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Notice

**New Version of the Regulations for “Principles of Good Scientific Practice” at Technische Universität Braunschweig**

The Regulations for “Principles of Good Scientific Practice” at Technische Universität Braunschweig passed by Technische Universität Braunschweig’s Senate in its session on March 17, 2021, on the basis of § 15 sentence 2 and § 41(1) sentence 1 of the Lower Saxony Higher Education Act (Niedersächsisches Hochschulgesetz, NHG) as well as § 23(3) of Technische Universität Braunschweig’s University Charter (Grundordnung, GO), are hereby made public to the university.

These Regulations enter into force on the day after they are made public to the university. At the same time, the previous Regulations for “Principles of Good Scientific Practice at Technische Universität Braunschweig” (HOB no. 887 from May 8, 2013) shall expire.

***(Rechtsverbindlich ist allein die im Verkündungsblatt veröffentlichte deutsche Fassung der Ordnung)***

## **Principles of Good Scientific Practice at Technische Universität Braunschweig**

On the basis of § 15 sentence 2 and § 41(1) sentence 1 of the Lower Saxony Higher Education Act and § 23(3) of the University Charter of Technische Universität Braunschweig, on March 17, 2021, Technische Universität Braunschweig's Senate adopted the following Regulations concerning the "Principles of Good Scientific Practice at Technische Universität Braunschweig".

### **Preamble**

In its charter, Technische Universität Braunschweig committed to paying attention to adherence to the principles of good scientific practice. In their actions, researchers carry out and stand up for the fundamental values and standards of scientific work.

TU Braunschweig recognises in particular the DFG's Guidelines for Safeguarding Good Research Practice, in the respectively valid version, as binding. When interpreting the following Regulations, the DFG Guidelines must always be considered. The DFG Guidelines are a complement to these Regulations. In case of conflict, the DFG Guidelines take precedence. Members and affiliates of TU Braunschweig are obligated to comply with the DFG Guidelines.

Research, teaching, studies and continuing education including early career support are to be organised such that the university's tasks can be fulfilled in a responsible manner.

### **§ 1 Guiding Principles**

- (1) Researchers who work at the Technische Universität are obligated:
  - to work according to the rules of science (*lege artis*),
  - to document steps they take and their results and to consistently question all of their own findings,
  - to ensure complete honesty regarding their own and others' contributions,
  - to avoid and prevent academic misconduct,
  - and to adhere to the rules described in the following.
  
- (2) In addition to measures to discover and discipline academic misconduct, appropriate measures to avoid academic misconduct should be taken or strengthened. As the site of research, teaching and early career support, the University has an institutional responsibility on this matter. The University works to create conditions for scientific work that promote compliance with good scientific practice. It ensures that abuse of power and exploitation of dependency relationships are prevented. It organises its Regulations in such a way that academic personnel and staff that supports academic personnel are accorded adequate status with corresponding rights of participation.
  
- (3) The heads of academic institutions or working groups have the duty to behave in an exemplary manner regarding good scientific practice. This also applies accordingly to all other persons active in academic work.

## **§ 2**

### **Requirement for Academic Staff to Observe the Rules of Good Scientific Practice**

When they are hired or appointed, academic staff members primarily employed by the University must obligate themselves in a written declaration to acknowledge and adhere to these Regulations. Researchers at all career levels must regularly update their knowledge of good scientific practice and the state of research. Academic staff members who work in a secondary employment relationship at Technische Universität Braunschweig must be expressly informed of these Regulations. These Regulations are binding for all academic staff members and affiliates of TU Braunschweig. In their actions, researchers are responsible for carrying out and standing up for the fundamental values and standards of scientific work. Good scientific practice is to be taught at the earliest possible time. Experienced and junior researchers support each other in the process of life-long learning and further education and engage in regular dialogue.

## **§ 3**

### **Supervising Students and Junior Researchers**

- (1) The Faculties are called upon to adequately discuss academic misconduct in the curriculum, for example in one of the compulsory introductory courses, and to teach students about the principles that apply at Technische Universität Braunschweig. This applies in particular to discussing how to properly handle others' data and texts as well as others' intellectual property. TU Braunschweig offers interdisciplinary courses on this topic.
- (2) Academic work typically starts when starting the degree programme and is continued in more depth when writing the Bachelor's thesis or the final thesis for another basic level degree programme. Besides teaching technical skills, the University is to convey to students and junior researchers ethical principles of academic work, of handling results responsibly and when cooperating with other researchers.
- (3) Students and junior researchers have the right to regular academic supervision, advising and support. This is carried out by supervisors and is the responsibility of the heads of the work areas and working groups. For their part, students and junior researchers are also obligated to work responsibly and collegially and to document their work independently. They are required to report regularly on the progress of their work and take part in University seminars. The supervisors must regularly review whether the students and doctoral candidates are fulfilling these obligations.

