

University of Tübingen's rules of procedure for dealing with academic misconduct

(abridged version*)

Under § 3(5) and § 19(1) sentence 2 no. 10 of the Baden-Württemberg law governing higher education (LHG) dated January 1, 2005 (GBl., p. 1), last amended by Article 2 of the law of July 10, 2012 (GBl., p. 457), on November 21, 2013; the Senate of the University of Tübingen passed the following rules of procedure for dealing with misconduct in academia, with amendments dated November 10, 2016 and December 14, 2017:

Preamble

The most important tasks of the University of Tübingen are the cultivation, development and communication of the academic disciplines, the objectives of which are to acquire knowledge and establish truth. Intrinsic to the process of academic work in relation to this are:

- experimental and intellectual conscientiousness
- absolute integrity about acknowledging the efforts of others
- total honesty about oneself and with regard to others
- long-term documentation of original data
- verifiability and reproducibility of academic results
- avoidance of academic misconduct

Academics, students and all other members of the University of Tübingen are fully committed to these maxims of academic ethics that apply equally to all university disciplines. Upholding these principles of good academic practice demands

1. a set of regulations. These must be consistently communicated and university members must be encouraged to apply them.

2. the appropriate organization of all university bodies, with clear allocation of responsibilities at all organizational levels.

To this end, the Senate hereby establishes suitable measures to prevent and avoid misconduct in academic work (Chapter I). In the event of violation of these rules, the Senate hereby defines procedures for dealing with academic misconduct (Chapters II and III).

The President's Office and Senate of the University of Tübingen undertake to create the bodies, staff structures and other conditions necessary to ensure good academic practice and to develop them continually in accordance with future insights.

*) Notes:

The legal validity of these rules of procedure as a code with its amendments is determined by the publication in the Amtliche Bekanntmachungen of the University of Tübingen, respectively:

Amtliche Bekanntmachungen of the University of Tübingen No. 23/2013, p. 1004

Amtliche Bekanntmachungen No. 25/2016, p. 754

Amtliche Bekanntmachungen of the University of Tübingen No. 18/2017, p. 464

Chapter I: Misconduct in academic work: Definition, Prevention and Avoidance

§ 1

(1) Misconduct in academia denotes behavior in an academic context that violates legislation or similar written or unwritten rules which are generally believed to be imperative in a specific subject or discipline.

(2) Misconduct in academia is in particular

1. false statements as a result of
 - a) invention of data,
 - b) falsification of data and sources (e.g. suppression of relevant sources, evidence or texts, manipulation of sources, representations or images, selection and rejection of undesirable results without disclosure),
 - c) incorrect statements in a job or funding application (including false statements about publishing bodies and on publications that are being printed),
 - d) incorrect statements about the academic achievement of applicants on selection or expert committees;
2. violation of intellectual property in relation to copyright work created by another, or to a major academic finding, hypotheses, teaching or approaches to research originating from others, as a result of
 - a) unauthorized use under the pretense of authorship (plagiarism),
 - b) arrogation of approaches to research and ideas, in particular as an expert (theft of intellectual property),
 - c) pretense of academic authorship or co-authorship without own academic contribution,
 - d) falsification of content,
 - e) unauthorized publication or unauthorized sharing with third parties, insofar as the work, the finding, the hypothesis, the teaching content or approach to research has not yet been published,
 - f) claiming (co-)authorship with another person without their consent,
 - g) deliberately delaying the publication of an academic text, in particular as publisher, expert or co-author;
3. compromising the research activities of others by
 - a) sabotaging the research work of others e.g. by damaging, destroying or manipulating experimental arrangements, equipment, documents, hardware, software, chemicals or other materials that another requires to conduct an experiment,
 - b) malicious displacement or removal of books, archival records, manuscripts, data sets,
 - c) deliberately making academically relevant data media unusable,
 - d) illicit destruction or unauthorized disclosure of research material,
 - e) deletion of primary data, insofar as this violates statutory provisions or the recognized specialized principles of academic work.

