

Regulations governing the principles for safeguarding good academic practice at the University of Oldenburg

of 05/10/2022

On 6 July 2022, the Senate of the University of Oldenburg decided on the following reformulation of the Guidelines for Good Academic Practice and the procedure for suspected academic misconduct pursuant to Section 41.1.1 of the Lower Saxony Higher Education Act (NHG):

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Preamble

Academic honesty and observance of the principles of good academic practice are indispensable prerequisites for academic work that aims to generate knowledge for the benefit of society. The principles of good academic practice set out below are in line with the guidelines published by the German Research Foundation (DFG) in 2019. The application and dissemination of the principles, as well as the implementation thereof within a specific discipline, must be guaranteed within the framework of academic research and teaching. The university discloses these rules for good academic practice to its members and associates of all positions and obliges them in a comprehensible manner to comply with them, taking the specificities of the relevant subject area into account. Any person working in academia is responsible for their own behaviour meeting the standards of good academic practice and shall advocate these standards. Teaching the basics of good academic work begins at the earliest possible stage in academic teaching and education.

Part one Good academic practice

Section 1 General

(1) The top priority in academic work is commitment to honesty and truth. Academic work takes place at all stages of academic life, from research papers and final theses to PhD dissertations and participation in research projects and managing research teams. All researchers, regardless of their position in the world of academia, must always have a consistent self-critical attitude towards the results obtained throughout their research. Strict observance of discipline-specific rules for gathering and selecting sources and data as well as working in a professional manner are vital for ensuring good academic practice. Experienced researchers as well as those in the initial stages of their careers provide each other with mutual support in the continuous learning and further training process and regularly exchange ideas. The university provides relevant programmes and services.

(2) Academic misconduct, in whatever shape or form, violates both the image and credibility of academia. Academic misconduct casts doubts on the work of other researchers and not only damages the reputation of the dishonest researcher, but also tarnishes the standing of the university and academia as a whole.

(3) With that in mind, the following requirements are essential for ensuring good academic practice:

1. Researchers must plan and carry out every individual step in the research process professionally and to the best of their knowledge and belief in accordance with the latest state of knowledge. The University of Oldenburg shall provide the necessary framework conditions for this. In order to identify relevant and appropriate research questions, they shall carefully research research output that has already been made publicly available. When planning a project, the current state of research must be comprehensively taken into account. When carrying out research, they shall apply scientifically sound and comprehensible methods, place particular importance on quality assurance and establishment of standards when developing and applying new methods and examine all results with a critical eye in terms of their plausibility. In doing so, they adhere to the current guidelines issued by the DFG for safeguarding good academic practice. Strict honesty must be maintained with regard to the contributions of partners, supervisors, employees, colleagues, competitors and predecessors. All sources consulted must be mentioned and the traceability of citations must be guaranteed.
2. Methods for preventing (unconscious) bias when interpreting findings, for example blinding test series, are used as far as possible. Researchers shall check whether gender and diversity can be significant for the research project (with regard to the methods, work programme, objectives etc.) and if they are, to what extent. The respective framework conditions are taken into account when interpreting findings.
3. If researchers have made findings publicly available and subsequently notice discrepancies or errors, they shall correct them. If the discrepancies or errors give rise to the withdrawal of a publication, they shall work with the relevant publisher or infrastructure provider etc. as quickly as possible to ensure that the publication is corrected or withdrawn and that this is identified accordingly. The same shall apply if they are made aware of such discrepancies or errors by third parties.
4. The methods, findings and results as well as other primary data used must be adequately documented and stored for at least ten years. Scientific procedures and results must be recorded and documented in a precise and traceable manner, especially if it concerns experimental work, since it is absolutely essential that the research and experiments can be reproduced.
5. Documentation and research results must not be manipulated and must be protected against manipulation as well as possible.
6. Scientific results are usually communicated to the scientific community in the form of publications and reports. As such, these scientific publications and reports, as well as empirical scientific experiments, are the product of researchers' work.
7. The discipline and subject-specific principles of academic work must be adhered to. This also includes the observance of and compliance with the corresponding legal regulations and voluntary commitments. The Embryo Protection Act, the Stem Cell Law, the Drugs Law, the Medical Devices Act and the Helsinki Declaration must be observed in particular when testing on or with humans and on identifiable human materials. When performing experiments on animals, the provisions of the Animal Protection Act as well as the animal testing regulations must be complied with. If aspects of the research project fall under the scope of the Convention On Biological Diversity (CBD), the DFG guidelines for research projects which fall into this category must be observed. For experiments involving genetically modified organisms (GMOs), the Genetic Engineering Act and corresponding legal regulations must be complied

with. If required, researchers shall seek approvals and votes from the Committee for Research Impact Assessment and Ethics or the university's Medical Ethics Committee.

Section 2

Preventing academic misconduct

(1) In order to ensure good academic practice, it is essential that suitable measures are introduced to prevent academic misconduct from occurring in the first place. Teaching the basics of good academic work begins at the earliest possible stage in academic teaching and education. Anyone working in academia, at whatever stage of their career, shall regularly update their knowledge of the standards of good academic practice and the state of research.

(2) Based on the following regulations, the schools are required to examine whether their study, examination, doctoral degree and habilitation regulations comply with the academic quality standards and those measures designed to prevent academic misconduct. If necessary, adjustments should be made to those regulations. Rules for penalizing attempts to cheat and other infringements of the examination regulations, as well as rules regarding the legal consequences of such attempts to cheat and of infringements, are to be drawn up.

Section 3

Students and academic staff at all stages of their careers

(1) The University of Oldenburg assumes its responsibility towards its graduates by teaching students the principles of academic work and good academic practice during their studies and by encouraging them to be honest and responsible in their research. It also communicates the sensitive nature of recognising academic misconduct.

