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## Senate

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### **Statute establishing the guidelines for safeguarding good academic practice and the treatment of allegations of academic misconduct at Martin Luther University, Halle-Wittenberg**

dated 8 April 2009

Pursuant to Art. 4 Para. 7 in conjunction with Art. 67 Para. 2 of the Universities Act of the State of Saxony-Anhalt (HSG LSA) dated 5/5/2004 (Law Gazette of Saxony-Anhalt, p. 256), last amended by Art.6 of the Act on the Reorganisation of State Disciplinary Procedures dated 21/3/2006 (Law Gazette of Saxony-Anhalt, p. 102), the Senate of Martin Luther University, Halle-Wittenberg, adopted the following statute on 8/4/2009, on the basis of the resolutions adopted by the Senate on 9/12/1998 and 13/1/2001 on the treatment of academic misconduct at Martin Luther University, Halle-Wittenberg.

#### **Section 1**

#### **Safeguarding good academic practice**

##### **Art. 1**

##### **General**

(1) Academic work rests upon fundamental principles which apply equally across all academic disciplines. Academic probity, conscientiousness and open discourse underpin the rules of good academic practice, which vary from one discipline to another. Ensuring that the prerequisites exist for these rules to be valid and applicable in practice is a key responsibility of academic self-governance.

(2) Good academic practice includes:

- compliance with general principles of academic work, in particular
  - working *lege artis*,
  - documenting results,
  - always questioning the validity of one's own findings,
  - exhibiting absolute honesty with regard to contributions from partners, rivals and predecessors,
- cooperating and providing leadership in working groups,
- mentoring the next generation of academics,
- protecting and conserving primary data,

- using academic publications as a means of ensuring that academics are held accountable for their work,
- showing respect for the property of others,
- adherence to ethical standards when conducting surveys.

(3) Good academic practice is strengthened if all University members and staff collaborate with one another. Individual academics bear primary responsibility for upholding and communicating the relevant rules; this also applies when they are acting as project leaders, the heads of working groups, supervisors, or in some other capacity in a position of authority. The faculties and other academic institutions fulfil the duties they have been assigned in the areas of education, providing support for the next generation of academics, and organising research and academic activities. Consequently, they are responsible through their individual and collegiate bodies for creating the organisational and institutional preconditions for safeguarding good academic practice.

4) Quality and originality must always take precedence over quantity in performance assessments and as evaluation criteria in examinations, when awarding academic degrees, and with respect to promotions, recruitments, appointments, and the allocation of funding.

## **Art. 2**

### **Cooperation and providing leadership in working groups**

The heads of academic fields and working groups are responsible for taking suitable and appropriate organisational measures to ensure that the duties of leadership, supervision, conflict resolution and quality assurance are clearly assigned within the fields and working groups and are actually fulfilled by their members.

## **Art. 3**

### **Mentoring the next generation of academics**

When one takes up academic work, it is important to acquire and communicate not only technical skills, but also basic ethical standards in such work, in one's responsible treatment of results, and in one's cooperation with other researchers. Students and junior academics are entitled to regular academic advice and support from mentors or heads of fields and working groups; they, in turn, must undertake to work responsibly and in a spirit of collegiality. Leaders of fields/working groups are responsible for ensuring that postgraduates, doctoral students and undergraduates receive adequate supervision. Each must be allocated a primary staff member in the field/working group who can impart to them the guidelines for safeguarding good academic practice at the University.

## **Art. 4**

### **Safeguarding and retention of primary data**

(1) Primary data which is used as the basis for publications must remain accessible on durable and secured carriers in the working group / institution in which it was generated for a period of ten years.

(2) The academic concerned is responsible for creating the data carrier. He or she is therefore obliged to provide evidence that records have been archived in the proper manner. The academic concerned is entitled to make copies.

## **Art. 5 Academic publications**

(1) Authors of academic publications always share responsibility for their content. 'Honorary authorship' is not permitted.

(2) If the intention of the publication is to report new academic findings, it must describe these findings clearly and completely, indicate accurately in every case if the preliminary work was one's own or that of a third party (provide citations), and repeat previously published findings only with a clear attribution and to the extent necessary for an understanding of the context.

(3) All those – but no others – who have personally made a significant contribution to the design of the studies or experiments, to the generation, analysis or interpretation of the data, or to the preparation of the manuscript, and who have agreed to its publication, i.e. who share responsibility for its content, may be named as authors of an original academic publication. This definition of authorship means that other – also important – contributions, such as responsibility for raising funds, contributing important study materials, e.g. the general recording of relevant training of the co-authors in certain methods, participation in data collection and data compilation, or heading an institution or organisational unit in which the publication was written, do not in themselves sufficiently justify a claim of authorship.

