplinary principles of good research practice.

The basis of good research practice is formed by fundamental values that apply to all scientific activities, regardless of any subject-specific differences. This includes strict honesty, transparency, fairness and respect, as well as the responsible handling of research findings.

These regulations are intended as a common guideline to help prevent misconduct and to firmly anchor good research practice in one's own everyday research and teaching by always considering good research practice as an essential part of teaching and through teaching staff and researchers acting as role models.

The regulations implement the provisions of the DFG Code of Conduct "Guidelines for Safeguarding Good Research Practice" (2019), with which they are closely aligned, in a legally watertight manner. The *Empfehlungen des Fachbereichs Medizin der Johannes Gutenberg-Universität Mainz zur Sicherung guter wissenschaftlicher Praxis* (Recommendations of the Department of Medicine of Johannes Gutenberg University Mainz for Ensuring Good Research Practice) remain unaffected by these regulations, insofar as they do not contradict these regulations.

## **Part 1 General provisions**

### **Section 1 Regulatory purpose**

In fulfillment of its legal mandate, Johannes Gutenberg University Mainz (JGU) bears responsibility for ensuring good research practice in research and teaching as well as in the promotion of early-career researchers. Researchers at JGU are bound to scientific integrity. These regulations are intended to help promote and ensure good research practice and regulate procedures for dealing with research misconduct.

### **Section 2 Scope**

- (1) These regulations apply to all persons involved in research at JGU. In addition to academic staff, this also includes students and employees in technology and administration, insofar as they are active in research. In addition, the regulations apply to persons who are pursuing a doctoral or habilitation project at JGU and are being supervised by a member of JGU, even if they themselves are not members of JGU.
- (2) The regulations also apply to former members, former doctoral candidates, and former habilitation candidates of JGU if they are implicated in allegations of research misconduct concerning their activities at JGU.
- (3) If an allegation of research misconduct relates to a time when the person in question was not yet a member of JGU, JGU may choose to request that the third party conduct a review of the allegation or to conduct the procedure itself pursuant to these regulations.
- (4) Upon request and to the greatest extent legally possible, JGU will provide support in procedures for dealing with research misconduct that are carried out by a third party for reasons of responsibility and, in turn, expects this kind of cooperation if a case falls within the scope of responsibility of JGU.
- (5) Unless these regulations contain special stipulations stating otherwise, the provisions for the faculties, faculty councils, deans, and vice deans, for Mainz School of Music and Mainz Academy of Fine Arts, their councils, rectors, and vice rectors, and for Faculty 04: University Medical Center, its faculty council, and its Chief Scientific Officer shall apply accordingly.
- (6) Paragraph 5 also applies to the Department of Catholic Theology and the Department of Protestant Theology of the Faculty of Catholic and Protestant Theology, their councils, deans and vice deans. If an investigation falls within the scope of responsibility of the Faculty of Catholic and Protestant Theology, it will be named expressly.
- (7) The scope of these regulations may be extended to employees of non-university research institutions by agreement between JGU and the institution in question. In such a case, the partner institution in question must recognize the JGU regulations in a legally binding manner. This non-university research institution must also inform the German Research Foundation (DFG) of the extension of the scope of these regulations.

**Part 2**  
**Good research practice**

**Chapter 1**  
**Principles of good research practice**

**Section 3**  
**Guiding principles**

- (1) Persons involved in research at JGU exercise the constitutionally guaranteed freedoms of science, research, and teaching with a sense of responsibility, taking into account the legal and ethical framework. They ensure that their own actions and behavior comply with the standards of good research practice.
- (2) Persons involved in research at JGU are obliged
  1. to work in accordance with the accepted rules of their scientific discipline (*lege artis*),
  2. to document and archive research findings in accordance with the rules of their discipline,
  3. to be stringently honest when handling contributions from third parties,
  4. to assess the consequences resulting from their research and the ethical aspects thereof,
  5. to consistently question their own research findings and those of others,
  6. to allow and encourage critical discourse in the scientific community, and
  7. to conduct themselves in an academically fair and collegial manner.

**Section 4**  
**Quality assurance**  
**during the research process**

- (1) Researchers apply scientifically sound and comprehensible methods and perform each sub-step in the research process in accordance with the accepted rules of their discipline. The sub-steps of a research process include the adherence to discipline-specific standards and established methods, the collection, processing, and analysis of research data, the selection and use of research software as well as the development and programming thereof, the maintenance of lab notebooks, and the calibration of equipment.
- (2) When developing and applying new methods, researchers attach particular importance to quality assurance and the establishment of standards. This forms the basis and essential prerequisite for the comparability and transferability of research findings.
- (3) Research design is based on a careful review of research findings which are already accessible. The current state of research must always be taken into account.
- (4) Persons involved in research use appropriate methods in the endeavor to prevent bias in interpreting their own findings (e.g. by conducting blind test series).