(2) The university lays the foundations and creates the framework conditions for those working in academia to be able to adhere to legal and ethical standards. The framework conditions include clear, written procedures and principles for selecting staff and staff development as well as for supporting early-career researchers and promoting equal opportunities.

(3) The University of Oldenburg assumes its responsibility towards its academic staff by conducting continuous discussions with them about the principles of academic work and good academic practice in all the necessary breadth and depth resulting from the subject-related differences and similarities.

(4) In the pursuit of scientific knowledge and to encourage the professional development of researchers in the early stages of their careers, the University of Oldenburg encourages third-party research projects, provided they do not interfere with the execution of university tasks, and is committed to providing transparent information regarding the funding arrangements.

Section 4

Principles for preparing academic theses and dissertations

(1) Justification, autonomy, reflectiveness and originality are the most important quality criteria of all academic work. Depending on the nature and level of the academic or scientific qualification sought, these criteria will be subject to gradually increasing requirements. All

academic theses and dissertations must be thoroughly and carefully researched, and include citations and references. The use of someone else's work, regardless of whether this concerns a section of text or ideas and theories, must be immediately recognisable to the reader. If the thesis or dissertation makes use of someone else's intellectual property or work, the reader must always be made aware. All theses and dissertations must include a sworn statement affirming that the work was carried out independently and without impermissible assistance from a third party.

(2) All external factors that may cast doubt on whether the scientific judgement was reached completely independently must also be disclosed in theses and dissertations. Any scholarships, third-party funding or economic benefits for the author associated with the work must be declared in full.

Section 5

Principles for quality assurance during doctoral procedures

(1) A doctoral degree demonstrates the holder's ability to carry out in-depth independent academic work. It represents an achievement in independent research. Doctoral candidates are persons working in academia in the early stages of their careers who, with the scientific findings published in their dissertations, provide a substantial and innovative contribution to the advancement of scientific knowledge and the future viability of the academic system.

(2) The admission requirements for a doctoral degree will be defined in clear and unambiguous terms. Applications to be admitted to the school as a doctoral candidate must be accompanied by a statement in which the candidate affirms they are aware of the principles for safeguarding good academic practice at the University of Oldenburg and will abide by the regulations laid out therein. The faculties must integrate the subject of good academic practice into the methodology courses taught at the graduate schools.

(3) All doctoral candidates shall be given a suitable environment in which to successfully pursue their research. Doctoral candidates are entitled to academic support. It is recommended to conclude a doctoral supervision agreement, which outlines the nature and scope of the supervision as well as the basic requirements on the part of the supervisor and doctoral candidate. In addition to the primary academic supervisor, it may also be advisable to assign other experienced researchers to help support the doctoral candidate. More information can be found in the doctoral degree regulations.

(4) Regulations and procedures for determining the invalidity of doctoral assignments and research and for revoking a doctoral degree must be defined in the doctoral regulations of the University of Oldenburg.

Section 6

Principles for quality assurance during habilitation procedures

During the habilitation process, habilitation candidates must submit a statement indicating that they undertake to comply with the rules of good academic practice. An admission requirement to this effect must be included in the applicable habilitation regulations. In all other respects, Section 5 shall apply accordingly.

Section 7 Organisation of academic cooperation

- (1) If several individuals contribute in some way to theoretical work or experiments, to the evaluation of data, the scientific publication or processes for patenting results as part of an academic collaboration or research group, the roles and responsibilities of the academic and academic support staff involved must be clear at all times during the project. To this end, the individuals involved shall define their roles and responsibilities in a suitable way, engage in a regular exchange about them and adjust them if necessary. The criteria for authorship of planned publications must also be defined.
- (2) The head of an academic working unit assumes responsibility for the entire unit. The organization of the academic working unit shall also be structured in terms of its size so that the group as a whole can fulfil its tasks. This applies in particular to leadership tasks, skills transfer, academic support, career advancement of the academic and academic support staff as well as supervisory and support responsibilities. To this end, all members must be aware of their roles, rights and duties.
- (3) Heads of research groups are responsible for making sure that researchers in the early stages of their careers (doctoral candidates as well as students and researchers in the initial stages of a postdoc position) receive adequate support. Each of them must be assigned a primary academic supervisor in the research group, who will inform them of the principles for safeguarding good academic practice.
- (4) Academic and academic support staff shall benefit from a degree of support and personal responsibility commensurate with their career level. Persons in this group shall have an adequate status with corresponding participation rights. They are empowered to shape their careers by becoming increasingly independent.
- (5) Abuse of power and the exploitation of relationships of dependence must be avoided, in particular through suitable organizational measures both at the level of the individual academic working unit and at the level of the management of academic institutions.
- (6) The rules for using scientific results arising from cooperation in a research group are designed in such a way that the individual copyrights of all members of the research group are preserved even after they leave the group.

Section 8a Research and research implications

- (1) Researchers shall use the freedom of research granted to them by constitutional law responsibly. They shall support the university in its task of promoting the transfer of knowledge and technology.
- (2) They shall consider rights and obligations, in particular those arising from legal regulations, but also from contracts concluded with third parties, and shall obtain and submit approvals and ethics votes if necessary. With regard to research projects, the research implications should be thoroughly assessed and the respective ethical aspects evaluated.
- (3) As part of research projects, personal data may only be published if
 - a) the data subject has given informed consent and has been informed in particular about the risks of such publication or

- b) if this is essential for presenting research results on events in contemporary history.

Section 8b **Public access to research results**

(1) In principle, researchers shall incorporate all results into the academic discourse. In some cases, however, there may be reasons for not making results public (in the narrower sense in the form of publications, but also in the broader sense via other communication channels); this decision must not depend on third parties. The members and associates of the university entitled to conduct research shall decide on their own authority whether, how and where to make their results public, taking into account the practices of the discipline concerned.