## **Section II The treatment of allegations of academic misconduct**

### **Art. 6 Academic misconduct**

(1) An individual is guilty of academic misconduct if false information is given either deliberately or as the result of gross negligence in an academically relevant context, the intellectual property of others is violated, or their research activities are compromised in some other way. The circumstances of the individual case are a key factor.

(2) The following are particular examples of potentially serious misconduct:

- False information
  - inventing / faking data;
  - falsifying data, e.g.:
    - by selecting and rejecting undesirable results without disclosure,
    - by manipulating a diagram or illustration,
    - by including false information in a letter of application or application for funding (including making false statements about the publishing body or about forthcoming publications);

- violating intellectual property with respect to a copyright-protected work by another author or to important academic findings, hypotheses, theories or research approaches of others:
  - unauthorised use under the presumption of authorship (plagiarism),
  - exploiting research approaches and ideas, especially when acting as a reviewer (intellectual theft),
  - the presumption or unfounded assumption of academic authorship or co-authorship, including the denial of co-authorship,
  - falsifying contents,
  - knowingly concealing significant and relevant preliminary work performed by another,
  - unauthorised publication or unauthorised disclosure to third parties, if the work, finding, hypothesis, theory or research approach has not yet been published;
- claiming the (co-)authorship of another party without their consent;
- compromising the research activities of another;
- sabotaging research activities (this includes damaging, destroying or manipulating experimental set-ups, equipment, documents, hardware, software, chemicals or other items required by another person to conduct an experiment);
- removing primary data, if this involves violating statutory provisions or accepted disciplinary principles of academic practice.

(3) One can be held jointly liable for misconduct in the case, for instance, of

- active participation in the misconduct of another,
- knowledge and tolerance of the misconduct of another,
- co-authorship of publications containing falsified data,
- gross negligence of one's duty of supervision.

### **Art. 7**

#### **The ombudsman or woman**

(1) The Senate shall, upon the recommendation of the Rector's office, select an experienced academic with national and international contacts to handle allegations of academic misconduct made by any members or employees of the University (an ombudsman or woman).

(2) The ombudsman or woman shall provide confidential advice to persons informing him or her of their suspicions of academic misconduct; he/she shall also investigate relevant inferences of which he/she becomes aware (possibly via a third party). He or she shall consider the details and gravity of such allegations, possible ulterior motives, and whether it is possible to dispel the allegations, taking into account the plausibility of the source.

(3) The ombudsman or woman shall have one or more deputies to represent him or her in cases where there is a conflict of interests or he/she is unable to act. Every member of the University is entitled to speak to the ombudsman or woman in person without undue delay.

(4) The name of the ombudsman or woman is to be found on the University website.

**Art. 8**  
**Commission of inquiry**

(1) The Rector's office shall appoint a commission for the period of each term of office to investigate allegations of academic misconduct. The commission shall act on the basis of a petition filed by the ombudsman or woman or by one of its members. Proceedings before the commission shall not substitute for other statutory or regulatory proceedings (e.g. the administrative procedures in force at universities, disciplinary proceedings, or proceedings under employment or criminal law). If appropriate, these will be initiated by the bodies responsible.

(2) The Vice-Rector responsible for research and junior academics and the German Research Foundation counsellor at the University shall be *ex officio* members of the commission.

The commission shall have six additional members:

- four members from the body of university lecturers
- two members from the body of research assistants

(3) The ombudsman or woman, his or her representative, and a member of the equality commission shall attend sessions of the commission of inquiry in an advisory capacity as guests.

(4) The commission shall elect a chair and a deputy chair from within its ranks.

(5) A quorum shall exist if the session has been properly called and the majority of members with voting rights are present. Resolutions are passed by a simple majority of the votes cast; secret ballots, the transfer of voting rights and abstentions are not permitted. In the case of a tie, the chair's vote shall be decisive. The minutes of the session must contain details of the petitions filed and the main points discussed at the session.

(6) Commission members may be rejected by any participant if their impartiality is in question, or they can themselves admit to be biased, provided there are sufficient grounds to give rise to justified doubts about their impartiality. Such challenges must be substantiated and addressed to the commission, which must then reach a decision in the absence of the member concerned. If a bias is adjudged to exist, the individual must be excluded from the commission until the investigation has been concluded.