- (5) Furthermore, researchers examine if and to what extent gender and diversity could be relevant in the context of the research project (as regards the methods, schedule, goals, etc.).
- (6) When scientific findings are made publicly available in the form of written publications or other contemporary communication channels, the applied mechanisms and methods for quality assurance are outlined appropriately.
- (7) In accordance with discipline-specific conventions, researchers ensure that results and findings can be verified by others.
- (8) If errors or discrepancies are discovered after publication, they will be rectified by the authors themselves, or the publisher or publishing platform will be asked to rectify or retract and acknowledge them. This is the only way to ensure that research building on these findings is not impacted by previous errors.

## **Section 5 Documentation**

- (1) All information and steps in the research process relevant to the production of research findings must be documented in such a comprehensible manner as is necessary and appropriate in the concerned field to enable the verification and evaluation of these findings.
- (2) Documentation includes all relevant sub-steps of the research process. In particular, the following is considered required:
  1. the research data and findings collected, how they were generated, and how they have been used,
  2. the applied methods, evaluations, analyses, and interpretations,
  3. the intellectual property of others that has been used, and
  4. source codes (in the development of research software).
- (3) Individual results that do not corroborate the research hypothesis or interpretation must also be documented in order to be able to properly verify and evaluate overall findings. Ignoring such individual results opposes the goal of verification and evaluation and is therefore unacceptable.
- (4) If, in individual cases, documentation or parts thereof cannot be made or can only be made to a limited extent for technical, comprehensible reasons, this must be explained transparently and comprehensibly and be documented.
- (5) Documentation and research findings may not be manipulated and must therefore be protected against unauthorized access and manipulation to the greatest extent possible.

## **Section 6 Handling research data**

- (1) Proper handling of research data is particularly important for documenting the research process and the resulting findings. The type and scope of research data generated as well as the applied methods and evaluation and analysis steps must be described in an understandable and comprehensive manner within the framework of Subsection 3. This includes the use or, if necessary, the development of discipline-specific metadata in particular.
- (2) Data collection and software development processes must always be carried out in accordance with discipline-specific standards. If necessary, these will then be properly redeveloped or refined during the process.
- (3) The collection and use of research data must comply with legal requirements, in particular with regard to copyright and data protection.
- (4) Researchers must comply with the legal framework applicable to a research project. These include documented agreements on the rights of use of research data and findings generated as part of the project. The use of research data belongs primarily to the person who collects it, subject to copyright regulations. A transparent agreement on the right to use the research data and findings from a project must be concluded as part of research collaborations and within work groups. In the event of a pending change of institution, rights and conditions for potential continued use of generated research data for one's own research projects must be clarified at an early stage.
- (5) In keeping with the principles of scientific transparency and traceability, research data underlying a publication should be published if this is feasible and reasonable. The publication of research data is based on the FAIR Guiding Principles for scientific data management and stewardship (Findability, Accessibility, Interoperability, Reusability). Research data must be published in a form that enables others to replicate the findings. If possible, a publication platform that is well established in the discipline should be used – for instance, a research data repository or a data journal.
- (6) Research data underlying a publication are made accessible and stored in long-term readable formats for at least 10 years at the author's own institution or in repositories or archives for research data across different sites. Exceptions exist for data that must be destroyed for legal or other science-based reasons. The JGU Data Center's research data archive is recommended for archiving research data at the university. The storage period begins on the date that public access to the research findings is established. The project managers of a research project are primarily responsible for this.
- (7) The storage requirements specified in Subsection 6 also apply to research data that does not support the original research hypothesis. Handpicking data that could distort the findings is unacceptable. In every instance where individual data points and results cannot be included for comprehensible reasons – in particular as part of a publication – this must be indicated in an appropriate form. Section 5 Subsection 4 applies accordingly.

## **Section 7**

### **Handling your own and others' contributions**

- (1) Preparatory work and contributions must be clearly identified, regardless of their source.
- (2) Original sources must always be indicated and referenced consistently in accordance with discipline-specific conventions and with the standards typical of the type of

publication in question. The text form and source citation should make the scope and nature of the reference transparent.

- (3) References to one's own published work must be indicated correctly, comprehensibly and in full according to the applicable conventions of the subject as well as standards typical of the type of publication in question. The option of publishing preprints within the scope of what is customary in the field remains unaffected.