(2) Authors shall select the means of publication carefully, taking its quality and visibility in the relevant field of discourse into account. In their function as publisher, they shall carefully check for which means of publication they take on this task. In addition to publications in books and journals, disciplinary, data and software repositories as well as blogs may also be considered in particular. The seriousness of any new or unknown means of publication should be checked. A key criterion in the selection decision is whether the means of publication has established its own guidelines on good academic practice. The academic quality of a contribution does not depend on the means of publication by which it has been made public.

(3) When scientific findings are made public, researchers shall always explain the quality assurance mechanisms used. This applies in particular if new methods are developed.

(4) The author is the person who has made a genuine, verifiable contribution to the contents of an academic text, data or software publication. Genuinely verifiable contributions must relate to one of the following aspects:

- a) the topic,
- b) the research plan,
- c) carrying out research and investigations, or
- d) evaluating or interpreting the results and findings

On this basis, researchers shall agree on who should become the author of the research results. With regard to mentioning the authors, the specific nature of each discipline must be taken into account: An agreement on the ranking of the authors is reached in good time, usually no later than when the manuscript is being drafted, based on comprehensible criteria and taking into account the conventions of each subject area. All authors are entitled to receive an appropriate share of payments and proceeds from reuse of the research.

- (5) Merely providing supporting contributions or performing supportive tasks, such as
1. being responsible for raising funds and submitting grant applications,
 2. supplying standard research equipment and material,
 3. training employees in standard methods,
 4. providing a purely technical contribution to data collection,
 5. providing purely technical support (provision of equipment or test animals),
 6. merely providing standard data sets,

7. Merely reading the paper without contributing substantially to the content, or
8. Managing an institution or organisational unit in which the publication was written

do not justify an individual being mentioned as (co-)author (including the exclusion of 'Honorary authorship'). If a contribution is not enough to justify authorship, this support can be appropriately acknowledged in footnotes, in the preface or in the acknowledgement.

(6) Researchers shall avoid inappropriately small publications and limit the repetition of the contents of their publications as (co-)authors to the scope required to understand the context (principle: quality over quantity). They shall cite their results that have already been made public unless this can be dispensed with as an exception according to the discipline-specific approach.

(7) All co-authors must approve, in writing, the release of the manuscript for publication, and a record is made of which individuals or research groups were responsible for which aspect of the research and/or manuscript. By agreeing to be co-authors, the researchers are jointly responsible for ensuring that the co-authored publication complies with academic standards. This particularly applies to their own individual contribution to the research. The co-author is responsible for ensuring that their own contribution is correct, and that this contribution is incorporated in the publication in an academically legitimate way. Exceptions to the joint responsibility of co-authors for their publications must be explicitly stated. If researchers are named as co-authors of a publication without their consent, and if they are unwilling to agree to being named as co-authors after the fact, they can submit an objection to their inclusion as an author to the team leader or the publisher or the journal concerned.

(8) If unpublished observations, findings, results or hypotheses of other persons or institutions are used in a manuscript, their written consent must be obtained and the paper must give credit to those individuals and institutions.

(9) It is against the rules of good academic practice to terminate collaboration on a publication without sufficient grounds or to prevent the publication of the results as a co-author, on whose consent the publication is dependent, without a compelling reason. Refusals to publish must be substantiated by verifiable critique of the data, methods or results.

(10) The publication of scientific results must not be unreasonably refused by university associates such as cooperation partners or delayed beyond the time required for legal security, usually three months.

Section 8c Rights to research results

(1) The rights to scientific results and their publication are governed by the relevant statutory protection regulations for university employees, such as in particular the Employee Invention Act.

(2) At the start of the project, agreements should be made governing and documenting access to the resulting results, data and artefacts as well as the rights of use to resulting research data and research results.

(3) Members and associates of the university entitled to conduct research cannot waive their rights to the results of their research in advance (in the sense of patent exploitation or similar economic exploitation). Such obligations are void.

Section 9

Preservation of primary data and documentation requirements

(1) The university shall take infrastructure measures to ensure that its academic staff can secure primary data in the long term – following the FAIR principles ("Findable, Accessible, Interoperable, Re-Usable"). Once a decision has been made to make results publicly available, researchers shall describe them fully and comprehensibly. This also includes, as far as possible and reasonable, making available the research data, materials and information on which the results are based, the methods applied and the software used, and comprehensively explaining work processes. If there are reasonable grounds for not retaining published data, the researchers shall explain this.

(2) Primary data (e.g. archaeological findings, surveys, questionnaires, material samples, test results, collections, studies, transcribed interviews and cell cultures) on which publications are based must remain accessible in secure repositories for at least ten years, together with the meta data and software artefacts necessary for its interpretation, insofar as it is an essential element of the scientific records (i.e. 'scientific relevance') or meets the subject-specific academic standard. The retention period begins with the date of establishment of public access. Where justified, shortened retention periods may be appropriate. The corresponding reasons shall be comprehensibly described. Responsibility for transferring these data and artefacts to stable and secure data carriers or to long-term secure repositories as well as for documenting them in a way that is also comprehensible to third parties lies with the research group in which they were created. Deviating legal regulations shall remain unaffected. Each researcher is responsible and is obliged to provide proof that such data has been recorded properly in the standard manner which is customary in the particular discipline. In addition, all experiments, trials and numerical calculations must be recorded or documented in a suitable manner such that, if necessary, another expert is able to repeat the experiments or tests or comprehend the calculation bases in order to demonstrate reproducibility. If there are specific professional recommendations for the review and evaluation, the researchers shall carry out the documentation according to the respective guidelines. If the documentation does not meet these requirements, the limitations and reasons for this shall be clarified.

