



*This is a convenience translation for information purposes.
In case of any differences in meaning, the German version is binding.*

Statutes for Safeguarding Good Research Practice at Friedrich Schiller University Jena dated July 14, 2023

In accordance with Section 3, Subsection 1 of the Thuringian Higher Education Act (*Thüringer Hochschulgesetz*, ThürHG) effective from May 10, 2018 (Official Gazette of the Federal State of Thuringia [*Gesetz- und Verordnungsblatt für den Freistaat Thüringen*], GVBl. p. 149), as last amended by Article 1 of the law effective from December 7, 2022 (GVBl. p. 483), Friedrich Schiller University Jena issues the following Statutes for Safeguarding Good Research Practice. The Senate of Friedrich Schiller University Jena adopted these Statutes on July 11, 2023. The President of Friedrich Schiller University Jena approved these Statutes on July 14, 2023.

Preamble

Friedrich Schiller University Jena strives to keep alive and strengthen awareness of the principles of good research practice among established researchers, as well as to communicate them to students and early career researchers as a self-evident requirement of research work at an early stage and on an ongoing basis.

The purpose of these Statutes is to make clear that the University does not accept research misconduct since this hinders research advancement, undermines public trust in research, and destroys the trust of researchers amongst themselves.

Friedrich Schiller University Jena will investigate every suspected case of research misconduct within the University. If, after clarification of the facts, a suspected case of misconduct is confirmed, appropriate measures will be taken in each individual case within the scope of possibilities at the University's disposal.

These Statutes apply to all researchers and students at Friedrich Schiller University Jena. The principles of good research practice that are to be complied with in accordance with these Statutes will be published for all members of the University on the University's website.

The Code of Conduct regarding the Guidelines for Safeguarding Good Research Practice published by the German Research Foundation in September 2019 forms the basis for these Statutes.



Part I: Standards of good research practice

§ 1

General principles of good research practice

All researchers and students at the University of Jena are required to maintain integrity in research and to comply with the principles of good research practice. In this context, they are particularly required to:

- observe professional standards (*lege artis*),
- maintain strict honesty with regard to their own contributions and those of third parties,
- rigorously question all results themselves,
- permit and promote critical discourse within the research community.

§ 2

Research ethics

- (1) All researchers at the University of Jena are responsible for putting the fundamental values and norms of research into practice and advocating for them.
- (2) Researchers are expected to convey the principles of good research practice at the earliest possible stage in academic teaching and research training. In doing so, researchers support each other in a process of continuous mutual learning and ongoing training.

§ 3

Leadership responsibility

- (1) The Executive Board of the University of Jena creates the basic framework and necessary conditions for adhering to and promoting good research practice and for ensuring the appropriate career support for all researchers to enable them to comply with legal and ethical standards.
- (2) The Executive Board is responsible for creating an institutional organizational structure that ensures that leadership, supervisory, quality assurance and conflict management tasks can be clearly assigned and conveyed to the relevant members and affiliates in the individual research work units.
- (3) Through the following measures, clear procedures and principles for staff selection and for promoting early career researchers at the University of Jena are set out in writing, with equal opportunity and diversity being accorded particular significance:
 - University of Jena Guidelines on Staff Selection and Recruitment (*Leitfaden zur Personalauswahl und Stellenbesetzung an der Universität Jena; 2020*)
 - Guidelines on Appointment Procedures (*Berufungsleitfaden; 2021*)
 - Guidelines for the Doctoral Phase (*Leitlinie für die Promotionsphase; 2021*)



- Staff Development Concept for Academic Staff and Early Career Researchers (*Personalentwicklungskonzept für das wissenschaftliche Personal und den wissenschaftlichen Nachwuchs*; 2017)
- Statutes on the Appointment of Tenure Track Professors (*Satzung über die Besetzung von Tenure-Track-Professuren*; 2017)
- Policy on Establishing and Appointing Individuals to Permanent Functional Positions at Friedrich Schiller University Jena (*Richtlinie zur Einrichtung und Besetzung von wissenschaftlichen Funktionsdauerstellen an der FSU Jena*; 2016)
- Policy on Fixed-Term Contracts for Academic Staff at Friedrich Schiller University Jena (*Richtlinie für die Ausgestaltung von befristeten Beschäftigungsverhältnissen wissenschaftlicher MitarbeiterInnen an der Friedrich-Schiller-Universität Jena*; 2015)

§ 4

Responsibility of the heads of research work units

- (1) The head of a research work unit at the University of Jena is responsible for the entire unit they lead.
- (2) Collaboration within the unit is to be organised so that the unit as a whole can fulfil its tasks, the necessary work and coordination required for this can take place, and all members understand their roles, rights and responsibilities.
- (3) The leadership role particularly includes ensuring adequate individual supervision for early career researchers, integrated into the unit's overall policy, as well as career development measures for researchers and research support staff. Organizational measures are in place at the level of the unit's leadership and of the individual parts of the unit itself to prevent the abuse of power and the exploitation of dependent relationships.