## **§ 4**

### **Cooperation and Management Responsibilities in Working Groups**

In research areas in which several people work together on scientific research questions, the head of the working group (or research group) is responsible for organising the group such that the tasks of management, supervision, conflict management and quality assurance are clearly assigned and actually carried out. Those who lead working groups are also responsible for ensuring that students and junior researchers who work in the group receive adequate supervision. In addition to imparting competencies and providing scientific support, leadership tasks also include promoting the early scientific independence and personal responsibility of junior researchers. For each of the junior researchers, one person in the working group must be primarily responsible for them including informing them about the Principles of Good Scientific Practice at Technische Universität Braunschweig.

**§ 5**  
**Performance and Evaluation Criteria**

Originality and quality must always have priority over quantity as criteria for performance and evaluation for examinations; when awarding academic degrees; for promotions, hiring and appointments; as well as for funding allocation that is oriented on performance and workload. Other aspects, such as involvement in self-administration or teaching, can be taken into account.

**§ 6**  
**Managing Primary Data, Final Theses and Dissertations**

- (1) The reproducibility of the research results must be guaranteed. As the foundation of publications, primary data is to be retained for ten years on preservable and secured data carriers at the institution in which the data was created regardless of whether there are additional retention obligations. To the extent possible, specimens and other aids that were used to obtain the primary data should be retained for the same time period.
- (2) Dissertations must be retained in the form in which they were submitted and published; details are regulated by the Faculties. Final theses must also be retained; the retention period can be found in the relevant legal provisions.

**§ 7**  
**Academic Publications**

- (1) Researchers make their research results available to the public. This is done through publication bodies that are recognised in the respective field of discourse and have defined their own guidelines for good scientific practice.
- (2) Joint authors of academic publications are always also jointly responsible for the content of the publications. The joint responsibility for the publication as well as exceptions must be explicitly stated. The authors agree on the order they are named, usually at the latest when the manuscript is being written, on the basis of comprehensible criteria taking into account the conventions of the subject area.
- (3) Authorship can only be justified on the basis of a person's own academic contribution. So-called "honorary authorship" is not permitted. A management or supervisory function does not in itself constitute co-authorship. For the purposes of this provision, an author is anyone who has made a genuine, verifiable contribution to the content of an academic text, data or software publication. This contribution must be made to the academic content of the publication. This is the case in particular if the researcher has contributed in an academically relevant way to the development and conception of the research project or to the development, collection, acquisition or provision of data, software or sources. An academic contribution in this sense is also given if a contribution was made to the evaluation or interpretation of the data, the sources and to the conclusions drawn from them or to the writing of the manuscript.
- (4) If a contribution is not sufficient to justify authorship, a mention is made in footnotes, in the preface or in the acknowledgement, for example. Those writing the manuscript agree on who is to be named as an author.
- (5) All authors must agree to the final version. Consent to publication may not be withheld without sufficient reason. A refusal of consent must be justified with verifiable criticism of data, methods or results.

- (6) To the extent possible, authors take care to and work towards ensuring that their research contributions are identified by publishers and infrastructure providers in such a way that they can be cited correctly.

## **§ 8**

### **Academic Misconduct**

- (1) Academic misconduct occurs when the following takes place wilfully or with gross negligence in an academic context:
- a) false statements are made,
  - b) other deception occurs,
  - c) others' intellectual property rights are violated or
  - d) the research activities of third parties are adversely affected.
- (2) In particular, the actions listed in the appendix are to be considered academic misconduct.