(3) In principle, researchers shall also document individual results that do not support the research hypothesis. Selecting results must be avoided in this context.

(4) The records can be made, for example, in laboratory books, logs or workbooks or in a suitable digital form, with source codes of publicly accessible software having to be persistent, citable and documented. The records must be protected against unauthorized access, kept safe, and secured and stored in such a way that prevents them from being forged or falsified as far as possible. If a researcher moves to a different institution or organization, the original data and records usually remain at the institution or organization where they were collected. It is possible to come to an arrangement that deviates from this standard regulation, in particular with regard to duplication, within the framework of the applicable laws.

(5) All publications based on empirical studies, trials or numerical artefacts, evaluation software or other software artefacts must contain a 'Materials and Methods' section, which compiles these records in such a way that the work can be reproduced elsewhere.

(6) Self-programmed software should be made publicly available, specifying the source code. Research software developed in-house shall be appropriately licensed when made available to third parties. Restrictions on public accessibility may arise, especially in the lead-up to patent applications.

Section 10a Transparency and bias

- (1) The University of Oldenburg provides transparent information about who has been commissioned by whom to work on which hypotheses and research questions. It will inform the public of its research, including how this is financed and the procedures involved.
- (2) The members and associates of the university entitled to conduct research shall document the agreements on the rights to use research data and research results arising from the research process.
- (3) Within the framework of the Senate's right of information pursuant to Section 41.3 of the Lower Saxony Higher Education Act (NHG), the Senate will be provided with regular information about the university's research activities. It will also receive information about the situation and development of teaching and programmes.
- (4) Gender equality and diversity are taken into account when selecting staff and for staff development. The relevant processes are transparent and avoid unconscious bias as far as possible.
- (5) Members and associates of the university are bound by strict confidentiality in judgement forming processes, in particular when assessing manuscripts, funding applications and the credentials of individuals, and shall provide transparent information about whether there is any bias or apprehension of bias in accordance with the charter of the University of Oldenburg or the bias criteria of the DFG. A member may not participate in a statement, hearing, meeting or decision in an advisory or voting capacity if this provides them or one of their associates, colleagues or other research partners with a direct advantage or disadvantage, regardless of whether this is of a legal, economic or intangible nature (grounds for exclusion); this applies in particular if the member is themselves affected by the procedure. If a member is aware that there is due cause and reason for them to be excluded from such proceedings, they must notify the Chair promptly and without delay. If the grounds for exclusion concern the Chair, the Deputy Chair shall take their place. In the event of uncertainty, the members shall decide by a simple majority whether there is reason to exclude a member.
- (6) The confidentiality of third-party content to which reviewers or committee members gain access precludes its disclosure to third parties and personal use thereof.

Section 10b Performance dimensions and evaluation criteria

- (1) High-quality research is guided by discipline-specific criteria. In addition to the acquisition of knowledge and a critical reflection of it, other performance dimensions also come into play for the evaluation. Examples of these are: a commitment to teaching, academic self-administration, public relations, knowledge and technology transfer; contributions in the interest of society as a whole can also be recognized. The academic attitude of the respective researcher, such as openness to knowledge and willingness to take a risk, is also taken into account. Periods of absence due to personal, family or health reasons or resulting extended teaching or qualification periods, alternative career paths or similar circumstances shall be given due consideration.
- (2) A multidimensional approach is required to evaluate the performance of researchers: As well as academic achievement, other aspects may be considered. Performance evaluation

primarily follows qualitative standards, whereby quantitative indicators can only be included in the overall evaluation in a differentiated and reflected manner. If voluntarily stated, individual life circumstances are also included in the judgement, in addition to the categories of the Equal Treatment Act.

Part two Academic misconduct

Section 11 Breaches of academic quality standards, academic misconduct

(1) The University of Oldenburg pursues every concrete suspicion of academic misconduct. In doing so, it respects the general personal rights and the fundamental rights of all individuals involved. The competent bodies (in particular ombudspersons and the committee for good academic practice), which are involved in the investigation into academic misconduct, shall take suitable action to protect both the person making the allegation and the person concerned by the allegations and shall take into account the basic principle of the presumption of innocence vis-à-vis the person concerned at every stage of the proceedings within the framework of the individual case-related consideration. The person making the allegation and, as long as no academic misconduct has been formally established, the person concerned by the allegations should not suffer any disadvantages for their own academic or professional advancement as a result of the allegation. Until proof of academic misconduct materializes, the details of those involved in the proceedings and the findings to date shall be treated confidentially. If there is proof of intentional or grossly negligent breaches of academic standards, which can be qualified as academic misconduct, appropriate measures must be taken against the person responsible to prevent academia being brought into disrepute, and to protect the reputation and good name of the University of Oldenburg.

(2) Academic misconduct occurs when researchers make false statements either deliberately or through serious negligence, violate the intellectual property of others or severely impair their research activities. The circumstances of the individual case are decisive.