§ 5

Performance dimensions and assessment criteria

The University follows a multidimensional approach in assessing the performance of researchers. A focus is placed on qualitative measures, which must include discipline-specific criteria. Quantitative indicators may be incorporated into the overall assessment with appropriate differentiation and reflection. In addition to research performance, further aspects are taken into consideration.

§ 6

Quality assurance, methods, and standards

- (1) Researchers at the University of Jena carry out each stage of the research process in accordance with professional standards (*lege artis*). Continuous quality assurance takes place throughout the research process. This continuous quality assurance includes, in particular, compliance with subject-specific standards and established methods, processes such as calibration of instrumentation, the collection, processing, analysis, and documentation of research data, the selection and use of research software, software development and programming, the backup of research data, and the keeping of laboratory notebooks.
- (2) If research findings are made publicly available, the quality assurance mechanisms implemented are always outlined. This particularly applies to the development of new methods. If researchers subsequently become aware of inconsistencies or errors, these must be rectified. If the



inconsistencies or errors constitute grounds for retracting a publication, the researchers will promptly request the corresponding 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.

- (3) The origin of the data, organisms, materials, and software used in the research process is disclosed and the reuse of data is clearly indicated; original sources are cited. The nature and scope of research data generated in the research process are described. Research data is handled in accordance with the requirements of the relevant subject area. The source code of publicly available software is documented in a persistent, citable manner. Depending on the particular subject area, it is an essential component 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 equipment and methods).

§ 7

Roles and responsibilities

The roles and responsibilities of researchers and research support staff involved in a research project at the University of Jena must be clearly defined at each stage. For this purpose, those involved engage in regular dialogue and adapt roles and responsibilities when necessary.

§ 8

Research design

- (1) Researchers take into account and acknowledge the current state of research to the fullest extent when planning and conducting a research project. To identify relevant and suitable research questions, researchers must engage in a thorough exploration of existing research in the public domain.
- (2) The Executive Board ensures that the necessary framework for this exploratory work is in place within the limits of its budgetary capabilities.
- (3) Methods to avoid (unconscious) distortion in the interpretation of findings, e.g. the use of blinding in experiments, are used where possible. Researchers consider whether and to what extent gender and diversity dimensions may be significant for the research project.

§ 9

Legal and ethical frameworks

- (1) Researchers adopt a responsible approach to the constitutionally guaranteed freedom of research. They comply with rights and obligations, particularly those arising from legal requirements, but also those resulting from contracts with third parties, and seek approvals and ethics statements where necessary, which they then present.
- (2) In research and teaching, University members and affiliates are aware of their own responsibility with regard to the consequences and potential misuse of research findings. While conducting their research, they are committed to the peaceful coexistence of people and to preserving the natural bases of life (Preamble of the Constitution of Friedrich Schiller University Jena effective from February 27, 2019 [Official Gazette of the Federal State of Thuringia, *Thüringer Staatsanzeiger*, p. 560], as amended by the first amendment to the Constitution effective from July 29, 2019 [Official Gazette of the Federal State of Thuringia, *Thüringer Staatsanzeiger*, p. 1280]). In doing so, they pay particular attention to the aspects associated with security-relevant research (dual use). Aims, responsibilities, and investigation procedures related to this are regulated in the Guidelines of the Committee for Environmentally and Security-Relevant Research



at Friedrich Schiller University Jena (*Richtlinie für die Tätigkeit der Kommission für sicherheits- und umweltrelevante Forschung der Friedrich-Schiller-Universität Jena*) effective from September 14, 2021.