## **§ 9**

### **Investigating Academic Misconduct**

- (1) The investigation of allegations of academic misconduct shall be conducted with due regard for confidentiality and the fundamental principle of the presumption of innocence. Technische Universität Braunschweig will investigate all suspicions with sufficient evidence of academic misconduct at the university without regard to the reputation of the person. If the suspicion of academic misconduct is raised against a person who has already left TU Braunschweig and the alleged misconduct occurred at TU Braunschweig, an investigation of the academic misconduct will still be conducted. If the person suspected of academic misconduct worked at another institution at the point in time for which the alleged violation of the rules of good scientific practice took place, TU Braunschweig typically asks that institution to review the case.
- (2) If student misconduct is related to student coursework or examinations, the examiner or the examination committee is responsible for investigating the misconduct. For other cases of misconduct, a standing Investigation Committee (§ 11) established by the Senate for this purpose is responsible for investigating and evaluating the case; if this Investigation Committee determines that there was academic misconduct, it recommends to the President measures that are appropriate for the individual case in the context of the legal possibilities. Details are regulated in § 9(3). If the misconduct was in connection with obtaining academic degrees and titles, the body responsible for awarding and revoking the affected title must be informed. At the request of the respective body, the Investigation Committee can provide assistance in discussing its recommendation as well as in obtaining additional expert opinions.
- (3) In particular, the Investigation Committee can recommend the following measures depending on the severity of the academic misconduct:
- a) Labour law consequences (e.g., warnings, writeups, termination, contract dissolution) or, for civil servants, carrying out a disciplinary process and imposing disciplinary measures.
  - b) Initiating procedures to revoke academic degrees and honours (in particular revoking the doctoral title, revoking the right to teach or revoking the title "Außerplanmäßiger Professor").
  - c) If a criminal act or offence is suspected, contacting the relevant investigative authorities.

- d) Call for the person responsible for the misconduct to remedy the consequences, e.g. by withdrawing publications that have not yet been published or correcting publications (retraction, addition of other people as co-authors etc.).
  - e) Informing affected researchers (cooperation partners, co-authors etc.), affected research facilities, academic journals and publishing houses (for publications), funding institutions and academic organisations, professional organisations, ministries and if there is a general public interest also the public, about the misconduct.
  - f) Asserting claims for damages or surrender claims (e.g. for stolen scientific material).
- (4) The Investigation Committee's process does not replace other processes based on legislation or legal statutes (e.g., academic processes, processes in labour law or civil service law, civil or criminal proceedings). If necessary, these are initiated by the responsible offices on the recommendation of the Investigation Committee; this happens independently of a recommendation by the Investigation Committee.
- (5) If it is determined that misconduct occurred, then in cooperation with the Dean's offices of the affected Faculties and under consideration of the recommendation of the Investigation Committee, the President must review whether and which of the suggested measures should be taken. The President, the Faculty involved, if any, and the Investigation Committee shall inform each other promptly of the respective status and outcome of a procedure.

## § 10

### **Ombudsperson and Person in a Position of Trust for the Academic Staff Members**

- (1) The President appoints as ombudspersons two academics of integrity with university management experience. Only neutral persons qualified in matters of good scientific practice may be considered as ombudspersons. Ombudspersons may not currently be a member of a central governing body. In addition, a person in a position of trust (*Vertrauensperson*) can be nominated from the group of academic staff members who can act as an intermediary to the Investigation Committee and provide assistance in assessing possible academic misconduct. The ombudspersons' appointment is for a period of three years with the one-time possibility of re-appointment. Ombudspersons substitute for one another.
- (2) Ombudspersons are persons whom the members and associates of Technische Universität Braunschweig can contact confidentially, especially on questions of suspected academic misconduct. Ombudspersons provide advice and support in suspected cases of academic misconduct and contribute as far as possible to solution-oriented conflict mediation. Ombudspersons - while respecting confidentiality - examine information related to possible misconduct and pass it on to the Committee if necessary. Ombudspersons help in particular when a whistleblower is unable to assess the facts of academic misconduct.
- (3) The ombudspersons are independent. The organs of TU Braunschweig support the work of the ombudspersons in terms of content and accept the work. The Faculties shall take appropriate measures to relieve the regular workload of the ombudspersons.
- (4) The possibility to contact the national body "Ombudsperson for Science" remains unaffected. In this respect, the inquirer has the right to choose whether to call on local or national ombudspersons.

## **§ 11**

### **Investigation Committee**

The Senate is to establish an Investigation Committee. This Committee is made up of four members from the group of professors, one member from the group of academic staff and one person from the university administration who is qualified to hold the office of the judge. In addition, an equal number of deputies from the aforementioned groups and the university administration shall be appointed. These may be present at the Committee meetings at the same time as the member, but they then only have an advisory vote. Instead of one member from the group of professors, the Senate can appoint a person associated with the University according to § 7(2) of Technische Universität Braunschweig's Charter as a voting member of the Investigation Committee. The term of office for the Committee members is two years with the possibility of reappointment. Proceedings that have been started are to be continued by the Committee members even when the term of office has ended. The Investigation Committee elects one of its members as the chair. The two ombudspersons are members of the Investigation Committee in an advisory capacity. The Investigation Committee may consult additional people who are experts in a scientific area that must be evaluated or who have experience in relevant proceedings; these people are members in an advisory capacity.

The chair shall be represented in absentia by the longest-serving voting member of the Committee present at TU Braunschweig who is a member of the professorial group.