(3) The following acts in particular are regarded as academic misconduct:

1. false declarations, such as
 - a) Invention or falsification of data
 - b) manipulation of data (for example, selecting and omitting undesired results without disclosing the selection or omission; manipulating a representation or image),
 - c) including incorrect information in an application letter, a funding application or a research-related procedure (including inaccurate information concerning the means of publication or forthcoming publications),
 - d) claiming 'honorary authorship';
2. Violations of intellectual property with respect to third-party copyrighted material (including drawings, pictorial representations etc.) or major scientific insights, hypotheses, teachings, or research approaches derived from any of the following:
 - a) unauthorized use of texts or ideas of others following a claim of authorship (plagiarism),

- b) Use of research approaches and ideas of others without providing sufficient sources and citations (intellectual property theft)
 - c) presumption or unfounded acceptance of scientific authorship or co-authorship,
 - d) Falsification or alteration of the content
 - e) unauthorized publication and unauthorized disclosure to third parties prior to the publication of the work, findings, hypothesis, teaching or research approach;
3. failure to mention or cite authors who made a significant contribution to the research project. The particularities of each discipline must be taken into account.
 4. naming a non-author as (co-)author,
 5. plagiarizing texts, data or data analyses which were prepared by third-party authors with their consent (ghostwriting),
 6. seriously compromising research activities by committing acts of sabotage and damage, destroying or manipulating trials, experimental arrangements, equipment, data collection instruments, documentation, hardware, software, chemical or biological substances or materials or other objects required by someone else to carry out scientific work,
 7. eliminating data insofar as this violates statutory provisions or the principles of the retention of primary data (Section 9),
 8. A cavalier approach to the allegation of academic misconduct, in particular making unsubstantiated allegations against one's better judgement
 9. Joint responsibility for academic misconduct can also arise as a result of:
 - a) active involvement in the misconduct of others,
 - b) knowledge that someone else has falsified information,
 - c) Co-authorship of falsified publications
 - d) Gross neglect of one's obligation to monitor scientific research and work

Part three

Ombudspersons and the committee for good academic practice

Section 12 Ombudspersons

(1) The University of Oldenburg appoints a total of two professors and a total of two representatives as ombudspersons from the schools, who are responsible for handling issues regarding good academic practice. It also appoints an additional, external ombudsperson. A substitute shall be provided for each ombudsperson in case of concern of bias or incapacity.

Individuals who already hold a management position at the University of Oldenburg may not be appointed. The schools submit their nominations (members who are deemed suitable for the position) for ombudspersons to the Senate. Based on this pool of nominations, the Senate then selects ombudspersons for a period of three years. The appointed ombudspersons must then undertake to comply with the provisions in these regulations. Re-election is possible.

- (2) If an ombudsperson stands down from the position prematurely, the school of which the ombudsperson is a member nominates another person to assume the role of ombudsperson for the remainder of the term; (1) applies accordingly.
- (3) The names and school affiliations of the ombudspersons are published on the University of Oldenburg website.
- (4) Ombudspersons shall receive the necessary content-related support and acceptance for the performance of their tasks from the University of Oldenburg.

Section 13 **Ombudspersons' duties**

- (1) Ombudspersons at the University of Oldenburg are responsible for the following tasks:
1. As individuals in a position of trust, they advise members and associates of the University of Oldenburg who have informed them of an incident of suspected academic misconduct. They clarify the principles of good academic practice, if necessary in cooperation with the committee for good academic practice.
 2. They independently act on relevant information, of which they have become aware, either directly or indirectly.
 3. They examine whether the allegation is plausible in terms of its concreteness, importance and motivation, and determine whether the allegation can be dismissed or whether it can be resolved through mediation.
 4. If there is sufficient evidence to prove academic misconduct, the ombudspersons inform the bodies and committees responsible for the enforcement of sanctions (e.g. faculty bodies or the committee for good academic practice). If the committee for good academic practice is responsible for enforcing sanctions for academic misconduct pursuant to Section 15 (allegation of academic misconduct against researchers working at the university), the ombudspersons request the implementation of the preliminary investigation procedures in accordance with Section 19 of these regulations.
 5. The ombudspersons serve as advisory members on the committee for good academic practice pursuant to the provisions laid down in Section 14.6.
 6. Once the investigation or procedures have been concluded, they are responsible for supporting those persons affected and the informants in accordance with Section 22 of these regulations.
 7. They are obliged to document their actions, taking into account the personal privacy of the informants and those affected.
- (2) Every member and former member and every associate and former associate of the University of Oldenburg has the right to speak to the university's local ombudspersons or the national governing committee 'The German Research Ombudsman' within an appropriate time frame.

Section 14

Committee for good academic practice¹

- (1) The committee for good academic practice is responsible for investigating academic misconduct.
- (2) As many of the schools as possible should be represented by the committee members. It is composed of four professors with voting rights as well as one member of the employee group and one member of administrative/technical staff holding at least a doctorate degree with voting rights; the latter only has an advisory vote when it comes to academic misconduct committed by professors. If a student is alleged to have committed academic misconduct, a student is also asked to participate in the committee in an advisory capacity.
- (3) Committee members are nominated by their respective group representatives in the Senate; the Senate then selects the members based on those nominations. In accordance with Section 10.7 of the university charter, the term for committee members is two years (one year for students). Members are permitted to serve several terms.
- (4) If a member cannot attend the committee, they must inform the Chair of the committee straight away so that they can notify the deputy selected by the Senate that their presence is required. The same procedure shall apply in the case of bias or apprehension of bias pursuant to Section 10a.
- (5) If a member stands down from their position on the committee prematurely, the relevant group representatives in the Senate nominate a suitable person to be a member for the remainder of the term. Paragraphs 2 and 3 apply mutatis mutandis.
- (6) The ombudspersons within the meaning of Section 12 serve as advisory members on the committee for good academic practice. Ombudspersons cannot simultaneously be members of the committee within the meaning of paragraph 2.
- (7) The names and school affiliation of the members of the committee for good academic practice are published on the University of Oldenburg website.

Section 15

Responsibilities of the committee for good academic practice

- (1) The committee for good academic practice is responsible for investigating allegations of academic misconduct against current or former researchers at the University of Oldenburg. Procedures before the committee do not replace any other procedures governed by law or regulations. This is particularly excluded by procedures governed in the study, examination, doctoral degree and habilitation regulations in force at the University of Oldenburg.
- (2) The committee acts at the request of an ombudsperson or the President. The committee can end proceedings regarding suspicion of academic misconduct or submit proposals for penalising misconduct (Section 24 ff.).