- (3) The Executive Board is responsible for ensuring the conduct of University members and affiliates complies with the relevant regulations and fosters this compliance through suitable organizational structures. In addition to the Constitution of the University and the Guidelines of the Committee for Environmentally and Security-Relevant Research at Friedrich Schiller University Jena, the Statutes of the Ethics Committee of Friedrich Schiller University Jena at the Faculty of Social and Behavioural Sciences (*Satzung der Ethikkommission der Friedrich-Schiller-Universität an der Fakultät für Sozial- und Verhaltenswissenschaften*) effective from November 14, 2018, apply with regard to studies with humans as well as the Statutes of the Ethics Committee of the University Hospital Jena at the Faculty of Medicine (*Satzung der Ethikkommission der Friedrich-Schiller-Universität Jena an der Medizinischen Fakultät*) effective from January 30, 2018, with regard to research on humans.

§ 10 Usage rights

Researchers must conclude documented agreements on usage rights with regard to data and results at the earliest point possible in a research project. In particular, the researchers who collected the data are entitled to use this data and derived results. During an ongoing research project, those entitled to use the data decide if and potentially how third parties should receive access to research data, unless contractual agreements exist in this respect. Individuals who collected research data are to continue to be granted access to this data in the case that they move to a different location or institution.

§ 11 Methods and standards

- (1) Establishing standards for methods, for the use of software, for collecting research data, and for the description of research results is essential for the comparability and transferability of research results.
- (2) To answer research questions, researchers therefore always use only sound and comprehensible research methods. Especially when developing and applying new methods, they attach particular importance to quality assurance and the establishment of standards.

§ 12 Documentation

- (1) Researchers document all information relevant to the production of a research result as clearly as is required and is appropriate for the relevant subject area. If certain subject-specific recommendations exist for review and assessment, researchers create documentation in accordance with these guidelines.
- (2) If the documentation does not satisfy these requirements, the constraints and the reasons for them are clearly explained. Documentation and research results must not be manipulated; they are protected as effectively as possible against manipulation.
- (3) In principle, individual results that do not support the research hypothesis are also always documented. The selection of results is not permitted.



§ 13

Providing public access to research results

- (1) In principle, researchers make their results available as part of academic discourse.
- (2) They decide on their own responsibility – with due regard for the conventions of the relevant subject area – whether, how and where to make their results publicly available. In individual cases, there may be reasons to not make results publicly available. In principle, the decision regarding making results publicly available must not be dependent on third parties. Exceptions may particularly be admissible in cases where the rights of third parties are affected, there are prospective patent applications, the research was commissioned by third parties, or the research is security-relevant. If a decision has been made in this respect, researchers explain their decision clearly and in full. Where possible and reasonable, this also includes making available the research data, materials, and information on which the results are based, as well as the methods and software used, and comprehensively explaining the work processes. Self-programmed software is made publicly accessible with the source code.
- (3) In the interest of transparency and to enable research to be referred to and reused by others, researchers make the research data and principal materials on which a publication is based available in recognized archives and repositories whenever possible and in accordance with the FAIR principles (Findable, Accessible, Interoperable, Reusable). Restrictions may apply to public availability in the context of patent applications. If specially developed research software is to be made available to third parties, an appropriate license is provided.
- (4) Own and third-party preliminary work must be documented completely and correctly. Content from researchers' own publications may only be repeated to the extent necessary for the comprehension of the content. Researchers avoid splitting results into inappropriately small publications.

§ 14

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. What constitutes a genuine and identifiable contribution must be evaluated on a case-by-case basis and depends on the subject area in question. A genuine, identifiable contribution is deemed to exist particularly in instances in which a researcher participates in research-relevant activities such as:
 - design and development of the specific research activities described and evaluated in the publication (not merely applying for or acquiring funding for higher-level framework projects, institutional units, instruments, or equipment, or merely being in a leadership or supervisory position in the respective research institution or similar),
 - the independent collection and processing of data, the development of sources, or programming of software (not merely executing routine technical tasks or merely implementing predefined survey formats or similar),
 - the independent analysis, evaluation or interpretation of data, sources, or conclusions (not merely listing data or compiling sources or similar),
 - the development of conceptual approaches or argumentative structures (not merely giving advice on others' drafts or merely making unspecific suggestions or similar), and/or
 - the drafting of the manuscript (not merely editorial adjustments or language proofing or similar).