(3) Misconduct in academia can among other things also arise from an active involvement in the misconduct of others, shared knowledge of the falsification of data and results by others, co-authorship of publications that incorporate falsifications, neglect of supervisory duties.

§ 2

(1) The University of Tübingen's rules for the prevention and avoidance of misconduct in academia cover the four key areas:

1. Documentation of academic work with long-term data backup
2. Supervision of good academic work and conduct
3. Training in good academic work and conduct
4. A culture in which cases of misconduct in academia are discussed

(2) The rules on documentation of experimental work (e.g. laboratory journals) and the permanent archiving of primary data (e.g. data carriers, repository) are developed by the individual disciplines (faculties, departments) and as far as possible standardized inter-faculty.

(3) The university defines measures that are suitable to ensure the supervision of good academic work and conduct. These measures can include, for example, supervision of PhD students within the framework of a set of regulations that is binding on all faculties, based on structured programs of doctoral studies, random checks of academic publications and dissertations, or the possibility of random examination of original data.

(4) The university establishes a continued professional development concept for the promotion of good academic work and conduct. This covers in particular the training of students and PhD students, the ongoing training of professors and management personnel and the training of all other academic and non-academic university staff. The key objective of these measures is to convey the principles of good academic practice and their continuous implementation in the thinking and action of all members of the university.

(5) The University of Tübingen takes a public stand against misconduct in academia. It issues statements within the framework of the responsibilities of the relevant university bodies and conducts proceedings initially within the faculty, then within the university, and finally publicly. This is intended to create transparency and promote an understanding that openly dealing with problems of misconduct in academia is particularly suited to preventing it.

Chapter II: Dealing with the suspicion of misconduct in academia

§ 3

Each and every individual has the right to call on an appropriate confidential representative at the university in the event of suspicion of academic misconduct.

§ 4

The Senate appoints six confidential representatives and the same number of deputy confidential representatives for a term of three years from among the professors.¹ Re-election is permitted. The fields of medicine, natural sciences and humanities should each be represented by two confidential representatives (one male and one female) and two deputy confidential representatives (also one male and one female). The deputy confidential representatives represent the confidential representatives in the event of their absence or where there is a possibility of bias. The president, vice-presidents, members of the Senate, of the University Council, of the management of the Tübingen University Hospital, deans and members of the investigative committee as defined under § 7 are not permitted to exercise the

¹ N.B.: A current list of the confidential representatives can be accessed on the University of Tübingen website at (<https://uni-tuebingen.de/forschung/service/wissenschaftliches-fehlverhalten>).

office of confidential representative.

§ 5

(1) The duty of the confidential representatives is to provide confidential advice to individuals in accordance with the principle of protection of legitimate expectations, when these individuals are disclosing information about suspected academic misconduct or when the individuals are themselves suspected of academic misconduct. The confidential representatives automatically act on specific indications of academic misconduct that they learn about by other means.

(2) The confidential representatives are committed to confidentiality. They are independent in the exercise of their office. They discuss their experiences with one another and are permitted to report on them in a suitable form to the President's Office while observing confidentiality.

(3) The confidential representative in question will examine the seriousness of any specific suspicion of academic misconduct in detail with regard to the plausibility of these accusations. They arbitrate between the parties and ensure an amicable settlement of conflicts. They also advise individuals who through no fault of their own become involved in a case of academic misconduct on how they can protect or restore their academic or personal reputation.

§ 6

If the suspicion of an instance of academic misconduct is confirmed, the confidential representative reports to the responsible university boards in writing. In doing so, they may only disclose the confidential information entrusted to them by the parties who sought advice if and insofar as it concerns an established suspicion of such academic misconduct, whereby failure to act could give rise to significant harm to the University of Tübingen, its members or third parties. At this point at the latest, the party who is accused of misconduct in academia shall be informed in writing of the accusations against them; a printed version of the report shall accompany the notification.

