

*Care was taken to ensure the text of these regulations is accurate and up-to-date; the present version may nevertheless contain errors. The official, legally binding version can be viewed in the Examinations Office, the Student Advising Office, or online at <https://www.amtliche-bekanntmachungen.uni-bayreuth.de/de/>.*

*Please note the effective dates of the amendments.*

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**The University of Bayreuth's Statutes  
for safeguarding the standards of good scientific practice and  
handling academic misconduct  
(dated 28 July 2022)  
as amended on 09 January 2023**

Article 13 para 1 sentence 2 in conjunction with Article 6 para 1 sentence 3 clause 2 of the Bavarian Higher Education Act (*BayHSchG*) forms the framework for the following Statutes issued by the University of Bayreuth.

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## § 1

### Purpose

<sup>1</sup>One requirement of scholars working in research at the University of Bayreuth is scientific honesty (Art. 21 para 1 sentence 1 BayHIG). <sup>2</sup>These statutes are designed to strengthen trust in our researchers' academic integrity and to secure the University of Bayreuth's reputation as a location dedicated to fostering and developing scholarship (Article 2 para 1 sentence 1 BayHIG). <sup>3</sup>They are issued in implementation of the "Guidelines for Safeguarding Good Scientific Practice (2019)" published by the German Research Foundation (DFG).

## § 2

### Scope of application and competence

- (1) <sup>1</sup>These Statutes shall apply to all members of the University of Bayreuth working in science. <sup>2</sup>In addition to academic staff, this also includes students and academic support staff, insofar as they are active in research. <sup>3</sup>Furthermore, the statutes shall apply to persons pursuing a doctoral or post-doctoral thesis supervised by a professor of the University of Bayreuth, even if they are not members of the University of Bayreuth.
- (2) Visiting scholars, freelancers and scholarship holders who are involved in research work carried out at the University of Bayreuth without themselves being members of the University shall be bound to the same extent by the principles of good scientific practice laid down herein.
- (3) The statutes shall also apply to former members, former doctoral candidates and former Habilitation candidates of the University of Bayreuth if they are affected by an allegation of academic misconduct that concerns their activities at the University of Bayreuth.
- (4) <sup>1</sup>For members of the University of Bayreuth, these statutes shall also apply to research work carried out in cooperation with or on behalf of other institutions, companies or private individuals. <sup>2</sup>When drafting cooperation agreements, the present statutes shall be observed.
- (5) <sup>1</sup>The University of Bayreuth shall be responsible for all cases to be dealt with within the scope of these statutes in accordance with the following regulations. <sup>2</sup>If the person affected by the allegation of academic misconduct was still a member of another higher education institution or active in another academic institution at the time of the alleged misconduct, the University of Bayreuth may request this institution to investigate the allegation; sentence 1 remains unaffected.

### § 3

#### Responsibilities

- (1) <sup>1</sup>The University Governing Board of the University of Bayreuth ensures the framework conditions for good academic work. <sup>2</sup>It shall be responsible for compliance with and communication of good scientific practice as well as appropriate career support for all scholars. <sup>3</sup>The University Governing Board guarantees the conditions for scholars to comply with legal and ethical standards. <sup>4</sup>The University Governing Board is responsible for an appropriate institutional organisational structure. <sup>5</sup>Gender equality and diversity are taken into account in the selection and development of personnel; the corresponding processes are transparent and avoid unconscious bias as far as possible.
- (2) <sup>1</sup>Notwithstanding para 1, the faculties shall ensure that the teaching of the standards of good scientific practice is permanently guaranteed in all study programmes; the faculties shall regularly report to the University Governing Board, at least after every three semesters, on how they ensure the teaching of the standards of good scientific practice. <sup>2</sup>They are responsible for ensuring that the rules of good scientific practice are made binding in the context of the supervision of doctoral students. <sup>3</sup>Aside from the responsibilities of the faculty, supervisors shall offer their doctoral students regular discussions which shall also serve to clarify any doubts pertaining to the standards of good academic practice. <sup>4</sup>Supervision within the framework of the doctoral relationship does not release the doctoral candidate from the obligation to inform him/herself about the relevant standards of good scientific practice and to observe them on a permanent basis. <sup>5</sup>If there are no indications that the doctoral candidate is disregarding the standards of good scientific practice, the supervisor of the doctoral project may trust in the doctoral candidate's conduct in accordance with the rules (principle of trust).
- (3) <sup>1</sup>Notwithstanding paragraphs 1 and 2, the heads of scientific working units or research groups shall ensure by appropriate organisational measures that the tasks of management, supervision and quality assurance, including the clarification of the relevant standards of good scientific practice, are clearly assigned within the working units and working groups and are actually performed by the respective persons in charge. <sup>2</sup>The same applies to the avoidance of abuse of power and the prevention of the exploitation of relationships of dependency, for which suitable organisational measures are to be taken both at the level of the individual scientific working units and at the level of the management of scientific institutions. <sup>3</sup>Career-promoting measures for scientists and science support staff shall be ensured.
- (4) The responsibilities of the scientists and staff members involved in a research project must be clear at all times during a research project.
- (5) <sup>1</sup>Teaching the basics of good scientific work begins at the earliest possible stage in academic teaching and scientific training. <sup>2</sup>Scholars at all career levels regularly update their knowledge of the standards of good scientific practice and the state of research.