- (2) Further acts of support that are not included in Subsection 1 can be recognized appropriately in footnotes, a foreword, or an acknowledgement.
- (3) Honorary authorship where no genuine contribution was actually made is not permissible. A leadership or supervisory function does not in itself constitute co-authorship.
- (4) Researchers agree amongst themselves who is the author of research results. Agreement as to the order in which authors are named is to be reached in good time, normally no later than when the manuscript is drafted, and on the basis of clear criteria that reflect the conventions of the relevant subject area.
- (5) All authors must agree on the final version of the work that is to be published. They bear joint responsibility for the publication unless specifically stated otherwise.
- (6) Researchers may not refuse to give necessary consent to the publication of results without sufficient grounds. Refusal of consent must be justified with verifiable criticism of data, methods, or results.
- (7) Authors seek to ensure that, as far as possible, their research contributions are identified by publishers or infrastructure providers such that they can be correctly cited by users.

§ 15

Publication medium

- (1) The scientific or academic quality of a contribution does not depend on the publication medium in which it is published. In addition to publications in books or journals, authors may also consider publishing their work in academic repositories, data and software repositories, and blogs.
- (2) Authors select the publication medium carefully, with due consideration for its quality and visibility in the relevant field of discourse. New or unknown publication media are evaluated to assess their seriousness.
- (3) Researchers who assume the role of editor carefully select where they will carry out this activity.

§ 16

Confidentiality and neutrality of review processes and discussions

- (1) Integrity in behaviour is the basis for the legitimacy of any judgement-forming process. Researchers who evaluate submitted manuscripts, funding proposals, or personal qualifications in particular are obliged to maintain strict confidentiality with regard to this process. 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.
- (2) Researchers involved in review processes disclose any facts that could give rise to a potential conflict of interest. The obligation of confidentiality and of disclosing facts that could give rise to a potential conflict of interest also applies to members of research-advisory and decision-making bodies. Researchers immediately disclose to the responsible body any potential conflicts of interest, bias, or favouritism relating to the research project being reviewed or the person or matter being discussed.



§ 17 Archiving

- (1) Researchers back up research data and results made publicly available, as well as the principal materials on which they are based, and the research software used, if applicable, using adequate means according to the standards of the relevant subject area, and retain them for a period of usually ten years. This retention period begins on the date public access is established. In justified cases, shorter or no retention periods may be appropriate; the reasons for this are explained clearly and comprehensively.
- (2) Where no suitable specialised repository is found for archiving and publishing research data, a repository or long-term archiving solution is maintained or developed in Thuringia.

Part II: Non-compliance with good research practice

§ 18 Definitions and forms of research misconduct

- (1) Research misconduct is deemed to have occurred if, in a research-relevant context, a researcher at the University makes intentional or grossly negligent misrepresentations, appropriates research contributions of others without authorization, or interferes with the research activity of another person. The particular circumstances set out in Subsections 5 to 8 remain unaffected.
- (2) Misrepresentations include:
 - a) fabricating research-relevant data or research results,
 - b) falsifying research-relevant data or research results, particularly by suppressing or eliminating data or results obtained during the research process without disclosing this fact, or by falsifying an illustration or figure,
 - c) the incongruent presentation of image and corresponding statement,
 - d) making incorrect research-related statements in a grant proposal or within the context of a reporting obligation, and
 - e) claiming another person's authorship or co-authorship without their consent.
- (3) An impermissible appropriation of others' research contributions is deemed to have occurred in the following cases:
 - a) using third parties' content without indicating the source (plagiarism),
 - b) using research approaches, research results, and research ideas without authorization (idea theft),
 - c) disclosing research data, theories, and findings to third parties without authorization,
 - d) claiming or assuming, without justification, authorship or co-authorship of a research publication, in particular if no genuine, identifiable contribution was made to the research content of the publication,
 - e) falsifying research content, and
 - f) publishing or making available to third parties an unpublished work, finding, hypothesis,



teaching or research approach without authorization.