Chapter III: Committee and procedure

§ 7

The Senate selects a committee to examine misconduct in academia.² The committee consists of five members. Three must be full-time professors at the university as defined by § 44(1)(1) LHG, one a member of the academic staff of the university as defined by § 44(1)(2) LHG and one a professor or academic head of another academic institute. The fields of medicine, natural sciences and humanities should each be represented by one professor; a member of the committee who is not academic staff must be qualified to sit as a judge. Membership lasts for three years. Each member of the committee has a deputy who represents the member in the event of incapacity. Re-election is permitted.

§ 8

The committee elects a chair and their deputy from its midst.

§ 9

The committee is independent and not subject to directives. It is supported by all university governing bodies within the scope of their responsibilities. The university administration is responsible for the preparation and minuting of the meetings and for keeping records. The responsibility of the examination, doctorate and habilitation boards for establishing and penalizing misconduct in academia in direct connection with the award of academic grades is unaffected. If in the course of its examinations, the committee develops sufficient suspicion of conduct that is subject to disciplinary action or of the violation of employment duties or if the committee learns of proceedings of this nature that are already under way, the committee shall immediately inform the president and temporarily suspend its examination.

§ 10

The committee conducts the proceedings at its discretion. It directly notifies the President's Office about the start and the result of each proceedings. The proceedings are not public. The regulations in the Baden-Württemberg Landesverwaltungsverfahrensgesetz (administrative proceedings act, LVwVfG), in particular §§ 20, 21 and 88 ff., shall be applied accordingly.

§ 11

The confidential representatives can take part in each proceedings in an advisory capacity. At the request of the committee, they are obliged to take part in its meetings.

² N.B.: A current list of the chosen members of the committee can be accessed on the University of Tübingen website at (<https://uni-tuebingen.de/forschung/service/wissenschaftliches-fehlverhalten>).

§ 12

The committee must give the party in question the opportunity to comment on the report of the confidential representatives at the start of the proceedings; this also applies once consultations have concluded and before the committee issues its final decision. The person who provided the information shall also be given the opportunity to make a written or an oral statement to the committee. Their identity shall only be disclosed to the party in question if the latter cannot otherwise reasonably defend themselves. The party in question and the person providing the information may be accompanied by a trusted person to the committee hearing.

§ 13

The committee can invite experts to its consultation proceedings and hear witnesses. The members of the committee and any invited third parties are obliged to maintain confidentiality about all matters concerning the committee.

§ 14

The committee is free to assess the evidence to see whether in its opinion there is academic misconduct.

§ 15

If misconduct in academia is not proven, then the proceedings shall be officially discontinued by a decision. The confidential representatives, the person who provided the information and the party in question shall be informed in writing, giving reasons, about the discontinuation of proceedings.

§ 16

If the committee finds academic misconduct proven, it shall officially record it in the statement of facts and its assessment by a decision. It may make recommendations on further steps to be taken in the case to the responsible university governing bodies. Its assessment should include consideration of the nature and severity of the misconduct and the rights and interests of third parties, especially if they have funded or financed research projects. The committee sends its decision, where relevant together with recommendations, to the President's Office, the confidential representatives and the party in question. The President's Office decides about further proceedings.

§ 17

The proceedings end for the committee on sending its decision. Legal decisions about the consequences of misconduct in academia shall be taken by the responsible bodies.

§ 18

The regulations in these rules of procedure are solely intended to govern proceedings within the university and provide no rights with regard to the university or its members. This also applies in particular to individuals as defined by § 3 of the rules of procedure.

§ 19

These rules of procedure come into effect on the day after their publication in the Amtliche Bekanntmachungen of the University of Tübingen. Simultaneously, the University of Tübingen's rules of procedure for dealing with academic misconduct from November 26, 1998 (Amtliche Bekanntmachungen No. 1/1999, p. 2) cease to be in force.

Tübingen, 21.11.2013/10.11.2016 (first amendment)/14.12.2017 (second amendment)

Professor Dr. Bernd Engler
President