## **Section 8 Legal and ethical framework**

- (1) Researchers must act responsibly with regard to the freedom of research granted to them by the constitution. They must take into account rights and obligations, in particular those resulting from legal stipulations and contracts with third parties, and obtain and submit approvals and votes from ethics committees where necessary. With regard to research projects, a thorough assessment of the impact of the research and an evaluation of its ethical aspects should be conducted.
- (2) Researchers are required to address the hazards of their research being misused and to reflect on the benefits and risks of their research with a particular view to ethically and socially relevant consequences. They also bear responsibility when conducting their own critical research projects, which especially include dual-use research ("security-relevant research"). The decision of whether a research project cannot be carried out, or can only be carried out in a modified form, for the above reasons is theirs alone to make.

## **Section 9 Publication of research findings and responsible handling of science communication**

- (1) In general, research findings are introduced into the scientific discourse and made publicly available. Researchers are responsible for deciding if, how and where they would like to make their findings publicly available in consideration of the customs of their field. In individual cases, they may decide independently of third parties not to publish their findings.
- (2) The research findings are described comprehensibly and in full as part of the publication. This includes making available, to the extent that this is technically feasible, reasonable, and legally possible, the research data, materials, and information that led to the findings as well as the applied methods and the software used, and comprehensively describing the workflows. Section 6 Subsection 5 applies accordingly.
- (3) Authors and researchers serving as publishers carefully select publication media (in addition to publishing houses that issue technical journals, monographs, anthologies, etc., these include specialist, data, and software repositories as well as science blogs). They must pay particular attention to the quality and visibility in the field of discourse in question as well as to the respectability of the publication medium.
- (4) Authors must ensure that publishers and infrastructure providers identify their research contributions in such a way that users can correctly cite them.

- (5) Software must be released under an appropriate license. The software's source code must be documented comprehensibly and must be persistent and citable.
- (6) The requirement of an honest, transparent and self-critical presentation of research findings and the limits of their informative value applies not only to specialist publications, but also primarily where researchers address statements about their work to the general public directly or indirectly.

## **Section 10 Authorship**

- (1) When publishing research findings, everyone who has made a genuine, traceable contribution to a scientific textual, data-based or software publication must be named. Unless stated otherwise, all authors share joint responsibility for the publication's content and must approve the final version prior to its completion. Approval to publish may not be withheld without sufficient and verifiable reason.
- (2) What constitutes a genuine and traceable contribution must be determined on a case-by-case basis and depends on field-specific practices. The contribution must have been made to the scientific content of the publication. Authors are considered to be in particular those who have scientifically shared in
  1. the development and conception of a research project, or
  2. the compilation, collection, acquisition, and provision of data, software, and sources, or
  3. the analysis, evaluation, or interpretation of the data and sources, and the conclusions drawn from these, or
  4. the drafting of the manuscript.
- (3) To the extent possible, everyone involved in a research project must be granted the opportunity to claim authorship, even after having left a research group. The persons to be considered should already be named before the project is launched.
- (4) The naming of the authors and the order in which they are listed should follow the conventions of their discipline and comprehensible criteria. An agreement about the order in which they are listed should be reached and recorded as early as possible. Anyone whose contribution is not sufficient for justifying authorship may not be named as an author. Their contribution can be mentioned and formally acknowledged in the footnotes, preface, or acknowledgments. Honorary authorship for anyone who does not fulfill either of the criteria mentioned in Section 10 Subsection 2 is not permissible. A management or supervisory function does not justify co-authorship.

## **Section 11 Expert review and advice**

- (1) Researchers who assess submitted manuscripts, grant applications, or individuals' credentials in particular are bound to strict confidentiality in this regard. Third-party content (e.g. grant applications and the comprised theories, hypotheses, findings, data) may not be used or transferred to other parties.

- (2) Reviewers and advisors must disclose to the appropriate competent bodies any and all facts that could prove or raise suspicion of their bias.
- (3) The obligation to maintain confidentiality and to disclose facts that could prove or raise suspicion of bias also applies to members of scientific advisory and decision-making bodies.
- (4) In the interest of science and a lively scientific discourse, a review must always be conducted respectfully, following exclusively factual and discipline-related criteria.