## **§ 12**

### **General Rules of Procedure**

- (1) The Investigation Committee's meetings are not open to the public. The Committee has a quorum if at least four members are present. All matters are to be treated confidentially by the Committee members. Witnesses and other persons included in the proceedings must be obligated to maintain confidentiality by the chair of the Committee.
- (2) Decisions by the Investigation Committee are passed by a majority of the votes, that is, four yes votes are required. The results are recorded in the minutes. If a decision cannot otherwise be reached in time, a decision may also be passed by circulation. Failure to speak within a time limit set by the chair shall be deemed an abstention. The circulation can also be done with the help of technical means.
- (3) The files of the Investigation Committee are kept by the chair during whose term of office the cases of academic misconduct were brought to the attention of the Committee. In the event of the chair leaving the Committee, the files shall be kept in the Legal Department.
- (4) If proceedings for the review of academic misconduct are conducted against officials named in these Regulations, this person shall not participate in the proceedings. The functions of the officials shall be assumed by the respective deputies. The deputies are not allowed to discuss the case with the officials concerned. The same applies if the officials themselves are members of the Investigation Committee.
- (5) Within the framework of these Regulations, the provisions of the Lower Saxony Administrative Procedure Act (*Niedersächsisches Verwaltungsverfahrensgesetz*) as well as the provisions of the Federal Administrative Procedure Act (*Verwaltungsverfahrensgesetz des Bundes*, §§ 20, 21 and 30) referred to therein shall apply mutatis mutandis with regard to the aspects of bias and confidentiality. This applies to all officials, in particular also to the Committee members and ombudspersons.

- (6) The other principles of the rule of law, in particular proportionality, shall be observed.
- (7) The principles of confidentiality and the fundamental principle of the presumption of innocence shall be fully applied at every stage of the proceedings when investigating allegations of academic misconduct. The principle of confidentiality applies not only to the information concerning participants in the proceedings, but also to the findings until academic misconduct is proven. In order to prevent the whistleblower or the persons affected by the allegations from suffering disadvantages to their own academic or professional advancement, the persons affected by the allegations are protected - as long as this does not jeopardise the purpose of clarification. The names of the persons providing the information will not be disclosed to third parties without their consent. The names may only be disclosed if there is a legal obligation to do so or if the persons affected by the allegations cannot otherwise defend themselves properly. The persons providing the information - if the information was not demonstrably provided against better knowledge but in good faith - must also be protected if the academic misconduct is not proven.
- (8) At each stage of the procedure, both the whistleblower and the person affected by the allegations have the opportunity to submit statements. Reference is to be made to the right to be heard at every stage of the proceedings. There are no requirements in terms of form or process in this regard.
- (9) The proceedings may be discontinued if the whistleblowers withdraw their complaint or if the facts of the case cannot be determined by the Committee.
- (10) Irrespective of the following provisions, the Investigation Committee has the possibility of an official investigation.
- (11) The procedures shall be carried out expeditiously. The preliminary process and the formal investigation should not take more than six months each. The only exception is if the matter is particularly difficult, for example if experts have to be consulted.

### **§ 13**

#### **Preliminary Process**

- (1) If members or affiliates of TU Braunschweig have a concrete reason to suspect academic misconduct, then these persons should inform the chair of the Investigation Committee. The information should be given in writing; if the information is given orally, a written note is to be made. The information may also be given anonymously. Persons suspected of misconduct are to be given an opportunity to address the accusation. They are to be informed of the evidence against them and any evidence material submitted. The source of the information is only disclosed if the source agrees to be named. The Investigation Committee should give the parties concerned a reasonable period of time to make a statement.
- (2) After a statement has been received from the persons accused of misconduct or at the end of the four-week deadline, the Investigation Committee decides within four weeks - if applicable, after hearing the head of the academic facility at which the accused works - whether the preliminary process should be ended or whether a formal investigation process is to be opened. A formal investigation process is opened if there are adequate grounds to suspect misconduct.

- (3) All persons directly involved in the preliminary process must be informed of the decision. They are given an opportunity to appeal the process being ended in writing within two weeks including reasons; this appeal is to be directed to the chair of the Investigation Committee.
- (4) The Investigation Committee then decides on whether the appeal is to be rejected and the preliminary process ended or whether a formal investigation will be opened.
- (5) If the management of the institution is involved according to subsection 2, they shall be informed of the decisions made in the preliminary process according to subsections 2 and 4 to continue or discontinue the procedure.
- (6) If the Investigation Committee is obstructed or not sufficiently supported in the clarification of academic misconduct, the Committee may judge such conduct in closed session of the Senate, whereby the name of the suspected person may not be mentioned. Information about informants shall never be disclosed.

