IMPORTANT: Non-official version

Note: Only the German version of the Fulda University's Guidelines for Safeguarding Good Scientific Practice ("Satzung der Hochschule Fulda – University of Applied Sciences zur Sicherung guter wissenschaftlicher Praxis") is legally binding. The English translation is provided for persons who do not understand German.

Fulda University's Guidelines for Safeguarding Good Scientific Practice of 10 May 2023

The Senate of Fulda University of Applied Sciences adopted the following guidelines on 10 May 2023. These guidelines are based on the Guidelines for Safeguarding Good Research Practice (Code of Conduct) of the German Research Foundation (Deutsche Forschungsgemeinschaft, DFG) of September 2019.

Contents

I. Safeguarding good scientific practice

Article 1 Commitment to the general principles

(1) To implement the principles of the DFG's Code of Conduct, Fulda University of Applied Sciences defines the rules of good scientific practice with the participation of its research staff, ensures its members are aware of these rules and it obliges members to comply with these with due regard for the special features of the relevant subject area.
(2) Commitment applies, in particular, to
    a. working *lege artis*,
    b. maintaining strict honesty with regard to their own contributions and those of third parties,
    c. rigorously questioning all findings and
    d. permitting and promoting critical discourse within the research community.
(3) Every person involved in research is responsible for ensuring that his or her own conduct complies with the standards of good scientific practice.

Article 2 Professional ethics

(1) All researchers at Fulda University of Applied Sciences are responsible for putting into practice and advocating the fundamental values and norms of academic research.
(2) Education in the principles of good academic research begins at the earliest possible stage in academic teaching and research training. Researchers should also be sensitised to the possibility of scientific misconduct.
(3) Researchers at all career levels regularly update their knowledge about the standards of good scientific practice and the current state of research.
(4) Experienced and early career researchers support each other in a process of continuous mutual learning and ongoing training and maintain a regular dialogue.

Article 3 Organisational responsibility of the Presidential Board Office

(1) The Presidential Board Office creates the basic framework for research. It is responsible for ensuring adherence to and the promotion of good scientific practice and for offering researchers appropriate career support.
(2) The Presidential Board Office guarantees the necessary conditions to enable researchers to comply with legal and ethical standards. The basic framework includes clear written policies and procedures for staff selection and development as well as for early career support and equal opportunities.
(3) In particular, the Presidential Board Office guarantees
    a. that an appropriate organisational structure is in place so that the tasks of leadership, supervision, quality assurance and conflict management are clearly allocated in accordance with the size of the individual

research work units and are appropriately communicated to the respective members and employees,
b. due consideration is given to gender equality and diversity in staff selection and development processes; the relevant processes are also transparent and, as far as possible, avoid unconscious bias,
c. establishment of suitable supervisory structures and policies for junior researchers,
d. honest career advice, training opportunities and mentoring services are offered to researchers and research support staff.

Article 4 Responsibility of the heads of work units

(1) The head of a research work unit is responsible for the entire unit.
(2) The head of the research work unit organises collaboration within the unit in such a way that
    a. the group as a whole can perform its task,
    b. the necessary cooperation can be achieved, and all members understand their roles, rights and duties,
    c. the leadership role, especially the skills development, academic support and supervision of junior researchers can be adequately fulfilled and that their demands can be satisfied.
(3) The leadership role also includes guaranteeing
    a. the adequate individual supervision of early career researchers, integrated in the overall institutional policy, as well as career development for researchers and research support staff,
    b. an appropriate balance between support and personal responsibility appropriate to the career level of the researcher and research support staff,
    c. an adequate status with appropriate rights of participation,
    d. an increase in autonomy so that researchers are empowered to shape their career.
(4) Suitable organisational measures are in place at the level of the individual research unit and the leadership of the University to prevent an abuse of power and exploitation of dependent relationships.