¹ Investigation committee within the meaning of Section 5 subsection 5 of the general regulations i)

Section 16

Chair and procedures of the committee for good academic practice

- (1) The committee for good academic practice shall appoint one professor from among its members to be Chair and one to be Deputy Chair. The Chair invites members to the meetings, leads the meetings and carries out resolutions.
- (2) The committee may invite up to two additional persons to participate in their meetings as advisory members, who have specialist knowledge of the academic field which is currently under review or who have experience in dealing with relevant procedures.
- (3) Reasonable time limits are set for statements, hearings, meetings and decisions so as to ensure a speedy process.

Part four

Preliminary procedure (ombudsperson) in the event of suspected academic misconduct

Section 17

Reporting a suspicion and protecting the informant

- (1) In the event of a concrete suspicion of academic misconduct, members and associates of the university must inform an ombudsperson immediately. If a member of the committee for good academic practice receives information concerning a concrete suspicion of academic misconduct, that member is required to inform an ombudsperson immediately.
- (2) Suspicions must be reported to the best of one's knowledge and belief; allegations must not be made unchecked and without sufficient knowledge of the facts. A cavalier approach to the allegation of academic misconduct, in particular making unsubstantiated allegations against one's better judgement, also represents a form of academic misconduct.
- (3) Preferably, the suspicion should be reported in writing, stating all facts and any evidence. If a suspicion is reported verbally, the ombudsperson must record the suspicion, as well as the facts and evidence justifying it, in writing.
- (4) As a general rule, the ombudsperson shall examine whether the allegations constitute a concrete suspicion of academic misconduct within three weeks of the initial report; this also applies to anonymously substantiated reports of a suspicion. In doing so, the ombudsperson must, on the basis of their professional judgement, investigate the facts comprehensively and completely, taking into account not only the circumstances serving to incriminate but also those serving to exonerate the accused. Upon completion of the investigation, the ombudsperson will draw up a written report of the results.
- (5) The ombudsperson may approach up to two additional individuals (either other ombudspersons or members of the committee for good academic practice) to assist them with their investigation. If the allegation involves a student, the student representative on the committee should be involved.
- (6) If the ombudsperson's investigation concludes that the allegations made do not constitute a concrete suspicion of academic misconduct, they shall inform the individual accused of misconduct and the informant. If the informant disagrees with the ombudsperson's

decision, they are entitled to submit their objection, in writing or verbally, within three weeks to the chair of the committee for good academic practice.

(7) If the allegations made do constitute sufficient evidence of academic misconduct, the ombudsperson, subject to other legal provisions, will inform the relevant body or committee of the suspicion and submit their written report. Relevant bodies and committees within the meaning of the previous sentence are:

- a) In the event of allegations relating to an infringement of the University's regulations for programme, examination, doctoral degree and habilitation procedures, the faculty bodies or committees in accordance with the corresponding regulations.
- b) in the event of allegations relating to a researcher's conduct, the committee in accordance with Section 14.

(8) Throughout the entire procedure, the confidentiality of the informants will be protected as far as possible by all parties concerned in order to safeguard their rights.

(9) Researchers who provide information of potential academic misconduct (whistleblowers) must not suffer any disadvantages to their own academic or professional advancement as a result. Ombudspersons and all other bodies and committees that are involved in the investigation into academic misconduct share a responsibility to protect the informant accordingly.

Section 18 The accused's statement

(1) The committee for good academic practice immediately gives the individual suspected of misconduct an opportunity to comment on the incriminating facts and evidence within a period to be determined. The deadline for submitting statements is usually four weeks.

(2) Without the explicit consent of the informants, their names may not be disclosed to the accused at this stage of the procedure.

Part five Procedure before the committee in the event of suspected academic misconduct

Section 19 Preliminary investigation

(1) Once the accused's statement has been received, or if the deadline for submitting a statement has expired, the committee for good academic practice shall decide, dutifully investigating the facts and taking into account all the circumstances incriminating and exculpating the accused, as a rule within six weeks (within ten weeks outside of lecture periods)

1. whether the preliminary investigation should be terminated, informing the accused and the informant of the reasons, because the alleged academic misconduct has not been adequately confirmed or it has been fully clarified or it has been deemed not to be particularly serious, or
2. the accused and informant declare the matter to be settled, or

3. whether the preliminary investigation needs to be transferred to a formal investigation for further clarification and consideration.

Section 21.4 will apply mutatis mutandis.

(2) If the informant disagrees with the termination of the preliminary investigation, they are entitled to submit their objection, in writing or verbally, within four weeks to the Chair of the committee for good academic practice. The committee for good academic practice shall deliberate and decide on the objections in corresponding application of paragraph 1, if necessary after hearing the accused again. The accused and the informant shall be informed of the decision.

(3) There are no provisions to formally appeal against the committee's decision to terminate the preliminary investigation procedure.

Section 20

Formal investigation procedure

(1) The Chair of the committee for good academic practice initiates the formal investigation procedure by notifying the accused of the outcome of the preliminary investigation procedure. They shall notify the President that the formal investigation procedure has been initiated.

(2) The committee for good academic practice shall deliberate in a closed meeting. It must be free to assess and evaluate the evidence to determine whether there has indeed been academic misconduct. The committee shall examine all of the facts on which the investigation is based for possible academic misconduct, and is not bound by the statement or requests of the people involved with regard to the scope and content of the investigation. The committee is entitled to use its own initiative and also examine uncontested elements of the underlying facts of the incident. In order to examine the facts, the committee may request independent statements from knowledgeable third parties, if this is necessary for factual or legal reasons.