#### **§ 14**

##### **Formal Investigation**

- (1) The chair of the Investigation Committee informs the President if a formal investigation is opened.
- (2) The Investigation Committee reviews the accusation with a free assessment of the evidence. It has the right to take any steps necessary to clarify the facts of the case, although particularly § 12(7) of these Regulations must be observed. To do so, it can obtain all necessary information and statements from any university members, affiliates or other persons involved and invite them to come before the Committee for discussion. In individual cases, it may also call on the Equal Opportunities Officer or experts from the relevant subject. The incriminating and exculpatory facts and evidence are to be documented. Proof of academic misconduct is considered to have been established if no reasonable person with a clear view of the circumstances doubts the result of the evidence, although no incontrovertible certainty is required.
- (3) Upon request, persons accused of academic misconduct are to be given an opportunity to speak before the Investigation Committee; for this, they may bring along one trusted person for support. § 12(8) of these Regulations must be observed.
- (4) If the Investigation Committee believes misconduct has not been proven, the proceedings are stopped and the President as well as all academic institutions involved by the Committee are informed of this.
- (5) If the Investigation Committee believes misconduct has been proven, it submits the results of its investigation to the President including a suggestion on how to proceed according to § 9(3).
- (6) The person being accused of academic misconduct must be informed in writing of the primary reasons that led to the proceedings being stopped or being forwarded to the President. The informant is also to be notified of the result. There is no internal appeal process for the Committee's decision.
- (7) At the end of a formal investigation process, the chair of the Investigation Committee identifies all persons involved in the case and advises those persons who were involved without fault in processes of academic misconduct on how to ensure their personal and academic integrity.
- (8) § 13(6) shall apply mutatis mutandis.

**§ 15**  
**Entry into Force**

These Regulations for the “Principles of Good Scientific Practice at Technische Universität Braunschweig” enter into force on the day after they are made public to the university in Technische Universität Braunschweig’s Publication of Announcements.

At the same time, the previous Regulations for “Principles of Good Scientific Practice at Technische Universität Braunschweig” of May 8, 2013, TU-Publication of Announcements no. 887 shall expire.

## Appendix 1

### CATALOGUE OF BEHAVIOURS THAT ARE TO BE VIEWED AS MISCONDUCT

#### I. **Academic Misconduct**

Academic misconduct occurs when the following takes place intentionally or with gross negligence in an academic context: false statements are made, others' intellectual property rights are violated or the research activities of others are adversely affected in another way. In the end, the circumstances of the individual case are decisive.

In particular, the following behaviours could be considered academic misconduct:

1. False statements are made:
  - a. Data is fabricated;
  - b. Data is falsified, e.g.
    - aa. By selecting and rejecting undesirable results without revealing this,
    - bb. By manipulating a representation or figure;
  - c. False information in an application or a grant application (including false information about a publication medium or forthcoming publications);
2. Violating intellectual property rights:
  - a. in relation to someone else's work protected by copyright or someone else' key scientific insights, hypotheses, doctrines or research approaches:
    - aa. The unauthorised use of material claiming authorship (plagiarism),
    - bb. Exploiting research approaches and ideas, especially as a reviewer (theft of ideas),
    - cc. Claiming or unjustifiably assuming academic authorship or co-authorship,
    - dd. Falsifying the content or
    - ee. Publishing or making accessible without authorisation to third parties as long as the work, insight, hypothesis, doctrine or research approach have not yet been published;
  - b. Claiming authorship or co-authorship of someone else without their approval;
3. Adversely affecting others' research activities:
  - a. Sabotaging research activities (including damaging, destroying or manipulating experimental setups, equipment, documents, hardware, software, chemicals or other things needed by someone else to carry out an experiment),
  - b. Disposing of primary data if this violates legal provisions or recognised principles of scientific work in the discipline.
  - c. In reviewing the scientific work of others that competes with their own projects and ideas. For example, when reviewing project proposals or manuscripts submitted for publication, taking an inappropriately critical position that is not based on the scientific content but on one's own interests as a reviewer.

4. Making an allegation against one's better knowledge in relation to another or disseminating a fact which constitutes academic misconduct within the meaning of numbers 1 to 3.

**II. Academic misconduct can also result from shared responsibility for someone else's misconduct, in particular by:**

1. Active participation in others' misconduct,
2. Knowledge of others' falsifications,
3. Co-authorship on publications with falsifications,
4. Gross negligence in supervisory duties.