Article 5 Dimensions of performance and assessment criteria

(1) The assessment of researchers' performance involves a multidimensional approach; performance is assessed primarily on the basis of criteria specific to individual disciplines and qualitative benchmarks. Quantitative indicators may be incorporated into the overall assessment with appropriate differentiation and consideration of the overall context.
(2) A secondary assessment can consider the following aspects in the overall assessment only with appropriate differentiation and reflection:

a. the personal attributes described in Section 1 of the German General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz, AGG), insofar as such data has been voluntarily provided by the persons concerned,
b. individual circumstances stated in the curriculum vitae, such as
    i. involvement in teaching
    ii. engagement in academic self-governance processes,
    iii. engagement in public relations,
    iv. commitment to knowledge and technology transfer,
    v. contributions to the general good of society as a whole,
    vi. the individual's approach to research, such as openness to new findings and willingness to take risks or
    vii. periods of absence for personal, family or health reasons or for prolonged training or qualification phases resulting from such periods, and for alternative career paths or similar circumstances.

Article 6a Ombudsperson

(1) Fulda University of Applied Sciences appoints an independent ombudsperson who is not a member of a central governing body of the University while serving in this role, and who is an academic of integrity with leadership experience.
(2) The ombudsperson has a designated deputy in case there is any concern about conflicts of interest or in case the ombudsperson is unable to carry out his or her duties. The regulations relating to the ombudsperson also apply to the deputy ombudsperson.
(3) The ombudsperson and his or her deputy are elected by the Senate. The ombudsperson must be elected by majority vote of the Senate and also by majority vote of the professors who are members of the Senate. A term of office is usually three years. A second term of office is possible. The Senate decides on different term lengths.
(4) The Presidential Board Office ensures
    a. that the name of the ombudsperson is announced throughout the University and
    b. that the ombudsperson receives the support and acceptance he or she needs to carry out his or her duties.

Article 6b Duties of the ombudsperson

(1) In detail, the ombudsperson is responsible for
    a. listening to the concerns of members and employees of Fulda University of Applied Sciences relating to good scientific practice and in cases of suspected scientific misconduct. This also applies to former members and employees.

b. advising on issues relating to good scientific practice and in cases of suspected scientific misconduct as neutral and qualified contact persons,
c. contributing to solution-oriented conflict mediation. In particular, he or she examines whether the allegations are plausible in terms of accuracy, significance and possible motives, and clarifies whether it is possible to dismiss the allegations (preliminary enquiry according to Article 23b),
d. if necessary, transferral of cases of suspected scientific misconduct to the investigating committee (application of the preliminary enquiry according to Article 23c),
e. advising persons (also) affected and the informants.

(2) The ombudsperson is obliged to document his or her actions, taking into account the privacy rights of the informant and person affected by the allegations.

Article 6c Voting right

(1) Members and employees of Fulda University of Applied Sciences can consult either Fulda University's ombudsperson or the Research Ombudsman committee set up by the German Research Foundation (DFG) which is active throughout Germany. This also applies to former members and employees of Fulda University.
(2) The Presidential Board Office ensures that the existence of the Research Ombudsman committee is generally known about throughout the University, especially if no local ombudsperson is available.

Article 7a Principle of cross-phase quality assurance

(1) Researchers carry out each step of the research process *lege artis*. When research findings are made publicly available (in the narrower sense of publication, but also in a broader sense through other communication channels), the quality assurance mechanisms used are always described. This applies especially when new methods are developed.
(2) Continuous quality assurance during the research process includes, in particular:
    a. compliance with subject-specific standards and established methods,
    b. processes such as equipment calibration, the collection, processing and analysis of research data, the selection and use of research software, software development and programming and
    c. the keeping of laboratory notebooks.

Article 7b Quality assurance in publications

(1) If researchers have made their findings publicly available and subsequently become aware of inconsistencies or errors in them, they make the necessary corrections.
(2) 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.

Article 7c Quality assurance by ensuring traceability

(1) 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).
(2) The origin of the data, organisms, materials and software used in the research process is disclosed and reuse of data is clearly indicated; original sources are cited.
(3) The nature and scope of research data generated during the research process are described. Research data is handled in accordance with the requirements of a research data management system in the relevant subject area.
(4) The source code of publicly available software must be persistent, citable and documented.

Article 8 Stakeholders, responsibilities and roles

(1) The roles and responsibilities of the researchers and research support staff participating in a research project must be clear at each stage of the project.
(2) The participants in a research project are in regular contact. They define their roles and responsibilities in a suitable way and adapt them where necessary. Adaptations must be reported if the focus of a participant's work in the research project changes.