## **Chapter 2 Responsibility of JGU, its institutions, officers, and members**

### **Section 12 Tasks of JGU and the faculties**

- (1) JGU pledges its responsibility to ensure and promote good research practice. It fulfills this responsibility in particular by creating suitable conditions for research and teaching, by taking measures to communicate the rules of good research practice, and by ensuring this good research practice through advisory bodies and the investigation of suspected violations.
- (2) In accordance with these regulations, JGU promotes appropriate measures for preventing research misconduct. It consistently pursues any suspicion of research misconduct. In this context, it follows the procedural steps set forth in these regulations.
- (3) JGU establishes conditions for research and teaching that enable researchers to pursue their activities in compliance with legal and ethical standards. This includes, in particular, infrastructures for conducting crucial research in keeping with the current state of the art as well as the promotion of employment relationships that are free of any abuse of power and counteract the exploitation of dependent relationships.
- (4) JGU appoints a researcher with work experience at the national and international level as an ombudsperson for science. This person is supported by a deputy ombudsperson. In selecting these individuals, JGU will ensure that the official duties are performed in an inclusive manner. The duties of the ombudsperson are governed by Section 22.
- (5) The ombudsperson receives administrative support. Furthermore, JGU supports and encourages advanced training and other measures suited to professionalizing the ombudsperson's work.
- (6) Faculties may appoint individuals to serve as mediators in cases of conflict between supervisors and the persons they supervise. If a faculty does not appoint anyone in accordance with Sentence 1, the dean will regularly fulfill this duty.

- (7) JGU must take appropriate measures to ensure that all JGU members are made aware of these regulations and the associated advisory and support services. This concerns information about the ombudsperson's activities in particular.
- (8) The faculties must ensure that these regulations are incorporated into curricula as well as into the training and supervision of students and early-career researchers. This information should be provided as early as possible. JGU's Central Administration provides training and continuing education programs on good research practice, especially aimed at teaching staff and early-career researchers.
- (9) JGU develops principles for research ethics and procedures for appropriately assessing research projects.

### **Section 13 Tasks of university teachers, supervisors, and scientific managers**

- (1) Teaching staff, supervisors, and scientific managers must bear responsibility for the persons they supervise, conduct themselves in a scientifically exemplary manner, and actively ensure compliance with the principles of good research practice.
- (2) Scientific managers also bear responsibility for the entire unit they manage and must therefore ensure that
  1. management, supervision, conflict resolution and quality assurance procedures are clearly regulated and indeed performed;
  2. all members are aware of their roles, rights, and obligations. Accordingly, managers must communicate regularly with all stakeholders and make adjustments if and when the focus of one or more stakeholders' work changes;
  3. undergraduate, graduate, and doctoral students receive adequate supervision, are informed of the fundamental principles of good research practice, and are made aware of the signs of potential research misconduct;
  4. academic and academic-accessory staff receive appropriate support in their professional advancement;
  5. abuse of power and exploitation of dependent relationships are prevented.

### **Section 14 Responsibility of all persons involved in research**

- (1) Researchers must be aware of the exemplary role they hold in academia and society, and conduct themselves accordingly. Their exemplary conduct should be particularly evident in their stringent adherence to the rules of good research practice.
- (2) They must work to promote and ensure good research practice and regularly update their knowledge of discipline-specific conventions and interdisciplinary standards across all career stages.
- (3) Whenever researchers become aware of research misconduct or discover errors or potential manipulation in publications, they must disclose these circumstances in an appropriate manner. This can be done in particular by notifying the publishers of the publication medium in question, by informing the responsible university or overarching offices, or by writing a specialist article.

**Part 3**  
**Violations of good research practice**  
**and dealing with suspected violations**

**Chapter 1**  
**Violations of good research practice**

**Section 15**  
**Research misconduct**

- (1) Research misconduct is considered to be any form of conduct in the realm of scientific activity that is likely to damage the knowledge acquisition process, trust in science, or the professional relationship of confidence amongst collaborative researchers. Research misconduct comprises in particular actions that compromise the integrity of data and information, lead to false attribution of intellectual accomplishments, hinder the research activities of others, or harm the relationship of trust between supervisors and the persons they supervise or reviewers and those being reviewed.
- (2) Anyone who actively contributes to research misconduct committed by others or obstructs the exposure of such makes themselves complicit in the matter.
- (3) An honest mistake is not to be equated to research misconduct. The circumstances of each individual case are decisive for assessing the situation.
- (4) Various acts of deception as defined by examination law must be distinguished from research misconduct. However, on account of the context in which they originate, they are not treated as misconduct within the meaning of these regulations. At the same time, this distinction does not contradict the requirement to comply with scientific standards that also apply to student-written papers (especially final theses) with regard to the state of the examinees' academic education. The stipulations of the relevant examination and doctoral degree regulations are authoritative in deciding whether cheating has occurred and what consequences will follow on a case-by-case basis.
- (5) Teaching staff in particular who take ownership of students' work without transparently acknowledging these students' contributions are guilty of research misconduct. In suspected cases of misconduct, the mediator as defined in Section 12 Subsection 6 or the dean shall serve as the main contact.

