ARTICLES FOR SAFEGUARDING GOOD ACADEMIC PRACTICE AND AVOIDING ACADEMIC MISCONDUCT

Aim: This regulation covers procedures to ensure good scientific practice at KLU based on the newest guidelines of the German Research Council (DFG).

Adopted on: July 2, 2020

Approval by: Academic Senate
§1

Good academic practice

(1) Academic work is based on the basic principle of honesty towards oneself and others. Honesty is both an ethical norm and the basis for the rules of professional conduct in relation to academic work, i.e. good academic practice.

(2) Researchers are responsible for putting the fundamental values and norms of research into practice and advocating for them. Education in the principles of good research begins at the earliest possible stage in academic teaching and research training. Researchers at all career levels update their knowledge about the standards of good research practice and the current state of the art.

(3) The roles and responsibilities of the researchers, research support staff, and (other) PhD candidates participating in a research project must be clear at each stage of the project.

(4) As a rule, researchers make all results available as part of scientific/academic discourse. In specific cases, however, there may be reasons not to make results publicly available (in the narrower sense of publication, but also in a broader sense through other communication channels); this decision must not depend on third parties. Researchers decide autonomously – with due regard for the conventions of the relevant subject area – whether, how and where to disseminate their results. If it has been decided to make results available in the public domain, researchers describe them clearly and in full. Where possible and reasonable, this includes making the research data, materials and information on which the results are based, as well as the methods and software used, available and fully explaining the work processes. Software programmed by researchers themselves is made publicly available along with the source code. Researchers provide full and correct information about their own preliminary work and that of others.

(5) The following can be considered in particular as examples of good academic practice:

- the general principles of academic work, in particular
  - observing professional standards,
  - documenting results,
  - consistently questioning one’s own findings,
  - upholding strict honesty with respect to the contributions of partners, competitors and predecessors,
- cooperation and leadership responsibility in working groups, as well as clarity about the roles and responsibilities of all scientists involved at every stage of a research project,
- supervision of young researchers as well as the career advancement of scientific and science related staff,
- the application of a multidimensional approach to the evaluation of the performance of researchers,
- the comprehensive consideration and recognition of the current state of research when planning a project,
- securing and storing raw and processed data, regardless of whether they are primary or secondary,
- the documentation of all information relevant for the realization of a research result, which is to be protected against manipulation in the best possible way,
- documentation of agreements on the rights of use of research data and research results,
- the use of scientifically sound and comprehensible methods,
- utilizing academic publications as the primary medium for researchers to give an account of their work, representing the applied mechanisms of quality assurance,
- respecting the intellectual property of others,
- conforming to ethical standards when conducting surveys,
- the consideration of rights and obligations, especially those resulting from legal requirements, but also from contracts with third parties,
- obtaining, where necessary, authorizations and ethics opinions,
- the thorough assessment of the research consequences and the evaluation of the respective ethical aspects,
- the creation of public access to research results or a comprehensible and complete justification of decisions not to make results publicly available,
- the careful examination and selection of the publication medium, taking into account its quality and visibility in the respective field of discourse.

(6) For quality assurance, the origin of the data, organisms, materials and software used in the research process is disclosed and the reuse of data is clearly indicated; original sources are cited. The nature and the scope of research data generated during the research process are described. Research data are handled in accordance with the requirements of the relevant subject area. The source code of publicly available software must be persistent, citable and documented. Depending on the particular subject area, it is an essential part of quality assurance that results or findings can be replicated or confirmed by other researchers (for example with the aid of a detailed description of materials and methods).

(7) Good academic practice can only be achieved with the cooperation of all members of the KLU. Individual researchers are first and foremost responsible for upholding and communicating the rules governing good academic practice and the realization and observance of the basic values and standards of scientific work, and this is also the case when they act in the role of project leader, working group leader, supervisor or other superior role. The departments and the PhD Program leadership of the KLU perform the tasks entrusted to them in the areas of teaching, supporting young researchers and organizing research and academic activities. They are therefore responsible through their individual and collegiate bodies for creating the organizational and institutional conditions for safeguarding good academic practice.
§2 General framework

(1) The Kühne Logistics University (KLU), with the participation of their members, work together to define rules of good research practice, ensure that their employees are made aware of these guidelines and related policies and regulations, and require their employees to comply with them with due regard for the type of research undertaken in the relevant subject area. Individual researchers are responsible for ensuring that their own conduct complies with the standards of good research practice.