Article 9 Research design

(1) Researchers take into account and acknowledge the current state of research when planning a project.
(2) To identify relevant and suitable research questions, they familiarise themselves with existing research in the public domain.
(3) Methods to avoid (unconscious) distortions in the interpretation of findings, e.g. the use of blinding in experiments, are used where possible
(4) Researchers examine whether and to what extent gender and diversity dimensions may be of significance to the research project (with regard to methods, work programme, objectives, etc.). The context in which the research was conducted is taken into consideration when interpreting findings.

(5) The Presidential Board Office ensures that the necessary conditions are in place.

Article 10a Legal and ethical frameworks

(1) Researchers adopt a responsible approach to the constitutionally guaranteed freedom of research. They are aware at all times of the risks associated with the misuse of research results.
(2) Researchers shall assess the ethical aspects.
(3) They comply with rights and obligations, particularly those arising from legal requirements and contracts with third parties, and where necessary seek approvals and ethics statements and present these.
(4) Their responsibility is not limited to compliance with legal requirements but also includes the obligation to use their knowledge, experience and skills such that risks can be recognised, assessed and evaluated (thorough assessment of research impact). They pay particular attention to the aspects associated with security-relevant research (dual use).

Article 10b Copyrights and usage rights

(1) Where possible and reasonable, researchers conclude documented agreements on usage rights at the earliest possible point in the research project. Documented agreements are especially useful when multiple academic and/or non-academic institutions are involved in a research project or when it is likely that a researcher will move to a different institution and continue using the data he or she generated for his or her own research purposes.
(2) In particular, the researcher who collected the data is entitled to use it. During a research project, those entitled to use the data decide whether third parties should have access to it (subject to data protection regulations).

Article 10c Responsibility of the Presidential Board Office

The Presidential Board Office is responsible for guaranteeing that the actions of its members and employees comply with rules and regulations and it does so by ensuring that appropriate organisational structures are in place. It guarantees compliance with the principles of research ethics and supports procedures for the appropriate assessment of research projects.

Article 11 Methods and standards

To answer research questions, researchers use scientifically sound and appropriate methods. When developing and applying new methods, they attach particular importance to quality assurance and the establishment of standards.

Article 12 Documentation

(1) Researchers document all information relevant to the production of a research result as clearly as is required by and appropriate for the relevant subject area to allow the result to be reviewed and assessed. In particular, they must
   a. save information on
      i. research data used or generated,
      ii. the methodological, evaluation and analytical steps taken, and
      iii. if relevant, the development of the hypothesis,
   b. ensure that citations are clear,
   c. as far as possible, enable third parties to access this information,
   d. where research software is being developed, document the source code.

(2) In general, they also document individual results that do not support the research hypothesis. The selection of results must be avoided.

(3) Where subject-specific recommendations exist for review and assessment, researchers create documentation in accordance with these guidelines. If the documentation does not satisfy these requirements, the constraints and the reasons are described in detail.

(4) Documentation and research results must not be manipulated; they are protected as effectively as possible against manipulation.

Article 13 Providing public access to research results

(1) As a rule, researchers make all results available as part of scientific discourse.

(2) Scientific publications must be registered immediately after publication so that they are included in the University's central database. The registration includes the bibliographic details of the publication.

(3) In specific cases, there may be reasons not to make research findings 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.

(4) Researchers decide autonomously – with due regard for the conventions of the relevant subject area – whether, how and where to disseminate their results.

(5) If it is decided that the results will be made 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 in recognised archives and repositories and fully explaining the work processes.

(6) Software developed by University employees themselves is made publicly available and an appropriate licence along with the source code is provided, insofar as this is legally permissible.

(7) Researchers provide full and correct information about their own preliminary work and that of others.

(8) In line with the principle of “quality over quantity”, researchers avoid splitting research into inappropriately small publications. They limit the repetition of content from publications of which they were (co-)authors to that which is necessary to enable the reader to understand the context. They cite results previously made publicly available unless, in exceptional cases, this is deemed unnecessary by the general conventions of the discipline.
(9) Restrictions may apply to public availability in the case of patent applications.