## § 4

### Rules of good scientific practice

- (1) <sup>1</sup>All persons working in research at the University of Bayreuth shall handle the constitutionally guaranteed freedom of research responsibly and are obliged to scientific honesty (Art. 21 para 1 sentence 1 BayHIG). <sup>2</sup>They must observe the standards of good scientific practice (rules) recognised in their field of scientific activity, clarify any doubts about the relevant standards on their own responsibility, avoid scientific misconduct and correct detected misconduct in accordance with the rules. <sup>3</sup>They are responsible for the consequences of their misconduct attributable to them.
- (2) The rules of good scientific practice include in particular:
  1. the general principles of scientific work, such as
    - a) conducting a thorough assessment of the research consequences and the evaluation of the respective ethical aspects; and
    - b) working in a *lege artis* manner at every stage of the research process, in particular
      - identify relevant and appropriate research questions,
      - carefully research and comprehensively consider the current state of research already during the planning of the research project,
      - maintain transparency and strict honesty with regard to the contributions of cooperation partners, competitors and persons involved with the topic in the past,
      - examine the relevance of gender and diversity to the research project and to take the outcome of this examination into account in the design of the research project,
      - use scientifically sound and comprehensible methods to answer research questions and, when developing new methods, to place particular emphasis on continuous, cross-phase quality assurance and the establishment of standards,
      - include in quality assurance processes such as calibrating equipment, collecting, processing and analysing research data, selecting and using research software, developing and programming it, and keeping laboratory records,
      - critically examine all data and findings with regard to possible errors and objections,
      - apply methods to avoid conscious or unconscious bias in the interpretation of findings,

2. Taking appropriate account of existing regulations of the individual disciplines as well as the special features of interdisciplinary work,
3. The principle that, as a rule, all findings of scientists are to be introduced into the scientific discourse in a complete, verifiable and replicable manner, in particular
  - a) fully documenting all steps and results of an experiment or study, taking into account also those results that do not support the research hypothesis; experimental protocols should record the experimental objective, the experimental conditions, the experimental procedure and the experimental result in a comprehensible manner and, if possible, in a form that cannot be changed afterwards,
  - b) explaining limitations and reasons in a comprehensible manner if the documentation of the research results does not meet the corresponding professional requirements,
  - c) identifying all data, organisms, materials and software used in the research process, provide evidence of re-use and correctly cite the original sources, taking care to ensure the persistence and citability of the source codes,
  - d) if possible and reasonable, provide public access to all data, materials, information, methods applied and software used on which the research results are based, and comprehensively describe the work processes in order to comply with the FAIR principles (Findable, Accessible, Interoperable, Re-Usable); researchers shall decide on their own responsibility and independently of third parties, taking into account the practices of the discipline concerned, whether, how and where they make their results publicly accessible,
4. Publishing conduct based on seriousness and sustainability, in particular
  - a) avoiding inappropriately short publications,
  - b) limiting self-citation to the minimum necessary for understanding the publication,
  - c) fully describing the nature and extent of research data generated in the research process in the publications,
  - d) limiting the repetition of already published contents to the extent necessary for the understanding of the context,
  - e) carefully selecting the publication organs, such as books, journals, professional, data and software repositories, blogs, and to check them for their seriousness in the respective research field,

- f) correcting discrepancies or errors that come to light after publication; if the discrepancies or errors give rise to the retraction of a publication, the researchers shall work towards the relevant publisher or infrastructure provider etc. as quickly as possible to ensure that the correction or retraction takes place and is marked accordingly; the same applies if the researchers are made aware of such discrepancies or errors by third parties,
5. Compliance with rights and obligations, namely those resulting from legal requirements or from contracts with third parties, in particular
- a) obtaining the necessary approvals and ethics votes,
  - b) documenting in the research project at the earliest possible time agreements on the rights of use to the data required for the project.