**Section 16**  
**Misinformation**

- (1) Misinformation is defined here as scientific or science-related statements that either deviate from actual data, observations, or findings without a transparent justification or are not based on any scientific data collection process.
- (2) This includes the following forms of misinformation in particular:
  1. inventing data, observations, or research findings,

2. falsifying data or research findings, in particular by suppressing and/or destroying data and/or findings acquired as part of the research process without disclosure thereof, or by manipulating illustrations or figures,
3. incongruously manipulating the representation of a figure and the corresponding assertion,
4. providing incorrect information in an application letter or grant application (including false information about the publication medium and print publications), insofar as it is science-related, and
5. claiming the (co-)authorship of third parties without their consent and false statements about the existence or timely obtaining of an ethics committee vote.

**Section 17**  
**Non-transparent handling**  
**of the scientific achievements of others**

- (1) Non-transparent handling of the scientific achievements of others is defined here as representations that are likely to create a false impression of the true origin of a scientific achievement or the true form of a scientific statement.
- (2) The following in particular must be considered as forms of non-transparent handling of the scientific achievements of others:
  1. The adoption of ideas, content or formulations of others without appropriate reference to or citation of the source (plagiarism)
  2. The exploitation of research approaches and ideas, in particular on the part of a reviewer (idea theft)
  3. The unauthorized disclosure of data, theories and findings to third parties insofar as these have not yet been published
  4. The unauthorized publication or sharing of scientific achievements of others with third parties as long as the work, findings, hypothesis, teaching or research approach has not yet been published
  5. The falsified rendition of research results or statements of third parties
  6. The presumption or unfounded assumption of scientific (co-)authorship, in particular if no genuine, comprehensible contribution to the scientific content of the publication has been made (honorary authorship)
  7. The use of the scientific achievements of others without the appropriate disclosure thereof

**Section 18**  
**Interference with the research activities of others**

- (1) Misconduct via interference occurs when someone actively and materially impedes researchers' activities, be it directly or indirectly through third parties.
- (2) In particular, the following actions may be considered as forms of interference of others:
  1. Sabotage of research activities (including damaging, destroying or tampering with test assemblies, devices, documents, hardware, software, chemicals, or other property that is needed by another for conducting an experiment)
  2. Falsification, manipulation, or unauthorized disposal of research data or research documents
  3. Falsification, manipulation, or unauthorized disposal of research data documentation
  4. Refusal to consent to publication without sufficient justification

5. The abuse of dependent relationships in the research context with the purpose of impeding with another person's research activities or of securing advantages for oneself or a person closely associated with the research activities.

### **Section 19**

#### **Misconduct within the framework of the procedure for dealing with suspected cases of research misconduct**

- (1) Deliberately false or willful allegations represent misconduct in particular if they are intended to harm the person affected even before an independent body has evaluated the case or if they are intended to influence the body in its evaluation.
- (2) Furthermore, attempting to obstruct the analysis of suspected cases of misconduct by seriously interfering with the process of an ombudsperson or an investigation also constitutes misconduct.

### **Section 20**

#### **Misconduct in special positions of power and leadership**

- (1) Leadership positions and other positions of power in science often come with special responsibilities. The abuse of these positions must typically be considered misconduct.
- (2) The following in particular are viewed as abuse of positions of power or leadership:
  1. misconduct as an evaluator of a proposal or publication review, including
    - a) non-disclosure of facts or circumstances that indicate or raise concerns of bias,
    - b) unauthorized exploitation of data, theories, or findings for one's own scientific purposes, of which knowledge was obtained in the course of the review,
    - c) unauthorized violation of the confidentiality of the review process via the transfer of proposals, manuscripts or the data, theories, or findings they contain to third parties, and
    - d) the unfounded and arbitrary delay of the review with the intention of creating advantages for one's own scientific activities or those of third parties;
  2. the severe neglect of supervisory duties if another person has objectively and recognizably committed the offense of research misconduct that would have been made substantially more difficult or prevented by the necessary and reasonable supervision; and
  3. the exploitation of the dependence of subordinates with the goal of claiming co-authorship.

### **Section 21**

#### **Joint responsibility for research misconduct**

Joint responsibility may result from the following:

1. Active participation in the misconduct of others
2. Co-authorship of publications containing falsifications
3. Gross neglect of supervisory duties

Furthermore, joint responsibility may result in individual cases from the knowledge of others' falsifications. The circumstances of each individual case are ultimately decisive.