Article 14a 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. An identifiable, genuine contribution is deemed to exist particularly in instances in which a researcher takes part, in a scientific manner, in
    a. the development and conceptual design of the research project, or
    b. the gathering, collection, acquisition or provision of data, software or sources, or
    c. the analysis/evaluation or interpretation of data, sources and conclusions drawn from them, or
    d. the drafting of the manuscript.
(2) What constitutes a genuine and identifiable contribution must be evaluated on a case-by-case basis and depends on the subject area in question.

Article 14b Regulations on authorship

(1) The researchers agree on who will be the author of a publication.
(2) 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 the conventions of each subject area.
(3) All authors agree on the final version of the work to be published. Unless explicitly stated otherwise, they share responsibility for the publication.
(4) 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.
(5) 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.

Article 14c No authorship

(1) If a contribution is not sufficient to justify authorship, the individual’s support may be appropriately acknowledged in footnotes, a foreword or an acknowledgement.

(2) Honorary authorship, where no such contribution was made, is not permissible.
(3) A leadership or supervisory function does not itself constitute co-authorship.

Article 15 Publication medium

(1) Authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse.
(2) In addition to publications in books and journals, authors may also consider academic repositories, data and software repositories and blogs. The seriousness of a new or unknown publication medium must be assessed.
(3) Researchers who assume the role of editor carefully select the publication medium for this activity. The scientific quality of a contribution does not depend on the medium in which it is published.
(4) An important factor to consider when selecting a publication medium is whether it has established guidelines on good scientific practice.

Article 16 Confidentiality and neutrality of review processes and discussions

(1) Fair behaviour is the basis for the legitimacy of any judgement-forming process.
(2) 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 grounds for suspected bias.
(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.
(4) Researchers immediately disclose to the responsible body any conflicts of interest or bias relating to the research project under review or the person or matter being discussed.
(5) The duty of confidentiality and disclosure of facts that could substantiate concerns regarding bias also applies to members of research advisory and decision-making bodies.

Article 17 Archiving

(1) Researchers back up
    a. research data and results that have been made publicly available,
    b. the central materials on which these are based and
    c. any research software used.
(2) Data is backed up according to the standards of the relevant subject area, which take precedence over the following regulations:

a. Findings are usually archived in an accessible and identifiable manner for a period of ten years in cross-location repositories.
b. In justified cases, shorter archiving periods may be appropriate; the reasons for this are described clearly and comprehensibly.
c. The archiving period begins on the date when the results are made publicly available.

(3) If there are justifiable reasons why certain data does not have to be archived, researchers explain these reasons.
(4) The Presidential Board Office ensures that the infrastructure necessary to enable archiving is in place.

II. Scientific misconduct

Article 18 Scientific misconduct by researchers

(1) Not every breach of good scientific practice constitutes scientific misconduct.
(2) Scientific misconduct occurs when researchers make false statements, violate the intellectual property of others or seriously impede their research activities as a result of deliberate or gross negligence. This also applies analogously to technical and administrative members of staff.
(3) In particular, misconduct includes:
a. incorrect data, namely
i. fabrication of data;
ii. falsification of data (e.g. through the selective reporting and omission of unwanted results without disclosing such; through manipulation of a representation or illustration);
iii. incorrect information in a letter of application or funding request (including false statements about the publication medium and publications accepted for publication or awaiting publication),
b. infringement of intellectual property in respect of the copyrighted work of another person or the significant scientific findings, hypotheses, teachings or research methods of others through:
i. unauthorised use of a work by claiming authorship (plagiarism),
ii. use of research methods and the ideas of others without citing the source (idea theft),
iii. presumption or unfounded claim of scientific authorship or co-authorship,
iv. falsification of content,
v. unauthorised publication and unauthorised disclosure to third parties of results, hypothesis, teachings or research method not yet published,
c. claim of (co-)authorship of another person without that person's consent,
d. seriously interfering with research work (including damaging, destroying or manipulating experimental set-ups, equipment, records, hardware,

software, chemicals or other items required by another person to carry out scientific work),

e. eliminating data, insofar as this violates statutory provisions or Article 7c or Article 17.