## **§ 5**

### **Archiving**

- (1) <sup>1</sup>Research data or research results that have been made publicly accessible, as well as the central materials, documentation and, if applicable, the research software used (including citable and, if possible, persistent source code) on which they are based, shall be stored in an adequate manner, measured against the standards of the subject area concerned, and as a rule for 10 years. <sup>2</sup>They shall be stored in an accessible and traceable manner at the institution where they originated or in cross-site repositories. <sup>3</sup>In justified cases, shorter retention periods may be appropriate; the reasons must be explained in a comprehensible manner. <sup>4</sup>If there are comprehensible reasons for not retaining certain data, this must be explained. <sup>5</sup>The retention period begins with the date on which public access was established. <sup>6</sup>The University Governing Board shall ensure that the necessary infrastructure is in place to enable archiving.
- (2) <sup>1</sup>In the event of a change of workplace, the research data shall remain at the place of origin. <sup>2</sup>The University Governing Board shall take precautions to ensure that research data are passed on appropriately and that access rights are clarified. <sup>3</sup>To this end, the research data shall be stored appropriately, secured against unauthorised access and the persons authorised to access it shall be specified. <sup>4</sup>Insofar as data protection regulations do not conflict with this, the authors shall be enabled to create a duplicate of the data in the event of a change.

## § 6

### **Principles of responsible evaluation and assessment of scientific achievements**

- (1) <sup>1</sup>Information or ideas that have come to the knowledge of a reviewer through his or her activities before others must be treated confidentially and may not be passed on to third parties or used to gain competitive advantages. <sup>2</sup>The reviewer must disclose conflicts of interest (in particular with regard to questions of possible bias) arising from a competitive situation, collaboration or other relationship with authors of a submitted publication, with project applicants or with applicants for scientific positions. <sup>3</sup>The requirements on confidentiality and bias also apply to members of scientific advisory and decision-making bodies.
- (2) <sup>1</sup>Criteria for the assessment of academic performance shall be defined in such a way that originality and quality always take precedence over quantity as a standard of assessment. <sup>2</sup>Quantitative indicators may be included in the overall assessment in a differentiated and reflected manner. <sup>3</sup>The evaluation of publications according to type of publication or quantitative indicators may supplement an evaluation of content, but must not replace it.
- (3) <sup>1</sup>Subordinate to the academic achievements in research and teaching, other aspects can be taken into account, such as commitment to academic self-administration, public relations work or knowledge and technology transfer. <sup>2</sup>The academic attitude of the academic, such as openness to knowledge and willingness to take risks, can also be included.
- (4) <sup>1</sup>If voluntarily stated, individual particularities in CVs shall also be included in the formation of judgements in a comparative assessment - in addition to the categories of the General Equal Treatment Act. <sup>2</sup>Personal, family or health-related periods of absence or training or qualification periods extended as a result, alternative career paths or comparable circumstances shall be given due consideration.

## § 7

### **Authorship and editorship**

- (1) <sup>1</sup>(Co-)authors are only those who have made a genuine and comprehensible contribution to a scientific publication. <sup>2</sup>Accordingly, only those may be designated as authors of an original scientific publication who have made a substantial contribution to the conception of the studies or experiments, to the collection, analysis and interpretation of the data or to the formulation of the publication template and who have agreed to the publication, i.e. who have responsibly contributed to it. <sup>3</sup>Neither from the position as current or former scientific director



nor from the position as supervisor or superior alone can (co-)authorship be inferred. <sup>4</sup>A so-called honorary authorship is inadmissible.

- (2) <sup>1</sup>The following contributions, each on its own and taking into account the specifics of the respective subject area, are generally not sufficient to establish (co-)authorship:
- a) purely organisational responsibility for the acquisition of funding,
  - b) providing standard examination materials,
  - c) instruction of employees in standard methods,
  - d) only technical assistance in the collection of data,
  - e) technical or information support only, for example, only providing equipment, experimental animals and raw data,
  - f) editorial reading of the publication draft without substantial contribution to the content,
  - g) managing an institution or organisational unit in which the publication originated.

<sup>2</sup>Where such contributions have been incorporated into the results, they should be appropriately mentioned in the Acknowledgements.

