Charter for safeguarding good academic practice and avoiding academic misconduct at the Kühne Logistics University

March 6, 2013

The Academic Senate on March 6, 2013, approved, pursuant to §2 Section 2 in conjunction with §85 Section 1 of the Hamburg Higher Education Act (HmbHG) of July 18, 2001 (HmbGVBl. p. 171), last amended on December 4, 2012, (HmbGVBl. p. 510, 518), the following articles, which take into consideration the recommendations on safeguarding good scientific practice adopted by the Deutsche Forschungsgemeinschaft (German Research Foundation). Recommendations and regulations on good academic practice laid down by other organizations, either generally or for individual disciplines, will supplement these guidelines.

§ 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) 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
- supervision of young researchers
- securing and storing primary data
- utilizing academic publications as the primary medium for researchers to give an account of their work
- respecting the intellectual property of others
- conforming to ethical standards when conducting surveys.

(3) 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 this is also the case when they act in the role of project leader, working group leader, supervisor or other superior. The departments and the academic institutes 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.
(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 coauthorship 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, coauthorship of publications containing false information, as well as gross neglect of the duty of supervision.
§ 3
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. 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 supervision of young researchers must be ensured. The KLU has implemented appropriate arrangements concerning this in its Doctoral Degree Regulations.

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.

§ 4
Authorship

1. Strict honesty must be maintained as regards the contributions of partners, competitors and predecessors. Only persons who have contributed significantly to the conception of a study or experiment, to the generation, analysis and interpretation of the data and to preparing the manuscript, and who have consented to its publication, thereby assuming responsibility for it, may be named as authors of an original academic publication.

2. Persons who undertake individual corrections to a manuscript, who provide mere suggestions or who convey particular methods, as is, for example, usual in the supervision of academic projects or in the editing of publications, do not thereby gain the status of author or coauthor. Participation in the collecting, compiling or collating of data, production of graphics or tables derived solely from existing data, contribution of important research materials, responsibility for obtaining the research funding or directing a department or working unit in which the research intended for publication was carried out are likewise not by themselves regarded as sufficient to justify authorship. The relationships under employment or service contracts between the parties involved are irrelevant for establishing co(authorship).
§ 5

Original academic publications

(1) Publications intended to report new research findings must describe the methods and findings fully and understandably.

(2) The author of an academic publication must disclose with equal weighting important findings that substantiate and that contradict his or her own findings and hypotheses. 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.

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

§ 6

Ombudsperson

(1) The KLU shall appoint an ombudsperson from among the ranks of its professors 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. The ombudsperson shall advise the complainants or informants, mediate between the parties involved and ensure that conflicts are resolved amicably. 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 ombudsperson in person.

(2) The ombudsperson is appointed for a term of three years by the President of the KLU on the recommendation of the Academic Senate. The ombudsperson should have extensive experience of carrying out research projects and of training junior researchers, and should also have national and international contacts. Professors obliged to take action in their own right on the basis of information they may receive, such as deans, should not be appointed as the ombudsperson. Reappointment is possible only once.

(3) The ombudsperson advises the management of the University and the dean’s offices of the faculties in fundamental issues of good academic practice and may make recommendations in relation to this. The ombudsperson shall submit an annual work and progress report to the President of the KLU.

(4) The ombudsperson is 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.

§ 7

Committee of Inquiry

(1) If the ombudsperson is unable in individual cases to bring about an amicable settlement of the dispute in accordance with the preceding provisions or if, in the ombudsperson’s view, there is the suspicion of a serious breach of the rules of good academic practice, he/she shall inform the President of the KLU. The latter 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. The ombudsperson and
the Dean of Research may make recommendations to the President on the membership of the Committee.

(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. One 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.

§ 8
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.

(2) 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.

(3) 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.

(4) 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.

(5) The Committee shall submit the results of its inquiry to the President of the University 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.

(6) 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 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.