Article 19 Joint accountability for misconduct

Joint accountability for misconduct in the meaning of Article 18 may be the result of

a. active involvement in the misconduct of others,
b. having knowledge of falsification committed by others,
c. co-authorship of falsified publications or
d. gross dereliction of supervisory duties.

III. Investigating committee

Article 20 Investigating committee

(1) The University sets up an investigating committee.
It consists of three members. Each member has a deputy in case there is any concern regarding bias or in case the member is unable to carry out his or her duties.

(2) Committee members may be active and retired professors who are not members of a central governing body of the University while holding this office and who are academics of integrity with leadership experience.

(3) The members of the investigating committee and their deputies are elected by the Senate. Election requires the majority vote of the Senate and the majority vote of the professors who are members of the Senate.
A term of office is usually three years. A second term of office is permissible. The Senate shall decide on deviating terms of office.

(4) If members or deputy members resign from the investigating committee, special elections shall be held for the remainder of the term of office; paragraphs 2 and 3 shall apply accordingly.

(5) The ombudsperson (Article 6a) is an additional member of the investigating committee and acts in an advisory capacity.

(6) The Presidential Board Office ensures that the committee members are given the support and acceptance they need to carry out their duties.

Article 21 Tasks of the investigating committee

(1) The investigating committee is responsible for investigating allegations of scientific misconduct. For this purpose, it conducts the preliminary enquiry (Article 24 and Article 25) and, if necessary, the formal investigation (Article

26); it may terminate the proceedings relating to allegations of scientific misconduct or recommend sanctions for established cases of misconduct.
(2) The investigating committee acts at the request of the ombudsperson.
(3) The procedure before the investigating committee does not replace other legal or statutory procedures.

Article 22 Chairperson and the procedure of the investigating committee

(1) The investigating committee elects a chairperson and a deputy chairperson from among its members. The chairperson − or the deputy chairperson if the chairperson is unable to carry out his or her duties − convenes the meetings of the investigating committee, presides over these meetings and carries out its decisions.
(2) The investigating committee has a quorum if at least two members or their deputies are present. The investigating committee decides by a majority of two thirds of its members. Minutes of its meetings are taken and the principle outcome of the meeting is documented.
(3) The investigating committee may call in up to two further persons who have special expertise in the area of the scientific issue under review or experience in dealing with relevant procedures as additional members, who have an advisory role only.
(4) The investigating committee sets deadlines for statements, hearings, conferences and decisions in such a way that the procedure can be conducted in a speedy manner.

IV. Procedure for dealing with scientific misconduct

Article 23a Investigation of a case of suspected misconduct and reporting suspicious activities

(1) If the informant is unable to verify the facts personally, or if there is uncertainty with regard to the interpretation of the guidelines on good scientific practice in relation to an observed set of circumstances, the informant should consult Fulda University’s ombudsperson or the Research Ombudsman of the German Research Foundation (DFG) or a member of the investigating committee to investigate the suspicion. If a member of the investigating committee is informed, he or she shall duly inform the ombudsperson
(2) The information disclosed by the informant must be provided in good faith. Knowingly false or malicious allegations may themselves constitute misconduct.
(3) The informant is protected even if scientific misconduct is not established, unless it can be proven that allegations were made against his or her better knowledge.

(4) Notification of suspected misconduct is made in writing and includes the incriminating facts and evidence; in the case of oral notification, a written record is made of the suspicion and the facts and evidence on which it is based. In any event, the informant must have objective reasons to believe that an infringement of the standards of good scientific practice has occurred.
(5) Anonymous disclosures can only be investigated if the informant provides the party investigating the allegation with solid and sufficiently concrete facts.

Article 23b Preliminary enquiry

The ombudsperson investigates the allegations in a preliminary enquiry. If the suspicion is refuted, he or she informs the person affected by the allegations and the informant. If informants disagree with the decision of the ombudsperson in the preliminary enquiry, they may appeal to the investigating committee.

Article 23c Application of the preliminary enquiry

If the suspicion of scientific misconduct is not refuted, the ombudsperson sends the notification of suspected misconduct or the written record to the investigating committee and reports on his or her efforts in the preliminary enquiry.