- (3) <sup>1</sup>Scientists and scholars agree on who is to be the author of the research findings. <sup>2</sup>The agreement on the order of authors shall be reached in good time, as a rule at the latest when the manuscript is formulated; the criteria for the order must be comprehensible and take into account the conventions of the discipline. <sup>3</sup>The required consent to publication of findings may not be withheld without sufficient reason. <sup>4</sup>A refusal of consent must be justified with a verifiable criticism of data, methods or results.
- (4) Paragraphs 1 and 2 shall apply accordingly to editors of academic series and editions.

## **§ 8**

### **Scientific misconduct**

- (1) <sup>1</sup>Scientific misconduct occurs when standards of good scientific practice are culpably (intentionally or grossly negligently) violated, i.e. in particular when false statements are culpably made in a context relevant to science or the scientific work of others is unjustifiably adopted as one's own, or the research activities of others are impaired. <sup>2</sup>Scientific misconduct in the aforementioned sense is considered to be, in particular:
- a) Misrepresentation:
    - inventing data,

- falsifying content and data, e.g. by selecting and rejecting undesirable results without disclosing this or by manipulating a representation or illustration,
  - incorrect information in a letter of application or a grant application (including false information on the publication organ and on publications in print),
  - incorrect information on the scientific performance of applicants in selection or review committees,
  - concealing conflicts of interest,
  - claiming the (co-)authorship or (co-)editorship of another without his or her consent.
- b) unauthorised attribution of another person's scientific achievements by:
- the unauthorised exploitation under presumption of authorship (plagiarism),
  - the unauthorised use/utilisation of research approaches and ideas, in particular as a reviewer and as a supervisor of the work of early-career researchers (so-called "theft of ideas"),
  - the presumption or unfounded assumption of scientific authorship or co-authorship,
  - the falsification of the content,
  - unauthorised publication and unauthorised making available to third parties as long as the work, finding, hypothesis, teaching or research approach has not yet been published.
- c) Interfering with the research activities of others, in particular by:
- sabotaging research activities (including damaging, destroying or tampering with experimental set-ups, equipment, records, hardware, software, chemicals, experimental organisms or other things needed by another or others to conduct an experiment),
  - the unauthorised disposal of research data (especially raw data),
  - Refusal to give the necessary consent to the publication of results without sufficient reason.
- d) deliberately incorrect or wilful allegations made by the whistleblower (§ 13).
- (2) <sup>1</sup>Scientific misconduct also shows who is jointly responsible for the violations of others. <sup>2</sup>Joint responsibility may arise in particular from
- active participation in the misconduct of others,
  - the knowledge of counterfeiting by others,
  - co-authorship of publications which are falsified or which otherwise violate the standards of good scientific practice, and
  - gross neglect of the duty of supervision, especially in the context of academic work areas and groups (§ 3 para 3).

<sup>3</sup>Gross neglect of the duty of supervision shall be deemed to have occurred if the violation of the standards of good scientific practice, taking into account the researcher's own responsibility, is obvious and therefore should not have remained concealed from the person

who has the duty of supervision, taking into account the principle of trust (§ 3 para 2 sentence 5).

## § 9

### **Internal university bodies of academic integrity**

- (1) The staged procedure for investigating allegations of academic misconduct shall be carried out by the Ombudsperson for Research Integrity (§ 10) within the framework of a suspicion review (§ 14 para 1 first sentence) and by the Committee for Research Integrity (§ 11) within the framework of a preliminary procedure (§ 14 para 1 second sentence) and, if necessary, a formal investigation (§ 15).
- (2) <sup>1</sup>The ombudsperson and the committee are internal university bodies for scientific integrity. <sup>2</sup>They prepare the decisions of the relevant bodies at the University and advise the University Governing Board with respect to safeguarding good scientific practice. <sup>3</sup>In fulfilling their tasks, the ombudsperson and the members of the committee are independent and not bound by instructions. <sup>4</sup>They shall not incur any disadvantages as a result of their activities following the end of their term.
- (3) <sup>1</sup>The procedure according to these statutes does not replace other procedures regulated by higher education law. <sup>2</sup>The ombudsperson and the committee shall not have any prosecutorial or judicial functions; in particular, they shall not be responsible for the binding clarification of copyright issues.