(2) The university management creates the basic framework for research and is responsible for ensuring:

- adherence to and the promotion of good practice,
- appropriate career support for all researchers,
- the guarantee of necessary conditions to enable researchers to comply with legal and ethical standards,
- that the basic framework include clear written policies and procedures for staff selection and development as well as for early career support and equal opportunity.

(3) The departments and the PhD Program leadership of KLU carry out the tasks assigned to them in training, in the promotion of young scientists and in the organization of research and science. They are therefore responsible through their individual and collegial bodies for creating the organizational and institutional prerequisites for ensuring good scientific practice.

(4) The head of a research work unit is responsible for the entire unit. Collaboration within the unit is designed such that the group as a whole can perform its tasks, the necessary cooperation and coordination can be achieved, and all members understand their roles, rights and duties. The leadership role includes ensuring adequate individual supervision of early career researchers, integrated in the overall institutional policy, as well as career development for researchers and research support staff. Suitable organizational measures are in place at the level of the individual unit and of the leadership of the institution to prevent the abuse of power and exploitation of dependent relationships.

§3 Academic misconduct

(1) By contrast, academic misconduct is present where, in an academic context, either knowingly or through gross negligence, ethical norms are breached, false information is given, intellectual property rights of others are infringed or their research work is compromised in any other way. The circumstances of the individual case are decisive.
(2) Misconduct on the part of researchers arises in particular where:

1. Information is falsified by
   - fabrication of data,
   - distortion of data and sources, for example by
     • suppression of relevant sources, records or texts
     • manipulation of sources, interpretations, depictions or images
     • undisclosed selection and rejection of undesirable results,
   - provision of incorrect information in an application for employment or for funding (including inaccurate information relating to forms of publication or to forthcoming publications),
   - provision of incorrect information about the academic performance of applicants in selection or review committees.

2. Intellectual property rights are infringed
   - in relation to the copyrighted work of another person or to important academic findings, hypotheses, teachings or research approaches of others through:
     • unauthorized use under the pretense of authorship (plagiarism),
     • exploitation of research approaches and ideas, in particular as reviewer (theft of ideas),
     • pretense of academic authorship or co-authorship in the absence of any individual contribution,
     • falsification of content,
     • unauthorized publication or provision of unauthorized access to third parties while the work, findings, hypothesis, teaching content or research approach has/have not yet been published,
     • claiming co-authorship by other persons without their agreement,
     • arbitrarily delaying the publication of an academic work, in particular as publisher, reviewer or coauthor.

3. Research activities of others are compromised by
   - sabotage of the research activities of others, for example by
     • damaging, destroying or manipulating test setups, equipment, documents, hardware, software, chemicals or other items required by others for carrying out experiments,
     • maliciously misplacing or stealing books, archives, manuscripts or data sets,
     • intentionally rendering storage devices containing academically relevant information unusable.
   - removal of primary data, insofar as this breaches statutory provisions or accepted principles of academic work within a discipline.
   - unauthorized destruction or transmission of research material.
(3) Shared responsibility for misconduct may also result from active participation in the misconduct of others, knowledge of falsification carried out by others, co-authorship of publications containing false information, as well as gross neglect of the duty of supervision.

§ 4

Avoiding academic misconduct

In order to safeguard good academic practice and to avoid academic misconduct in the context of research, the following rules must be observed at the KLU:

(1) The basic principles of academic work and good academic practice should be communicated to students at the beginning of their studies. This should include training students to behave honestly and responsibly in the academic context. The possibility of academic misconduct must be adequately addressed in order to make students and young researchers appropriately aware of this issue.