## **Chapter 2 Bodies and responsibilities**

### **Section 22 Ombudsperson**

- (1) The ombudsperson is tasked with serving as a neutral and qualified contact
  1. for advising university members and early-career researchers in particular on matters of good research practice and research misconduct,
  2. for coordinating campus-wide measures to promote and ensure good research practice, and
  3. for investigating suspected research misconduct in accordance with Section 24 and transferring suspected cases of research misconduct to the investigation commission in accordance with Section 25.
- (2) In their role as a trusted liaison bound by confidentiality, the ombudsperson is charged with advising members of JGU who report suspicions of research misconduct. They also advise JGU members – in particular early-career researchers and students – who have been embroiled in a case of research misconduct through no fault of their own on how they can preserve or restore their scientific or personal reputation and they contribute to solution-oriented conflict mediation to the extent possible.
- (3) Upon nomination by the Executive University Board, the ombudsperson and their deputy, who represents them in the event of any hindrance or bias, are elected for a term of three years by the Senate, appointed by the President, who will then issue a certificate of appointment, and their names will be published in a suitable place. Reappointment is permissible.
- (4) If the ombudsperson is affected by personal bias within the meaning of Section 20 and Section 21 of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz, VwVfG*),<sup>1</sup> the ombudsperson must disclose this to the Executive University Board and refer the person to be advised to the deputy ombudsperson.
- (5) Extending beyond Section 19 of these regulations, the person submitting the report may not be subjected to any disadvantages with regard to their own scientific or professional advancement on account of their report. Ensuring that this is the case falls under the supervisory responsibility of the scientific institution concerned. The person faced with the allegations of research misconduct may also not be subjected to any disadvantage with regard to their own scientific or professional advancement purely on the basis of suspicion. This applies until the potential point in time when research misconduct is proven.

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<sup>1</sup> For detailed information, please refer to the German Research Foundation's Guidelines for Avoiding Conflicts of Interest, DFG-form 10.201 – 4/10.

- (6) The report of suspected research misconduct must be made in good faith. Deliberately false or malicious allegations may themselves constitute research misconduct and be of criminal relevance.
- (7) Alternatively, members of JGU may refer to the German Research Ombudsman, a national committee established by the DFG.
- (8) The ombudsperson must remain in active contact with the ombudspersons at other institutions as well as at the national German Research Ombudsman committee.

### **Section 23** **Commission for the Investigation** **of Suspected Research Misconduct**

- (1) The University Senate must appoint a Commission for the Investigation of Suspected Research Misconduct comprising the following voting members:
  1. one law professor,
  2. one student, and
  3. one academic staff member.

A deputy member must be appointed for each of the members appointed by the Senate to represent the member they are assigned to in the event that said member cannot fulfill their duties. Inability to fulfill duties includes bias in accordance with Section 22 Subsection 4. The members and their deputies are appointed by the Senate for a term of three years. The dean of the faculty to which the person who is alleged to have committed research misconduct belongs is also a voting member of the Commission for the duration of the relevant proceedings.

Furthermore, the Commission must comprise the following members serving in an advisory capacity:

1. the ombudsperson and the deputy appointed to them in accordance with Section 22 Subsection 3 in the event that they cannot fulfill their duties and
2. an external member with the qualification to hold judicial office who is appointed by the Senate for a term of three years. Reappointment is permissible.

At its own discretion, the Commission may call in evaluators from the field of the research subject at hand as well as specialists in dealing with cases of research misconduct to serve as additional members in an advisory capacity or as authorities in the matter.

The members of the Commission and their deputies must be listed by name on the university's website.

- (2) The voting members of the Commission must elect a chairperson and a deputy chairperson from amongst themselves.
- (3) The Commission is tasked with
  1. advising the JGU Executive University Board in matters of ensuring good research practice and
  2. investigating suspected research misconduct in accordance with Section 25.