## § 10

### **Ombudsperson for Research Integrity**

- (1) <sup>1</sup>On the proposal of the University Governing Board, the Senate shall appoint one or more professors (grade W2/W3/C3/C4) experienced in research as an ombudsperson for research integrity, to whom anyone may turn in accordance with § 2 of these statutes in matters of good academic practice and in matters of suspected academic misconduct. <sup>2</sup>The appointment shall be for three years; a further term of office is possible. <sup>3</sup>The term of office begins on the day of appointment. <sup>4</sup>An ombudsperson cannot be appointed if he or she is a member of the University Governing Board or the faculty management; the function as ombudsperson expires with the beginning of membership in the University Governing Board or the beginning of the term of office as dean, vice dean or dean of studies. <sup>5</sup>For the ombudsperson, the regulations on exclusion due to personal involvement and due to concern of bias (Art. 20 and 21 Bavarian Administrative Procedure Act) apply accordingly. <sup>6</sup>The ombudsperson shall have one or more deputies; sentences 1 to 5 shall apply accordingly. <sup>7</sup>For good cause, the Senate may, after hearing the University Governing Board, dismiss an ombudsperson with two thirds

of the votes of its members and two thirds of the representatives of the university lecturers, after the ombudsperson has been heard.<sup>8</sup>After retirement, the ombudsperson may remain in office until the end of the term for which he or she was appointed.<sup>9</sup>An ombudsperson may resign from office in writing to the University Governing Board at any time.<sup>10</sup>Sentences 7 to 9 shall apply accordingly to deputies of the ombudsperson.

- (2) <sup>1</sup>As a person of trust, the ombudsperson advises those who inform her about suspected academic misconduct. <sup>2</sup>She shall, on her own initiative, take up information of which she becomes aware. <sup>3</sup>She examines the information with regard to its plausibility, its concreteness and significance, its possible motives and with regard to the possibility of clearing up the accusations. <sup>4</sup>If necessary, she shall request the Committee for Research Integrity to take action (§ 14 para 1 sentence 1).
- (3) Persons within the meaning of § 2 are entitled to speak to the ombudsperson in person without delay.

## § 11

### **Committee for Research Integrity**

- (1) <sup>1</sup>On the proposal of the University Governing Board, the Senate shall appoint a permanent committee to investigate allegations of academic misconduct; the committee shall bear the name "Committee for Research Integrity". <sup>2</sup>In the course of investigating allegations of academic misconduct, it may also make recommendations to the University Governing Board on safeguarding the standards of good academic practice which go beyond a review of the allegations in question.
- (2) <sup>1</sup>The committee shall consist of five university lecturers working at the University of Bayreuth, at least three of whom shall be professors (W2/W3/C3/C4) and one of whom shall be qualified to hold judicial office; the committee must include at least one university lecturer. <sup>2</sup>When appointing the committee, care shall be taken to ensure that as many faculties of the University of Bayreuth as possible are represented on the committee. <sup>3</sup>The term of office of the committee members is three years from the date of appointment; reappointment is possible. <sup>4</sup>After retirement, a university lecturer may continue to be a member of the committee until the end of the term of office for which he or she was appointed. <sup>5</sup>A member may resign from office in writing to the chairperson of the committee at any time; the chairperson shall declare his or her resignation in writing to the Senate. <sup>6</sup>The Senate shall be informed immediately of vacancies in the committee; it shall work towards a replacement as soon as possible. <sup>7</sup>§ 10, para 1 sentence 5 shall apply accordingly to the members of the committee. <sup>8</sup>The ombudsperson(s) shall be members of the committee in an advisory capacity. <sup>9</sup>A research associate shall also be a member of the committee with voting rights.

- (3) <sup>1</sup>The representatives of the university lecturers in the Senate (Art. 35 para 1 sentence 1 No. 1 BayHIG) shall, in consultation with the acting members of the committee, the University Governing Board and the Women's Representative of the University, propose for each vacant member of the committee one university lecturer experienced in research; the two representatives of the research associates (Art. 5 para 1 sentence 1 No. 2 of the Constitution of the University of Bayreuth) shall propose for each vacant member one academic lecturer experienced in research in consultation with the incumbent members of the committee, the University Governing Board and the Women's Representative of the University of Bayreuth if a vacancy exists in this respect. <sup>2</sup>For good cause, the Senate may, with two-thirds of the votes of its members and all the votes of the representatives of the university lecturers, dismiss any member of the committee after hearing him or her; this shall apply accordingly to the dismissal of the research associate.
- (4) <sup>1</sup>The committee shall elect a chairperson from among its members. <sup>2</sup>He or she shall conduct the day-to-day business and, in matters that cannot be postponed, shall take decisions and measures in place of the committee, which shall be informed immediately. <sup>3</sup>The committee may annul decisions taken and demand that measures taken be reversed; rights of third parties that have already arisen shall remain unaffected.