(2) When carrying out research activities, academic working groups should be formed as far as possible. The head of a research work unit is responsible for the entire unit. Collaboration within the unit is designed such that the group as a whole can perform its tasks, the necessary cooperation and coordination can be achieved, and all members understand their roles, rights and duties. Cooperation within such working groups should be organized so that the findings, made through the specialized division of labor, are the subject of mutual communication, submitted to critical discourse and integrated into a common body of knowledge and experience.

(3) The leadership role includes ensuring adequate individual supervision of early career researchers. The supervision of young researchers must be ensured. The KLU has implemented appropriate arrangements concerning this in its Doctoral Degree Regulations. Suitable organizational measures are in place at the level of the individual unit and of the leadership of the institution to prevent the abuse of power and exploitation of dependent relationships.

(4) In relation to the performance and evaluation criteria for examinations, the award of academic degrees, career advancement, appointments and allocation of funding, quality and originality always have preference over quantity as the benchmark for evaluation.

(5) Primary data as the basis for publications shall be stored in a durable and secure form in the institution of origin for ten years, insofar as no special regulations provide for a longer period of storage. The KLU issues regulations corresponding to the relevant state of the art concerning the recording, documentation, storage and use of data.
§ 5
Authorship

(1) An author is an individual who has made a genuine, identifiable contribution to the content of a research publication of text, data or software. All authors agree on the final version of the work to be published. Unless explicitly stated otherwise, they share responsibility for the publication. Authors seek to ensure that, as far as possible, their contributions are identified by publishers or infrastructure providers such that they can be correctly cited by users.

(2) The contribution must add to the research content of the publication. What constitutes a genuine and identifiable contribution must be evaluated on a case–by–case basis and depends on the subject area in question. An identifiable, genuine contribution is deemed to exist particularly in instances in which a researcher – in a research–relevant way – takes part in

- the development and conceptual design of the research project, or
- the gathering, collection, acquisition or provision of data, software or sources, or
- the analysis/evaluation or interpretation of data, sources and conclusions drawn from them, or
- the drafting of the manuscript.

(3) If a contribution is not sufficient to justify authorship, the individual’s support may be properly acknowledged in footnotes, a foreword or an acknowledgement. Honorary authorship where no such contribution was made is not permissible. A leadership or supervisory function does not itself constitute co–authorship. Collaborating researchers agree on authorship of a publication. The decision as to the order in which authors are named is made in good time, normally no later than when the manuscript is drafted, and in accordance with clear criteria that reflect the practices within the relevant subject areas. Researchers may not refuse to give their consent to publication of the results without sufficient grounds. Refusal of consent must be justified with verifiable criticism of data, methods or results.

(4) If researchers have made their findings publicly available and subsequently become aware of inconsistencies or errors in them, they make the necessary corrections. If the inconsistencies or errors constitute grounds for retracting a publication, the researchers will promptly request the publisher, infrastructure provider, etc. to correct or retract the publication and make a corresponding announcement. The same applies if researchers are made aware of such inconsistencies or errors by third parties.
§ 6

Original academic publications

(1) Authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse.

(2) Researchers document all information relevant to the production of a research result as clearly as is required by and is appropriate for the relevant subject area to allow the result to be reviewed and assessed. In general, this also includes documenting individual results that do not support the research hypothesis. The selection of results must be avoided. Where subject-specific recommendations exist for review and assessment, re-searchers create documentation in accordance with these guidelines. If the documentation does not satisfy these requirements, the constraints and the reasons for them are clearly explained. Documentation and re-search results must not be manipulated; they are protected as effectively as possible against manipulation.

(3) The author’s own work, the preliminary work of others and relevant publications by other authors that form a direct basis for the work in question must be fully and precisely accounted for and/or cited.

(4) Repeated publication of the same findings without an explicit reference to the repeat publication is in principle inadmissible.

§ 7

Review processes

(1) Researchers who assume the role of editor carefully select where they will carry out this activity. The scientific/academic quality of a contribution does not depend on the medium in which it is published.

