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University of Cologne
Guidelines for Safeguarding Good Academic Practice and Dealing with Academic Misconduct (English translation of the official notices „Amtliche Mitteilungen 24/2011 - Ordnung der UzK zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit wissenschaftlichem Fehlverhalten)
vom 22. Juli 2011

Universität zu Köln



I M P R E S S U M

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With this document the University of Cologne provides an English translation of its official notices „Amtliche Mitteilungen 24/2011 - Ordnung der UzK zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit wissenschaftlichem Fehlverhalten“. Please note, that this text is only published by courtesy and that only the German version is legally binding.

University of Cologne
Guidelines
for
Safeguarding Good Academic Practice
and Dealing with Academic Misconduct
22 July 2011

According to § 2 (4), clause 1 and § 22 (1) clause 1 No. 3 of the Higher Education Act (HG) of North Rhine-Westphalia as amended according to the *Hochschulfreiheitsgesetz (HFG)* dated 31.10.2006 (GV.NRW. P. 474), last amended according to § 2 of the *Gesetz zum Aufbau der Fachhochschule für Gesundheitsberufe* on 08.10.2009 (GV.NRW. P. 516), the University of Cologne has adopted the following guidelines:

Preamble

These guidelines are based on recommendations made by the German Research Foundation¹ Commission "Self-regulation in Science". It is also based on recommendations made by the Rectors' Conference (HRK) for dealing with academic misconduct at universities², which refer to specific aspects of the recommendations of the above-mentioned German Research Foundation Commission. Parts of the above-mentioned texts are referred to or cited from in these guidelines.

Part 1

Safeguarding Good Academic Practice

§ 1

(1) The academic staff and members of the University of Cologne are under obligation to:

- work in accordance with accepted rules (*lege artis*),
- document results,

¹ See DFG Commission recommendations "Self-Regulation in Science, NJW 1998, 1764 f."

² See the recommendations of the 185th Plenary on 06.07.1998, published in the *Hochschulrektorenkonferenz (Ed.), Beiträge zur Hochschulpolitik* 9/1998, p. 5 f.

- consistently question all results,
- adhere to a strict policy of honesty with regard to the contributions of spouses and partners, competitors and predecessors,
- avoid and prevent academic misconduct and,
- comply with these guidelines.

(2) The heads of work group supervisors, teachers and lecturers are expected to conduct themselves in an exemplary fashion. Furthermore, they are expected to integrate the principles of academic work and good scientific practice into their teaching and training of young scientists.

(3) Students, young scientists and academics shall be encouraged by more experienced scientists and academics to behave honestly and responsibly in their academic work. The latter shall also convey sensibility with regard to the consequences of academic misconduct to the former. The examination regulations of the University of Cologne shall make it possible to appropriately address academic misconduct in exams in its various forms.

§ 2

The heads of working groups are responsible for their groups having the appropriate organizational structure to ensure that the duties of management, supervision, conflict management and quality assurance are clearly assigned and properly understood. Without prejudice to the responsibility of third parties, the heads shall bear the responsibility of ensuring that graduates, PhD candidates and students are appropriately supervised; post-grads, PhD candidates and students must be assigned a primary contact person in a working group.

§ 3

Performance and assessment criteria for: examinations; the awarding of academic degrees; promotions; hiring; professorial appointments and funding allocation are there to ensure that originality and quality always take priority over quantity.

§ 4

The heads of research projects shall ensure that the primary data used as the basis for publications is securely stored in a durable format for ten years in the institution of origin.

§ 5

The authors of scientific publications shall carry the responsibility for the content thereof. "Honorary authorship" is not permitted.

Part 2

Academic Misconduct

§ 6

Academic misconduct is defined as intentional or grossly negligent statements of falsehoods, violation of the intellectual property of others or other sabotage of research. The following actions in particular constitute misconduct:

1. False information, such as
 - a) the fabrication of data,
 - b) the falsification of data (e.g. by selecting and rejecting undesirable results without disclosing this information or by manipulating an account or image),
 - c) false information in a job application or an application for funding (including providing false information to the publisher or about manuscripts accepted for publication or works in print)
2. Infringements of intellectual property rights by others, or significant scientific findings, hypotheses, theories or approaches originating from another/others, such as
 - a) the unauthorized use of the intellectual property of another under the pretence of authorship (plagiarism),
 - b) the exploitation of research approaches and ideas, especially exploitation by the reviewer/s of said research approaches and ideas (idea theft),
 - c) the presumption or unsubstantiated assumption of authorship or co-authorship,
 - d) the falsification of content,
 - e) the unauthorized publication and/or making available of research, findings, hypothesis, theory or approach to third parties before these are published.
3. The assumption of (co-)authorship with another person without their consent.
4. Interference with or disruption of research activity (including damaging, destroying or manipulating experiments, equipment, documents, hardware, software, chemicals or other items required by another for their research).
5. The disposal of primary data in violation of the legal provisions or guidelines of the specific discipline.

§ 7

Academic misconduct can also arise, inter alia, if there is:

- active participation in the misconduct of others,
- knowledge of falsification by others,
- co-authorship or editorship of publications with false statements,
- neglect of supervisory responsibilities.

Part 3

Procedure for Dealing with Academic Misconduct

Section 1

Jurisdiction

§ 8

The University of Cologne shall pursue any concrete suspicion of academic misconduct. If misconduct is proven, the Rectorate shall take the appropriate measures within the scope of the options available to deal with it.

§ 9

(1) Acting on the proposal of the Rector, the Senate shall appoint an ombudsperson and deputy ombudsperson as contact persons for the members and staff of the University of Cologne who wish to put forth allegations of academic misconduct. Persons suspected of academic misconduct may also appeal to the Ombudsperson.

(2) The appointed Ombudsperson must be a tenured professor. The term of office is three years; one reappointment is possible. The same applies for the appointment of the deputy ombudsperson that will stand in for the Ombudsperson in the case of bias or incapacity.

(3) The appointment of the Ombudsperson and his/her deputy shall be announced in university official notices as well as in the schedule of courses.

§ 10

The permanent Senate Committee for Research and Young Scientists shall investigate allegations of academic misconduct.

Section 2

Procedure

§ 11

If the Ombudsperson receives information about academic misconduct, s/he shall investigate the matter further. S/he shall examine the plausibility of the allegations and also whether there are grounds for the allegations to be dismissed. If s/he comes to the conclusion that there is sufficient evidence for academic misconduct, s/he shall inform the Committee.

§ 12

(1) The Committee shall investigate allegations of academic misconduct upon being informed of them by the Ombudsperson or at the request of one of its members. In the case of the request being made by one of its members, the Committee shall initiate the process pursuant to § 11.

(2) The Committee has the authority to take all the necessary steps to clarify the facts. To this end, they are authorized to obtain information and statements and, if necessary, to call upon experts from the discipline in question. The Ombudsperson shall attend Committee meetings in an advisory capacity.

(3) All incriminating facts and evidence must be shared with the person alleged to have committed the misconduct.

(4) Both the person alleged to have committed misconduct and the informant shall be given the opportunity to make statements.

(5) If the identity of the informant is not known to the person accused of academic misconduct, it must be disclosed to him or her if this information seems necessary for their defence; this is because the credibility of the informant is of fundamental significance for the determination of misconduct.

§ 13

If the Committee deems academic misconduct to be proven, they shall discuss the options for further action, including the possible consequences thereof. In addition to administrative and employment consequences, the committee may also initiate academic, civil and criminal proceedings.

§ 14

The Committee shall submit a report with the results of its investigation as well as a recommendation to the Rector. If the Committee deems academic misconduct to be proven, it shall also compile a proposal for further action by the Rector.

§ 15

(1) The Rectorate shall decide whether academic misconduct has been proven or whether proceedings are to be terminated based on the report and recommendation of the Committee. In the case of the latter, the Rector shall decide on further action. § 13 shall apply *mutatis mutandis*.

(2) The person alleged to have committed misconduct and the informant are to be informed of the Rector's decision. This includes the main reasons which have led to the decision.

§ 16

With the entry into force of these guidelines, the former guidelines to ensure good academic practice and how to deal with academic misconduct of the 15th November 2001 (Official Releases 37/2001) shall cease to be in force.

Issued on the basis of the decision of the Senate of the University of 13th July, 2011.

Cologne, 22th July 2011

The Rector of the University of Cologne

Signed

University Professor Dr. Axel Freimuth