**Chapter 3**  
**Procedure for dealing**  
**with suspected cases of research misconduct**

**Section 24**  
**Investigation by the ombudsperson**

- (1) Suspected research misconduct must typically be reported in writing.
- (2) If the suspicion that a member of JGU is guilty of research misconduct is justified by facts, the ombudsperson will launch an official inquiry and identifies the persons involved in the misconduct.
- (3) The ombudsperson first examines the reports of research misconduct, which must be sufficiently substantiated, with regard to the plausibility of specificity and significance as well as potential non-research motives of the person submitting the report.
- (4) The ombudsperson also examines reports in which the person submitting said report does not share their identity (anonymous reports). An anonymous report can only be reviewed in the course of the procedure if the person submitting the report can provide the investigating authority with reliable and sufficiently specific facts.
- (5) The ombudsperson must inform the researcher who is the subject of suspicion (hereinafter: suspected individual) verbally or in writing of what they are suspected, stating the facts which have led to this suspicion. The suspected individual must be granted the opportunity to provide a statement. Should they make a verbal statement, the ombudsperson must prepare a written transcript, which will then be sent to the suspected individual to comment if desired. If the latter prefers to make a written statement, the ombudsperson must grant them a reasonable period of time to do so. The identity of the person who submitted the report should not be disclosed at any point in the procedure without their consent and should only be disclosed in exceptional cases in which there is a legal obligation to do so or if the suspected individual could not otherwise properly defend themselves.
- (6) While ensuring that the legitimate interests of the suspected individual are protected, the ombudsperson is entitled to obtain the information and statements necessary to elucidate the circumstances of the case and, in individual cases, to consult experts in the relevant field.
- (7) If the ombudsperson reaches the conclusion that it is not a case of reasonable suspicion of research misconduct, they will discontinue the inquiry in the form of a written final report which includes a justification and inform the suspected individual, the person who submitted the report, the chairperson of the Commission, the JGU Executive University Board and the dean of the faculty to which the suspected individual belongs. If the person who submitted the report, the Executive University Board, or the dean are of the opinion that the inquiry was discontinued in error, they may request within due time following their receipt of the final report that the Commission investigate whether it is a case of research misconduct. The suspected individual may respond to the final report; the ombudsperson will forward the statement to the persons mentioned in Sentence 1 upon request issued by the suspected individual. No one may suffer any disadvantage as a result of having referred to the ombudsperson. Section 19 shall remain unaffected.

- (8) If the ombudsperson determines that there is sufficient evidence to suspect research misconduct, they must submit an official request with the Commission for the initiation of a procedure pursuant to Section 25.

## **Section 25 Investigation by the Commission**

- (1) The Commission must open a procedure for investigating suspected research misconduct if
1. the ombudsperson has referred the matter to the Commission pursuant to Section 24 Subsection 8 or
  2. the ombudsperson has discontinued the investigation and the person who submitted the report, the Executive University Board, or the dean convenes the Commission pursuant to Section 24 Subsection 7.

If, in the case referenced in Subsection 1 No. 2, the Commission does not open a procedure due to lack of initial suspicion, it will state its factual reasons upon notification of the group of persons listed in Subsection 1 No. 2.

- (2) The suspected individual must be granted another opportunity to submit a statement in an appropriate manner after the formal investigation procedure has been opened. The deadline for submitting a statement is one month, but it may be extended upon request. The suspected individual must be offered the opportunity of a verbal hearing at their request. For this purpose, they may call in a person of confidence as counsel. The Commission may exclude as counsel persons to whom the suspicion of research misconduct extends.
- (3) The Commission's deliberations typically take place verbally in a closed session. It examines in a free consideration of evidence whether research misconduct has occurred. It may extend the subject of investigation within the course of the formal investigation procedure if further allegations of research misconduct become known.
- (4) The Commission typically reaches a decision within six months. If the Commission considers that the evidence proves that research misconduct has occurred, it will submit the draft report to the suspected individual and grant them the opportunity to comment in writing within one month. If new facts that could influence the decision are presented, the Commission will review the relevant findings of the report.
- (5) If the Commission does not consider that the evidence can prove that research misconduct has occurred, the procedure will be discontinued. No appeal procedure against the discontinuation will take place. The Executive University Board must be informed in writing of the discontinuation of the procedure.
- (6) If the Commission considers that the evidence proves that research misconduct has occurred, it must outline the main reasons in a report to the Executive University Board and offer recommendations on how to proceed. The Executive University Board will review the Commission's recommendations, transfer the procedure to the appropriate university committees or institutions, and work to ensure that suitable action is taken (see appendix). The Executive University Board will decide whether to publish the report and recommendations in full or in part.

- (7) The files of the preliminary examination and the formal investigation will be kept by JGU for 30 years after the conclusion of the procedure. Subject to the legal rights to view files, solely the members of the Commission will be granted access to the files during this period. The Commission must decide unanimously on the further disclosure of information.