(3) Those accused of potential academic misconduct, as well as the research group and institution concerned, must be given the opportunity to comment. The accused shall be heard orally at their request; they may ask a person they trust to act as an advisor. The same applies to any other individuals who form part of the investigation and are required to give a statement or information.

(4) The names of the informants will be disclosed to the accused upon request insofar as they are otherwise unable to mount an adequate defence or if the credibility and motives of the informants are essential for clarifying the allegations. The informants must be informed of the disclosure.

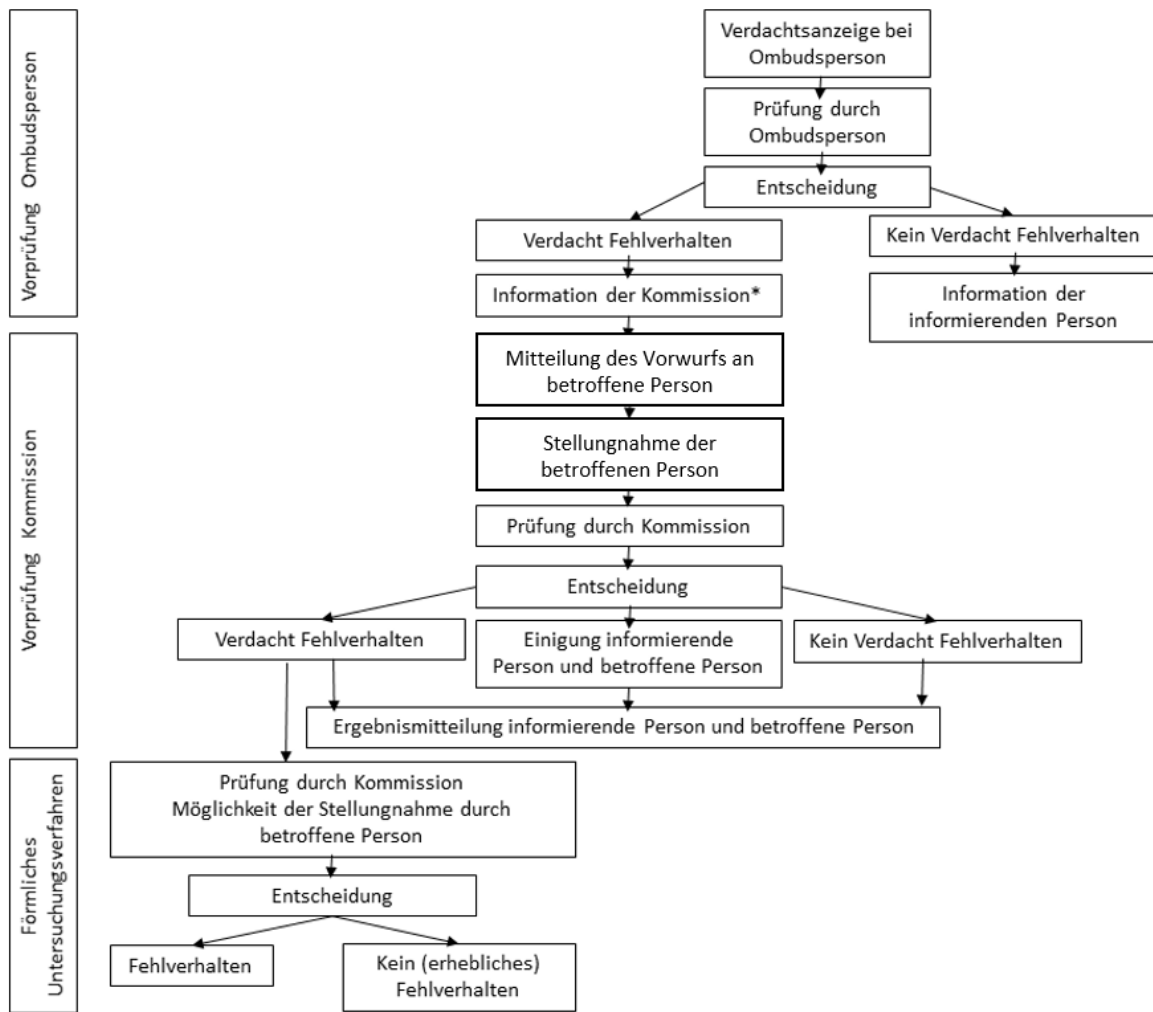


Figure 1: Diagram showing the investigation procedures if the committee for good academic practice is the responsible body. If another body or committee is responsible, the ombudsperson shall inform the relevant faculty bodies or committees of the suspicion of misconduct (*).

Section 21

Decision during the formal investigation procedures

- (1) If the committee for good academic practice has not been able to prove academic misconduct, it will terminate the proceedings. The first sentence will also apply if the committee for good academic practice regards the academic misconduct as not significant. The President must be informed of the termination, including the main grounds for the decision.
- (2) If the committee for good academic practice has been able to prove academic misconduct, the committee sends a written report to the President regarding the outcome of its investigation and proposes how the procedure should continue as well as how the rights of those involved should be protected.
- (3) There are no provisions to formally appeal against the decisions of the committee for good academic practice.

(4) The records of the formal investigation procedure must be kept for 30 years. This also applies to related data which, due to their nature, cannot be recorded in writing.

Section 22

Providing support to individuals involved and informants

(1) Following the completion of the formal investigation procedure, the individuals who were unjustly involved in procedures or processes for the sanction of academic misconduct must be protected against any adverse treatment in terms of personal rights, other basic rights and in particular their academic integrity. Their personal and academic integrity can be protected by:

- a) seeking advice from the ombudsperson;
- b) a written statement by the Chair of the investigation committee that the person concerned has not committed academic misconduct and/or does not bear a shared responsibility in these proceedings.