## **§ 12**

### **General procedural provisions**

- (1) <sup>1</sup>The provisions of the Constitution of the University of Bayreuth on the conduct of business of the committees shall apply accordingly to the committee, unless these Statutes contain a deviating regulation. <sup>2</sup>In case of urgency, the members of the committee may also be summoned in person or by telephone; the period of summons may be shortened to an extent that takes account of the urgency. <sup>3</sup>The committee shall constitute a quorum if all members have been duly summoned and the majority of the members are present and entitled to vote; transfers of voting rights to be made in writing cannot replace the requirement of a majority of members. <sup>4</sup>Decisions of the committee shall be taken by simple majority; unanimous decisions shall be sought. <sup>5</sup>Minutes of the meetings of the committee shall be kept on the essential procedural steps and the results of the meeting. <sup>6</sup>As a rule, the committee shall meet in private. <sup>7</sup>It may decide to open individual agenda items of a meeting to the public, provided that the rights of third parties or other legal reasons do not conflict with this; if a scholar who is accused of scientific misconduct is heard orally (Article 15 para 1 sentence 2), the committee shall only open the meeting to the public if the scholar agrees. <sup>8</sup>§ 29 BayVwVfG shall apply accordingly.
- (2) <sup>1</sup>The ombudsperson and the committee shall each clarify the facts ex officio at the stage of the proceedings in which they are competent. <sup>2</sup>The Committee may decide that one or more

members of the Committee prepare or carry out the clarification of the facts in whole or in part (committeeed member of the Committee); the committeeed members of the Committee report to the Committee, which is responsible for the clarification and assessment of the facts as a whole. <sup>3</sup>The ombudsperson and the committee may take all steps conducive to the clarification of the facts, in particular obtain all necessary information and opinions. <sup>4</sup>At any stage of the procedure, they may consult university-internal or external experts in the field of a scientific matter to be assessed. <sup>5</sup>In particular, the Committee may decide that experts in the field of the scientific matter to be assessed or with knowledge in particular in the field of science or higher education law shall support the Committee in an advisory capacity in dealing with specific allegations of scientific misconduct; § 10 para. 1 sentence 5 shall apply accordingly.

- (3) The faculties shall support the ombudsperson and the committee at their request in determining the relevant discipline-specific standards of good scientific practice; § 4 Para. 2 No. 2 shall be observed.
- (4) The records of the ombudsperson and the committee shall be kept for thirty years after the proceedings have ended; the university management shall regulate the details.

## **§ 13**

### **Whistleblowers and persons affected by allegations**

- (1) <sup>1</sup>All bodies investigating suspected scientific misconduct, in particular the ombudsperson and the Committee for Research Integrity, shall take appropriate measures to protect both the person making the allegation and the person affected by the allegation. <sup>2</sup>As a matter of principle, the person affected by the allegations should not suffer any disadvantages from the examination of the suspicion until scientific misconduct has been established. <sup>3</sup>The person making the report must not suffer any disadvantages for his or her own scientific or professional advancement, unless it can be proven that the report was made against his or her better knowledge.
- (2) The person affected by the allegations as well as the person providing the information shall be given the opportunity to comment at each stage of the proceedings.
- (3) The investigation of allegations of scientific misconduct shall take place at every stage of the proceedings, including the pure advisory activities of the ombudsperson, expressly in compliance with confidentiality and in the spirit of the presumption of innocence.
- (4) The reference should - especially in the case of junior researchers - not lead to delays during the qualification of the person giving the reference, and the preparation of theses and

doctorates should not be disadvantaged; this also applies to working conditions and possible contract extensions.

- (5) <sup>1</sup>The whistleblower must have objective evidence that standards of good scientific practice may have been violated; § 8 para. 1 sentence 2 lit. (d) must be observed. <sup>2</sup>If the whistleblower cannot check the facts himself or herself or if there is uncertainty in the interpretation of the Guidelines for Good Scientific Practice with regard to an observed event, the whistleblower should contact the ombudsperson or the "Ombudsman for Science" panel established by the German Research Foundation to clarify the suspicion.
- (6) <sup>1</sup>The tip can also be made anonymously. <sup>2</sup>However, an anonymous tip-off shall only be examined in a procedure if the person giving the tip-off provides the body examining the suspicion with reliable and sufficiently concrete facts.
- (7) <sup>1</sup>If the person providing the information is known by name, the investigating body shall treat the name confidentially and shall not disclose it to third parties without appropriate consent. <sup>2</sup>Something else shall only apply if there is a legal obligation to do so or if the person affected by the allegations cannot otherwise defend himself or herself properly because the identity of the whistleblower is exceptionally important for this. <sup>3</sup>Before the name of the whistleblower is disclosed, the whistleblower shall be informed immediately; the whistleblower may decide whether to withdraw the report if the name is likely to be disclosed. <sup>4</sup>The whistleblower shall also be protected in the event of unproven scientific misconduct, unless it can be proven that the report was made against better knowledge.
- (8) <sup>1</sup>The confidentiality of the procedure is restricted if the whistleblower makes the suspicion public. <sup>2</sup>The investigating body shall decide on a case-by-case basis how to deal with a breach of confidentiality by the whistleblower.