(2) Fair behavior is the basis for the legitimacy of any judgement-forming process. Researchers who evaluate submitted manuscripts, funding proposals or personal qualifications are obliged to maintain strict confidentiality with regard to this process. They disclose all facts that could give rise to the appearance of a conflict of interest. The duty of confidentiality and disclosure of facts that could give rise to the appearance of a conflict of interest also applies to members of research advisory and decision-making bodies.

(3) The confidentiality of third-party material to which a reviewer or committee member gains access precludes sharing the material with third parties or making personal use of it. Researchers immediately disclose to the responsible body any potential or apparent conflicts of interest, bias or favoritism relating to the research project being reviewed or the person or matter being discussed.
§8
Archiving

(1) Researchers back up research data and results made publicly available, as well as the central materials on which they are based and the research software used, by adequate means according to the standards of the relevant subject area, and retain them for an appropriate period of time. Where justifiable reasons exist for not archiving particular data, researchers explain these reasons.

(2) Primary data used as the basis for publications should be stored on durable and secure media for ten years in the institution where they were produced, unless special regulations provide for longer storage. For this purpose KLU issues rules depending on the state of the art about the way of recording, documentation, storage and use of the data.

(3) KLU makes sure that the necessary infrastructure is available to enable archiving. KLU has to guarantee the security of the data as defined in the corresponding confidentiality agreements towards third parties. Degree granting requirements:

§9
Ombudsperson

(1) The KLU shall appoint two ombudspersons who shall be available as a confidential point of contact for all members of the university who have allegations of or information about academic misconduct to present. One ombudsperson shall be a tenured resident faculty member at KLU. The other ombudsperson shall be an experienced well-published professor of impeccable reputation at another university with at least similar research standards as KLU. The ombudspersons shall have a diverse background, and preferably be of different gender.

(2) The principles of the ombudsperson procedure are confidentiality, fairness and transparency for the parties involved. As neutral and qualified contact persons, the ombudspersons advise on issues relating to good research practice and in suspected cases of scientific misconduct and, where possible, contribute to solution-oriented conflict mediation. An ombudsperson may follow up suspicions on behalf of an informant without having to reveal the latter's identity. Each member of the university has the right to speak to the ombudspersons in person. The ombudspersons maintains confidentiality in dealing with queries and, if necessary, notify the responsible body at KLU. Members and employees can contact either their institution’s ombudspersons or the national German Research Ombudsman. The German Research Ombudsman is an independent body that provides advice and support on issues relating to good research practice and allegations of inappropriate conduct.
The ombudspersons are appointed for a term of three years by the President of the KLU on the recommendation of the Academic Senate. The ombudspersons should have extensive experience of carrying out research projects and of training junior researchers, and should also have national and international contacts. Professors who may have the appearance of potential conflicts of interests and may not be perceived as independent, such as deans, should not be appointed as the ombudsperson. Reappointment is possible only once. In case there is any concern about conflicts of interest or in case the ombudspersons are unable to carry out their duties, the president designates a substitute in consultation with the Academic Senate.

(3) Without precluding the primary responsibility of the university leadership to create conditions for good academic practice, the ombudspersons may advise the management of the university and the deans in fundamental issues of good academic practice and may make recommendations in relation to this to the President and the Academic Senate of the KLU. The President and the Academic Senate will provide a formal response to the recommendations made by the ombudsperson.

(4) The ombudspersons receive from the university the necessary substantive support and acceptance in the performance of their tasks. In order to increase the effectiveness of the Ombuds system, the university provides for measures to relieve the ombudsperson that is a resident faculty member at KLU of other tasks.

(5) The ombudspersons and investigative commissions that investigate a suspicion of scientific misconduct shall take appropriate steps to protect both the complainant and the person affected by the allegations. The disclosure should not disadvantage the research or professional career prospects of either the complainant or the respondent.

(6) The ombudspersons are entitled to gather the information and statements necessary to establish the facts of the case, subject to safeguarding the legitimate interests of the persons affected, and also to consult experts in individual cases.