(2) Informants must be protected against disadvantages and adverse treatment in a similar way. The person who made the accusation must also be protected in the case of unproven academic misconduct unless it can be proven that the allegations were made against better knowledge.

23

Decisions of the President

(1) If the committee for good academic practice determines that there was indeed an incident of academic misconduct and has reported the incident to the President in accordance with Section 21.2, the latter, together with the other members of the presidential chair, will examine the committee for good academic practice's proposals for further action and make a decision on one or more measures pursuant to Sections 25, 26, 27.3. The criteria for this are the preservation of academic standards and the rights of all those individuals directly and indirectly involved, the nature and severity of the identified incident of academic misconduct, as well as the need for punishment.

(2) The President shall inform the bodies concerned in writing of their decision regarding further action within a reasonable period.

24

Revoking academic degrees²

Revoking academic degrees (Bachelor's or Master's degree, the former German Diploma and Magister degrees, Dr. habil.) or academic titles (private lecturer, adjunct professor) will be considered if the academic degree or academic title was achieved based on falsified publications or was otherwise fraudulently obtained. The individual's teaching licence may also be revoked. Further details can be obtained from the schools' study, examination, doctoral degree and habitation procedures.

²Only informative (see also Section 23.1, which makes no reference to Section 24); if the committee is not responsible for the investigation (see Section 15.1), these sanctions may only be implemented by the faculties.

25**Disciplinary actions**

(1) If the person concerned is employed by the university, the following disciplinary actions under labour law may be considered in the event of academic misconduct:

- a) reprimand;
- b) warning;
- c) extraordinary termination (including dismissal on grounds of suspicion);
- d) Regular termination
- e) termination of contract.

(2) If the person concerned is employed by the university, the following disciplinary or employment actions may be considered in the event of academic misconduct:

- a) Reprimand
- b) Fine, pay cut
- c) Removal from the post
- d) Retraction of the appointment
- e) Disciplinary measures against retired staff are:
 - reduction of the pension and
 - loss of entitlement to the pension.

Section 26**Civil and public actions**

The following civil and public actions are particularly relevant in the event of academic misconduct:

1. Revocation or cancellation of grant decisions, revocation of approved funding or recovery of funding which has already been spent
2. A ban on entering the University
3. enforcement and, where appropriate, execution of the right to recover possessions against the person concerned, in particular with regard to stolen materials, documents or data;
4. Claims for abatement or removal or injunctive relief arising from copyright law, personal rights, patent law and competition law
5. damage claims on the part of the University of Oldenburg or third parties in the event of personal damage, material damage or any other violation of rights;
6. Disqualification of examination results

Section 27

Criminal actions and administrative offences

(1) Criminal and administrative actions in the event of academic misconduct are applicable if there is sufficient evidence (initial suspicion) that a criminal act has taken place in accordance with the Criminal Code (StGB), the Administrative Offences Act (OWiG) or other laws.

(2) The following, inter alia, constitute criminal offences in the event of academic misconduct:

1. Infringement of personal and private life
 - Section 202 of the German Criminal Code (StGB): Violation of the secrecy of correspondence;
 - Section 202a of the German Criminal Code (StGB): Data espionage;
 - Section 203 of the German Criminal Code (StGB): Patient confidentiality;
 - Section 204 of the German Criminal Code (StGB): Exploitation of another person's secrets.
2. Forgery:
 - Section 267 of the German Criminal Code (StGB): Forgery;
 - Section 268 of the German Criminal Code (StGB): Falsification of technical records;
 - Section 274 of the German Criminal Code (StGB): Suppression of documents.
3. Modifying data:
 - Section 303a of the German Criminal Code (StGB): Modifying data.
4. Copyright infringement:
 - Section 106 of the Copyright Law (UrhG): Unauthorised use of copyrighted works.
5. False declarations under oath:
 - Section 156 of the German Criminal Code (StGB).
6. Non-observance of specific legal requirements.³

(3) The President shall, as a matter of duty, examine whether there are sufficient factual grounds to constitute a criminal act or administrative offence, and whether to report the offence and/or press charges.

Section 28

Retracting scientific publications

If the academic misconduct concerns false information or an infringement of intellectual property or involvement in such misconduct, the author in question must issue a retraction, at

³For example, in biomedical research: Sections 40 – 42 b of the German Medicines Act (AMG), Sections 20 – 23 a and 24 of the Medical Devices Act (MPG), the Radiation Protection Ordinance (StrSchV), German Federal Data Protection Act (BDSG)/Lower Saxony Data Protection Act (NDSG), Section 15 of the Professional Code of the Lower Saxony Medical Association (ÄKN)

least for the affected parts of the publication. If the work in question is still unpublished, the author in question must retract their paper or contribution to the paper in good time. The author or co-authors responsible for the falsified publication are obliged to report to the competent body or committee within a reasonable time, particularly regarding the revocation of the publication concerned or the withdrawal of the work.

Section 29

Providing information to third parties and the public

In so far as it appears necessary to safeguard third parties, to maintain their trust in academic honesty, to restore the academic reputation, or to prevent consequential damages, affected third parties, the university and the press must be informed, in an appropriate manner and with due regard to the general personal rights of the affected individuals, about the decision and any measures taken by the competent body or committee at the University of Oldenburg.

Section 30

Entry into force, transitional provisions

- (1) These regulations will take effect after approval by the Senate on the date following their publication in the official notices of the University of Oldenburg. 'Regulations governing the principles for safeguarding good academic practice at the University of Oldenburg' from 22/12/2021 (Official notices 68/2021) shall expire at the same time.
- (2) Ongoing procedures may, at the request of the informant and accused, and by decision of the committee, be handled in accordance with these new regulations.

**Please note: This is an unofficial translation provided for your convenience only. It does not have any legally binding effects.
Only the German version is legally binding!"**