## **§ 14**

### **Suspicion investigation by the ombudsperson and preliminary proceedings before the committee**

- (1) <sup>1</sup>If the suspicion of scientific misconduct is confirmed, the ombudsperson applies in writing for the Committee to take action. <sup>2</sup>The Committee shall enter into a preliminary procedure, which may be followed by a formal investigation, which shall also be conducted by the Committee. <sup>3</sup>If the suspicion is not confirmed, the person providing the information and the person affected by the allegations shall receive notification from the university management of the discontinuation of the preliminary proceedings upon application to the university management.

- (2) <sup>1</sup>The Committee shall immediately give the person affected by the suspicion of scientific misconduct the opportunity to comment. <sup>2</sup>Such a statement must generally be submitted within two weeks; this deadline can be extended. <sup>3</sup>The name of a possible whistleblower shall not be disclosed to the person concerned at this stage without his or her consent.
- (3) After receipt of the statement of the person concerned or after expiry of the time limit, the Committee shall, if possible within three weeks, take a decision on whether the preliminary proceedings are to be terminated - with notification of the reasons to the person concerned - because the suspicion has not been sufficiently confirmed or an alleged scientific misconduct has been fully clarified, or whether a transfer to the formal investigation procedure shall take place.

## **§ 15**

### **Investigation by the Committee**

- (1) <sup>1</sup>The scientist or scholar who is accused of scientific misconduct shall be given another opportunity to comment in an appropriate manner after the formal investigation procedure has been opened. <sup>2</sup>The scientist or scholar who is accused of scientific misconduct shall be heard orally at his or her request. <sup>3</sup>For this purpose, he or she may call in a person of his or her confidence as an advisor; this shall also apply to other persons to be heard. <sup>4</sup>The Committee may exclude persons who are suspected of scientific misconduct from being heard.
- (2) <sup>1</sup>The Committee shall deliberate in non-public oral proceedings. <sup>2</sup>It shall examine whether scientific misconduct has occurred by freely evaluating the evidence. <sup>3</sup>As a rule, it shall decide within a period of six months.
- (3) <sup>1</sup>If the committee considers academic misconduct to be unproven, the proceedings shall be discontinued. <sup>2</sup>The person providing the information and the person affected by the allegations shall receive notification from the university management of the discontinuation of the investigation upon application to the university management.
- (4) If the committee considers academic misconduct to be proven, it shall present the essential reasons to the university management in a report; it may make recommendations on how to proceed. <sup>3</sup>The university management shall examine the recommendations of the committee, arrange for action to be taken by the competent university bodies, if necessary, and work towards ensuring that the appropriate measures (see Annex) are taken. <sup>4</sup>The university management shall decide whether to publish the report and the recommendations in full or in part (see no. 6 letter c) of the Annex).
- (5) <sup>1</sup>The competent bodies of the faculties, namely the doctoral examination boards, shall as a rule decide only after the Committee for Research Integrity has submitted its report and the



university management has deliberated on the further course of action in accordance with subsection 4, sentence 3. <sup>2</sup>The competent committees of the faculties shall involve the Committee for Research Integrity or individual members committed by it in an advisory capacity in the decision-making process; the Committee or the members committed by it shall be duly invited to the meetings of the competent committees of the faculties in accordance with the regulations applicable to these committees. <sup>3</sup>In case of urgency, the Committee for Research Integrity may, in deviation from Para. 4 Sentence 3, inform the competent bodies of the faculties directly and suggest that they take action.