§ 10
Committee of Inquiry

(1) If the ombudspersons are unable in individual cases to bring about an amicable settlement of the dispute in accordance with the preceding provisions or if, in the ombudspersons’ view, there is the suspicion of a serious breach of the rules of good academic practice, the ombudspersons may set up a Committee of Inquiry that, subject to safeguarding all requirements of the rule of law, shall establish whether academic misconduct has taken place.

(2) The Committee of Inquiry shall elect a chairperson from among its members. Resolutions are passed by a simple majority; in the event of a tied vote the chairperson has the casting vote.

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representative of each status group involved in an individual case and also, in an advisory capacity, a person qualified to hold the office of judge shall attend the sessions. In an individual case the latter is permitted to call upon up to three other persons as experts in an advisory capacity.

§ 11
Inquiry procedure

(1) The provisions of the Hamburg Administrative Procedure Act (Hamburgisches Verwaltungsverfahrensgesetz) valid at the time of the inquiry shall apply to the inquiry procedure, either brought before the ombudsperson or the Committee of Inquiry, so long as no deviating provisions are made in the following clauses. All information on those involved in the case and the findings of the investigation by the ombudsperson or the Committee of Inquiry must be treated strictly confidentially until culpable misconduct has been proved. The investigation of allegations of research misconduct must be carried out in strict confidentiality and adhere to the presumption of innocence.

(2) The information disclosed by the complainant must be provided in good faith. Knowingly false or malicious allegations may themselves constitute misconduct. The disclosure should not disadvantage the research or professional career prospects of either the complainant or the respondent.

(3) The Committee shall meet in closed session. Subject to safeguarding the legitimate interests of the persons concerned, the Committee is entitled to gather the information and statements necessary to establish the facts of the case and, based on free evaluation of the evidence, shall examine whether academic misconduct has taken place. The person concerned must be informed of the incriminating facts and of any evidence without delay and be given the appropriate opportunity to make a statement.

(4) If the identity of the informant is not known to the person concerned, this must be disclosed if the person concerned is otherwise unable to defend himself/herself properly, in particular because the credibility and the motives of the informant are of considerable importance in relation to determining misconduct. In exceptional cases the identity of the informant may remain undisclosed if the facts and evidence are clear.

(5) At his or her wish the person concerned shall be granted an oral hearing to which he/she may bring one trusted person for the purpose of providing assistance. The same applies to other persons subject to hearings.

(6) The Committee shall submit the results of its inquiry to the ombudspersons in the form of a final report with a recommendation for further action. The Committee shall simultaneously inform
the accused persons and informants of the main findings of its inquiry. The papers relating to the formal inquiry must be stored for thirty years.

(7) The ombudspersons shall forward the full final report with recommendations to the President of the university.

(8) The President of the KLU shall decide on the basis of the Commission’s final report and recommendation whether the inquiry is to be concluded or whether a case of academic misconduct has been sufficiently proven. In the case of academic misconduct, he/she shall also determine the measures to be taken, which may include academic (e.g., revocation of the academic degree), labor-, civil- or criminal–law related sanctions. If the suspicion of academic misconduct has been wrongly raised, the President is responsible for ensuring the rehabilitation of the person(s) accused of misconduct.

(9) The President of the KLU shall send the Commission’s final report and his or her decision to the Academic Senate. Further, the President of the KLU shall send his or her final decision to the ombudsperson and to the Chair of the Committee of Enquiry. Where it appears necessary in order to protect third parties, to preserve trust in scientific integrity, to restore scientific reputation, to prevent consequential damage or otherwise in the general public interest, interested third parties and the press shall be informed in an appropriate manner of the outcome of the formal investigation procedure and of the further measures taken.

(10) In case the ombudsperson or the chair of the Committee of Enquiry is unsatisfied with the decision of the President, they may – after discussing their concern with the President – forward the report to the German Research Ombudsman.

§12
Implementation of Regulation

This regulation will come into force on July 2, 2020.

Hamburg, July 2, 2020

[Signature]

Professor Thomas Strothotte, PhD
President