**Section 26**  
**Common provisions concerning the ombudsperson,  
their deputy and the members of the Commission**

- (1) The ombudsperson and the members of the Commission perform their duties pro bono. Sections 81 to 87 VwVfG apply.
- (2) The provisions of the Administrative Procedure Act of Rhineland-Palatinate of September 23, 1976 (GVBl. p. 308), also apply as amended to the investigation conducted by the ombudsperson and the Commission unless otherwise stipulated in these regulations.
- (3) The ombudsperson, their deputy and the members of the Commission must take appropriate action to protect both the person submitting the report and the suspected individual. The investigation of allegations of research misconduct will be conducted expressly under observation of confidentiality and the fundamental principle of the presumption of innocence.
- (4) The ombudsperson and the chairperson of the Commission decide on requests to view files and the provision of information at their due discretion.
- (5) All members and offices of the university must assist the ombudsperson and the Commission in fulfilling their duties, including by preparing written statements. Furthermore, they are obliged to help clarify the facts of the case by serving as witnesses or experts in the procedure upon request by the Commission.
- (6) Misconduct may be classified as mild, moderate, severe, or very severe. The assessment is based significantly on the degree of culpability (intent, negligence), the manner in which the misconduct was committed (e.g. the duration or abuse of a dependent relationship or a public office), and the severity of the consequences for the persons or institutions affected by the misconduct. It is always a case of severe research misconduct when the position of power resulting from a supervisory relationship in research is abused to the detriment of the person being supervised. If the suspected individual takes action to correct the misconduct, this may have a positive impact on the evaluation of the case.

## **Chapter 4 Punishment of research misconduct**

### **Section 27 Sanctions and consequences**

If the Commission determines that the individual suspected of research misconduct is guilty, the responsible university bodies will review on their own responsibility if and what measures should be taken to punish the misconduct and prevent similar misconduct in the future. The ombudsperson's report, the report by the Commission for the Investigation of Suspected Research Misconduct, and the latter's resulting recommendations serve as the basis of this review. Examples of sanctions or consequences that may be considered are attached to these regulations.

## **Part 4 Final provisions**

### **Section 28 Entry into force and transitional arrangement**

- (1) These regulations enter into force on the day following their announcement in the JGU gazette of publications (*Veröffentlichungsblatt*). At the same time, Section 39 along with Appendix 04 to Section 39 Subsection 4 of the Charter of Johannes Gutenberg University Mainz dated May 5, 2014, as amended by the seventh amendment regulations of November 10, 2021, will cease to be in force.
- (2) For procedures initiated prior to the commencement of these regulations, the provisions applicable at the time that the procedure was initiated apply until the procedure is concluded or discontinued.

Mainz, February 13, 2023

University Professor  
Dr. Georg Krausch  
- President -

## **Appendix: Catalog of possible sanctions and consequences for research misconduct**

The following catalog of possible sanctions and consequences for research misconduct is a non-exhaustive overview of possible consequences that can be considered as punishment for research misconduct:

### **1. Consequences under public service and labor law**

- a ) For civil servants: disciplinary action
- b:) For salaried employees: official reprimand, ordinary termination, extraordinary termination, or contract dissolution

### **2. Academic consequences**

JGU may only exercise academic consequences in the form of the revocation of an academic degree if it was the institution that awarded said degree. If the academic degree was awarded by another university, this university must be informed of the research misconduct if this was connected to the acquisition of an academic qualification. In particular, the revocation of a doctoral degree and/or the authorization to teach may be considered.

### **3. Possible consequences under private law**

- a) Issuance of a ban from certain premises
- b) Surrender claims against the person against whom the suspicion of research misconduct has been confirmed, for example for the surrender of stolen research material or the like
- c) Claims for removal and injunction on the basis of copyright law, personality rights, patent law, or competition law
- d) Claims for repayment, e.g. of scholarships, external funding or the like
- e) Claims for damages issued by JGU or third parties in the event of personal injury, property damage or the like

### **4. Possible consequences under criminal law**

Consequences under criminal law may be considered if there is a suspicion that research misconduct also fulfills an offense of the German Criminal Code (Strafgesetzbuch, StGB) or other criminal provisions or regulatory offenses. The Executive University Board is responsible for engaging the investigative authorities.

### **5. Handling publications containing errors**

Scientific publications that contain errors due to research misconduct must be retracted if unpublished and corrected if published (retraction or correction/erratum); partners must be informed in an appropriate form if necessary. As a rule, the contributing author and contributing editors are obliged to do so; if they fail to take action, the Executive University Board will initiate suitable measures it is eligible to take. In cases of research misconduct, the Executive University Board must inform other affected research and funding institutions as well as scientific organizations. In particularly justified cases, professional associations may also be informed. In order to protect third parties, to maintain trust in scientific integrity, to restore its academic reputation, to prevent consequential damage, and to comply with general public interest, the Executive University Board may be required to inform affected third parties and the public. If information is provided to third

parties, the Executive University Board must inform the parties concerned prior to publication.