## **§ 16**

### **Entry into Force, Expiry, Transitional Provisions**

- (1) <sup>1</sup>These regulations go into effect on 29 July 2022. <sup>2</sup>At the same time, the Statutes of the University of Bayreuth on Safeguarding Standards of Good Scientific Practice and Handling Scientific Misconduct of 10 May 2012 (AB UBT 2012/012) shall expire.
- (2) The person of trust (ombudsman, ombudswoman) appointed at the time of entry into force of these Statutes in accordance with the Statutes of the University of Bayreuth for Safeguarding Standards of Good Scientific Practice and Handling Scientific Misconduct of 10 May 2012 (AB UBT 2021/012) and the members of the Committee for Academic Self-Regulations appointed in accordance with the Statutes of the University of Bayreuth for Safeguarding Standards of Good Scientific Practice and Handling Scientific Misconduct of 10 May 2012 (AB UBT 2021/012) shall remain in office until the expiry of their term of office; the date of entry into force of the statutes shall, in derogation of § 10 para 1 sentence 3 and § 11 para 2 sentence 3, be deemed the beginning of the term of office.
- (3) Advisory and examination activities of the ombudsperson as well as preliminary proceedings and formal investigations of the Committee for Academic Self-Regulation that have not yet been completed when these Statutes come into force shall be completed in accordance with the regulations of the Committee for Academic Self-Regulation as of the date on which these statutes come into force.

\*) The set of amendments dated 9 January 2023 contains the following provisions with regard to the effective date:

These statutes shall take effect on 2 January 2023

**Annex:**

Partial overview of possible consequences of academic misconduct

**1. Consequences under employment and labour law:**

Since in all or most cases of academic misconduct at the University of Bayreuth the accused is likely to be an employee or civil servant of the State of Bavaria and/or the University, all consequences under civil service and employment law must also be considered:

- a) consequences under civil service law for civil servants: disciplinary proceedings resulting in disciplinary measures (cf. Article 7 ff. of the Bavarian Disciplinary Act, *BayDG*);
- b) consequences under labour law for employees (esp. warning, dismissal, termination of contract).

**2. Academic consequences:**

academic consequences in the form of revoking degrees can only be carried out by the University of Bayreuth if the offender received his or her academic degree from the University. If his or her academic degree was awarded by a different institution of higher education, that institution shall be informed of the academic misconduct if such misconduct was in connection with earning an academic qualification. In particular, withdrawal of the doctoral degree or the authorisation to teach may be considered.

**3. Consequences under civil law, for example:**

- a) Issuing of a ban from the premises (Art. 31 para 12 BayHIG);
- b) Claims for restitution against the person concerned, for example for the return of stolen scientific material;
- c) Claims for removal and injunctive relief, in particular under copyright law, patent law and competition law;
- d) Claims for damages by the State of Bavaria, the University of Bayreuth or third parties in the event of personal injury, property damage or the like.

**4. recovery claims under civil law or administrative law (e.g. relating to scholarships, third-party funds, budgetary grants).**

**5. Consequences under criminal or regulatory law, e.g. in the case of:**

- a) Copyright infringements (§ 106 Copyright Act: Unauthorised Exploitation of Copyrighted Works);
- b) False suspicion or insult (§ 164 StGB: False Suspicion; § 187 StGB Defamation);

- c) Violation of personal privacy and secrecy (§ 202a StGB: data espionage, § 204 StGB: unauthorized use of another person's secrets);
- d) Offences against life and physical integrity (§ 222 StGB: Negligent homicide; §§ 223, 229 StGB: Intentional or negligent bodily injury);
- e) Property offences (§ 242 StGB: theft; § 246 StGB: embezzlement; § 263 StGB: fraud; § 264 StGB: economy subsidy fraud; § 266 StGB: breach of trust);
- f) Forgery of documents (§ 267 StGB: forgery of documents; (§ 268 StGB: falsifying technical illustrations);
- g) material damage (§ 303 StGB: material damage (§ 303a of the StGB: altering data).

**6. retraction of academic publications, public information material, and media:**

- a) Scientific publications which are erroneous due to scientific misconduct shall be withdrawn if they are still unpublished and corrected if they have been published (revocation); cooperation partners shall be informed in an appropriate form if necessary. In principle, this is the responsibility of the authors and any editors involved; if they do not take action, the University of Bayreuth will take any suitable measures which it has at its disposal.
- b) If scientific misconduct has been identified, the University of Bayreuth shall inform other research institutions or scientific organisations concerned. Where justified, it may be appropriate to inform professional organizations or learned societies.
- c) The University of Bayreuth may be obliged to inform affected third parties and the public, in particular in order to maintain confidence in its academic probity or to restore its endangered academic reputation (or the reputation of a faculty, a university teacher or a doctoral candidate). The consent of the person concerned must be sought.