Article 24 Statements

(1) The persons suspected of misconduct and informants are each given the opportunity to make a statement at every stage of the process.
(2) The investigating committee gives the persons suspected of misconduct a special opportunity to make a statement within a given period having acquainted them with the incriminating facts and evidence. The deadline for the statement is usually two weeks, during lecture-free periods, four weeks.
(3) Without their explicit consent, the names of the informants may not be disclosed to the persons affected by the allegations at this stage of the proceedings; this does not exclude identification by mutual agreement.

Article 25 Preliminary enquiry by the investigating committee

(1) After receipt of the suspect's response or expiry of the deadline, the investigating committee decides within four weeks, or eight weeks in the lecture-free period, on the following:
    a. whether the preliminary enquiry is to be terminated and the suspect and informant are to be notified of the reasons because the suspicion has not been sufficiently substantiated or alleged scientific misconduct has not been fully investigated or the scientific misconduct is not serious and the affected persons have admitted their misconduct, or

b. whether the preliminary enquiry should be transferred to a formal investigation procedure for further investigation and decision. Reasons for this are recorded in writing.

(2) If informants disagree with the termination of the preliminary enquiry, they may present their objections in writing or orally to the investigating committee within two weeks, or four weeks during the lecture-free period. The investigating committee discusses and decides on the objections according to paragraph 1, if necessary in accordance with Article 24 (1) after the suspect is heard again.

Article 26 Formal investigation procedure

(1) The investigating committee initiates the formal investigation procedure by notifying the persons concerned of the outcome of the preliminary enquiry. It informs the President that the formal investigation procedure is initiated.
(2) The investigating committee conducts oral proceedings that are not open to the public. It shall determine not only the incriminating but also exonerating evidence. In a free appraisal of evidence, it decides whether scientific misconduct has occurred.
(3) The persons affected by possible misconduct, the affected working group or affected university institute are given the opportunity to comment. The affected persons must be granted an oral hearing on request, and they may call on the assistance of a person whom they trust. Other persons being heard may also enlist assistance.
(4) The names of the informants must be disclosed to the persons affected by the allegations upon request if they are otherwise unable to effectively defend themselves or if the credibility and motives of the informants have an important bearing upon the investigation. The informant is informed of the disclosure.

Article 27 Decision in the formal investigation procedure

(1) If the investigating committee decides there is no evidence of scientific misconduct, it terminates the proceedings. Sentence 1 also applies if the investigating committee does not consider the scientific misconduct to be serious and the affected persons have admitted their misconduct. The President is informed about the termination.
(2) If the investigating committee considers scientific misconduct to be proven, it reports to the President in writing about the results of its investigations together with a recommendation for the further conduct of proceedings, also with regard to the protection of the rights of others (Articles 30 ff.).
(3) The main reasons that have led to the termination of proceedings or transferral to the President are communicated in writing to the person affected by the allegations and the informant.
(4) An appeal against the decisions of the investigating committee is not possible.
(5) Records of the formal investigation procedure are kept for 30 years.

Article 28a Protection of the parties involved

(1) The ombudspersons and investigating committee reviewing allegations of scientific misconduct take appropriate measures to protect both the informant and the person affected by the allegations.
(2) The person affected by the allegations should not experience any disadvantage resulting from the investigation of the allegation until such time as scientific misconduct has been formally established.
(3) The disclosure should not disadvantage the research or the career prospects of either the informant or the person affected by the allegations, especially
   a. it should not lead to delays in the informant's own qualification phase,
   b. no disadvantage should arise to the writing of the final dissertation or doctoral theses,
   c. working conditions should not deteriorate or
   d. possible contract extensions be prevented.

Article 28b Presumption of innocence

(1) The investigation of allegations of scientific misconduct must be carried out according to the principle of the presumption of innocence.
(2) The ombudsperson and investigating committee respect the basic principle of the presumption of innocence vis-à-vis the person affected by the allegations at each stage of the proceedings when considering each individual case.