(7) The members of the commission are identified on the University website.

**Art. 9**  
**Procedure**

(1) Preliminary investigation

- a. If there are compelling reasons for suspecting academic misconduct, the ombudsman or woman, and possibly also a member of the aforementioned commission, must, as a rule, be informed without delay. The information should be put in writing; if

information is supplied verbally, a written memorandum about the suspicion and the supporting evidence must be prepared;

- b. The ombudsman or woman shall forward allegations of academic misconduct to the commission appointed by the Rector's office, whilst maintaining confidentiality to protect the informant and the individual concerned; the commission shall then investigate the matter;
- c. Having been informed of the facts which incriminate him or her, and of the evidence, the individual suspected of academic misconduct shall be given an opportunity to respond by the commission as soon as possible. Letter a) Sentence 2 shall apply *mutatis mutandis*. The individual shall be granted a period of two weeks in which to submit a response. At this stage, the name of the informant shall not be divulged to the individual concerned without the former's consent;
- d. The commission may interview the informant, the individual concerned, and other persons who are aware of the suspicion;
- e. Following its receipt of the response from the individual concerned and/or once the deadline for a response has elapsed, the commission shall decide within two weeks whether a formal investigation is to be initiated, or whether the preliminary investigation is to be terminated, with the individual concerned and the informant being notified of the reasons, either because there are insufficient grounds to uphold the allegation or because the circumstances surrounding the supposed misconduct have been clarified in full;
- f. If the informant is dissatisfied with the termination of the investigation, he or she shall be entitled to state their case before the commission within two weeks, after which it will review its decision.

## (2) Formal investigation

- a. The chair of the commission must inform the University management that it is initiating a formal investigation;
- b. The commission shall meet *in camera*. It shall make a free appraisal of the evidence in order to determine whether academic misconduct has occurred. It may take any steps deemed beneficial to clarify the circumstances. This might include gathering all relevant information and statements as well as consulting specialists from the field in question and individuals with experience of handling such cases (e.g. arbitration advisers);
- c. The academic accused of misconduct must be given a suitable opportunity to answer the charges. If he or she so wishes, they must be granted a hearing; they may be accompanied to the hearing by a person they trust for support, as may any other individuals who are interviewed;
- d. The commission shall decide whether or not the informant is to be identified. The informant's name must be revealed if the individual concerned is otherwise unable to defend him or herself properly, for instance because the credibility and motives of the informant need to be examined within the context of the allegation of academic misconduct;
- e. If the commission finds that misconduct is not proven, the proceedings shall be terminated. If it finds misconduct to be proven, it shall submit the outcome of its investigation to the University management for a decision and further action; this shall be accompanied by a recommendation on how to proceed further, including in relation to protecting the rights of others;

- f. The individual concerned and the informant must be notified in writing immediately of the compelling reasons for terminating the proceedings or referring them to the University management;
- g. No internal appeal may be lodged against the decision reached by the commission;
- h. At the end of a formal investigation, the ombudsman or woman shall identify all individuals who are or were involved in the case. He or she shall advise such persons – in particular, junior academics or students who have been embroiled in the misconduct proceedings through no fault of their own – on how to protect their personal and academic integrity;
- i. The files from the formal investigation shall be archived for thirty years. Persons named in connection with a case of academic misconduct are entitled, upon application, to require the ombudsman or woman to issue them with a notice (of exoneration) for the period during which they are kept on file;

### (3) Additional proceedings

- a. If an allegation of academic misconduct has been proven, the University management shall examine the necessity of taking further action in order to preserve the academic standards of the University as well as the rights of all those concerned, whether directly or indirectly. The penalty for academic misconduct shall depend on the circumstances of the individual case;
- b. At faculty level, the academic consequences must be considered, e.g. the revocation of an academic degree or the withdrawal of a teaching licence. The faculties and other academic institutions must work alongside the University management to establish whether and to what extent other academics (such as former and potential cooperation partners or co-authors), academic institutions, journals or publishing houses (in the case of publications), funding bodies or academic organisations, professional associations, ministries or the general public should or must be notified;
- c. The bodies or institutions responsible shall, depending on the circumstances, initiate measures under employment, civil, criminal or regulatory law in accordance with the relevant procedures.

### **Art. 10 Entry into force**

This statute shall enter into force on the day after its publication in the Official Journal of Martin Luther University, Halle-Wittenberg.

Halle (Saale), 27 May 2009

Prof. Dr. Wulf Diepenbrock  
Rector

Statute adopted by the Academic Senate on 8 April 2009