Article 28c Confidentiality

(1) The investigation of allegations of scientific misconduct must also be carried out with due regard for confidentiality. Confidentiality regarding persons involved and previous findings is maintained until scientific misconduct is established.
(2) If the informant's identity is known, the investigating committee shall keep the individual's name confidential and not share it with third parties without appropriate consent.
(3) Different conditions apply only if there is a legal obligation or if the person affected by the allegations cannot otherwise properly defend him- or herself because, as an exception, the case concerns the identity of the informant.
(4) Before the identity of the informant is disclosed, he or she shall be promptly informed; the informant may decide whether to withdraw the complaint if it is likely that his or her name will be disclosed.
(5) The confidentiality of the process is limited if the informant makes his or her suspicion public.
(6) The investigating body decides on a case-by-case basis how to handle the breach of confidentiality by the informant.

V. Possible decisions and sanctions in cases of scientific misconduct

Article 29 Decisions of the President

(1) If the investigating committee has established scientific misconduct and reported it in accordance with Article 27(2), the President considers the recommendations of the investigating committee regarding further action. The criteria for this are the maintenance of academic standards and the rights of all those directly and indirectly affected, the nature and seriousness of the established scientific misconduct, and the necessity to sanction it.
(2) Scientific misconduct cannot be judged according to formalised rules; appropriate sanctions depend on the circumstances of the individual case.

Article 30 Consequences under labour law and civil service law

(1) If the person concerned is employed by the University, the following consequences under labour law may be considered in the case of scientific misconduct:
    a. reprimand,
    b. extraordinary dismissal (including termination of employment without notice on the basis of strong suspicion of an offence),
    c. ordinary dismissal,
    d. mutual rescission.
(2) If the person concerned is employed by the University with a civil service-type contract, the following consequences under disciplinary and civil service law may be considered in the event of scientific misconduct:
    a. reprimand, fine, cut in salary,
    b. removal from service.

Article 31 Civil law consequences

The following civil law consequences may be taken into consideration in the event of scientific misconduct:

a. a ban on entering the premises,
b. claims for restitution against persons concerned (e.g. claims for the restitution of stolen material),
c. claims for abatement and injunctive relief under copyright law, the law relating to personal integrity, patent law and competition law,
d. claims for the return of funding (e.g. of scholarships, third-party funds),
e. damage claims asserted by the University or third parties in cases of personal injury, damage to property or similar.

Article 32 Academic consequences

(1) Academic consequences of scientific misconduct must follow at various levels and with different objectives.
(2) Within the University, the withdrawal of academic degrees or academic titles is considered if the academic degree or academic title is based on falsified publications or has been obtained in an otherwise fraudulent way; if necessary, withdrawal of the licence to teach is considered. The responsible bodies are consulted.
(3) Non-university scientific institutions and associations must be informed of scientific misconduct by the President if the institutions and associations are directly affected by it or the researchers concerned hold senior posts in said institution or association or are involved in decision-making bodies of funding organisations or similar.
(4) If the scientific misconduct consists of incorrect data (Article 18(3), a) or infringement of intellectual property (Article 18(3), b) or involvement in such misconduct (Article 19), the authors concerned shall be obliged to revoke their authorisation. If the works concerned are not yet published, they are withdrawn in good time; if they have already been published, they – or the relevant parts – must be retracted. The authors responsible for the falsified publication or the co-authors who are partly responsible for the falsified publication must report to the investigating committee within a set period of time, in particular regarding retraction of the publication or withdrawal of the work. If necessary, the President, acting on a proposal from the investigating committee, shall in turn take appropriate measures to withdraw the work or retract the publication. Publications established by the investigating committee to be falsified shall be removed from the authors' list of publications or marked accordingly.

Article 33 Penal consequences

(1) Penal consequences of scientific misconduct are considered if it is suspected that the scientific misconduct constituted an offence under the German Criminal Code (*Strafgesetzbuch*) or under other criminal provisions or administrative offences.
(2) The President shall dutifully examine whether and to what extent a complaint will be made by the University in such a case.

Article 34 Information for third parties in need of protection and the general public

Insofar as it appears necessary in order to protect third parties, preserve trust in academic probity, restore the reputation of science and prevent consequential damage and otherwise to serve the public interest, the third parties concerned and the press are informed in an appropriate manner about the outcome of the formal investigation and further measures.

Article 35 Entry into force

These guidelines enter into force with their publication in the Official Notifications of Fulda University of Applied Sciences. They replace Fulda University's previous Guidelines for Safeguarding Good Scientific Practice of 19 November 2022, which cease to apply at the same time.