- (4) Interfering with the research activity of another person is particularly deemed to have occurred in the following cases:
 - a) sabotaging research activity (including damaging, destroying, or manipulating experimental setups, instrumentation, documentation, hardware, software, chemicals, or other items required by others for research purposes),
 - b) falsifying or removing, without authorization, research data or research documents, and
 - c) falsifying or removing, without authorization, the documentation of research data.
- (5) In cases of intent or gross negligence, research misconduct also results from:
 - a) the co-authorship of a publication that contains misrepresentations or impermissibly appropriated research contributions of others, and
 - b) the neglect of supervisory obligations if another person has objectively committed research misconduct as defined by Subsections 1 to 4 and this would have been prevented or substantially impeded by necessary and reasonable supervision.
- (6) Research misconduct also results from the intentional participation (in the form of instigation or abetment) in the intentional misconduct of others pursuant to these Statutes.
- (7) Research misconduct by University reviewers or committee members is deemed to have occurred if the individuals intentionally or with gross negligence:
 - a) use data, theories, or findings of which they have gained knowledge in the course of their activities as a reviewer or committee member for their own research purposes without authorization,
 - b) share, without authorization, data, theories or findings with third parties in the course of their activities as a reviewer or committee member in violation of the confidentiality of the review process, and
 - c) fail to disclose to the responsible body any facts or circumstances that may suggest a potential conflict of interest within the scope of their activities as a reviewer or committee member.
- (8) Research misconduct is also deemed to have occurred if a reviewer or University committee member in the course of their activities fails to disclose, against their better judgement, facts that establish another person's research misconduct as defined in Subsections 1 to 5, with the intention of obtaining an advantage for themselves or for the other person.



Part III: Ombudspersons and Committee for Safeguarding Good Research Practice

§ 19

Ombudspersons

- (1) Following election by the Senate, the President appoints four individuals from the group of university teachers as ombudspersons for a term of four years, as well as an equal number of deputy ombudspersons. Deputies are provided for the case there is any concern of a conflict of interest with regard to the responsible ombudsperson or the ombudsperson is unable to carry out their duties. The stipulations of Sections 20 and 21 of the Thuringian Administrative Procedure Act (*Thüringer Verwaltungsverfahrensgesetz, ThürVwVfG*) are used to assess whether there is a potential conflict of interest. In cases of doubt, the Committee as defined in Section 21 decides. Reappointment for one further term of office is possible.
- (2) One ombudsperson is elected per field for the fields of
 - the humanities,
 - social sciences, law, and economics and business administration,
 - natural sciences, mathematics and computer science, and
 - life sciences.

Each ombudsperson should have extensive experience in conducting research projects and training early career researchers, as well as a network of national and international contacts. During their term of office, the ombudspersons and their deputies may not be members of the Committee for Safeguarding Good Research Practice as defined in Section 21, the Executive Board, the Extended Executive Board, the University Supervisory Board, or the Senate.

- (3) Ombudspersons and their deputies receive the necessary informative support and acceptance from the Executive Board that they need to carry out their duties. In order to help facilitate the work of ombudspersons in office and their deputies, measures are to be put in place to relieve them in other areas.

§ 20

Roles and responsibilities of ombudspersons

- (1) Ombudspersons and their deputies perform their duties pursuant to Section 24 et seq. independently, in particular independent of instructions or informal attempts to assert influence in individual cases by the Executive Board or other University bodies or committees. Ombudspersons conduct their duties with the strictest discretion, i.e. maintaining confidentiality.
- (2) All University members and affiliates can turn to the ombudspersons for questions relating to good research practice, as well as with regard to cases of suspected research misconduct. Alternatively, University members and affiliates may also contact the Ombuds Committee for Research Integrity in Germany, which is active on a supra-regional basis.
- (3) The Executive Board is responsible for ensuring that the local ombudspersons and their deputies are visible at the University. The names and contact details of those currently in office are made available on the University's website.



- (4) Ombudspersons provide advice as qualified and neutral contact persons with regard to issues of good research practice and suspected cases of research misconduct. They contribute to resolving conflicts to the greatest extent possible with a solution-oriented approach.

§ 21

Committee for Safeguarding Good Research Practice

- (1) The University establishes a Committee for Safeguarding Good Research Practice to investigate suspected cases of research misconduct and makes information on the Committee available on its website. The Committee is composed of five members with voting rights, including at least two women. These members are the chairperson, the Vice-President for Research and three further members, including one member of the Faculty of Law. With the exception of the chairperson and the Vice-President for Research, each of the committee members has a deputy. The Committee appoints one deputy chairperson from among the members selected by the Senate.
- (2) The chairperson and the other members of the Committee and their deputies are appointed by the President after being elected by the Senate. The term of office is three years; re-election for further terms is possible. The Committee may consult in an advisory capacity a representative of each of the status groups involved in each individual case. In addition, it can involve further people in individual cases as experts with an advisory capacity.
- (3) The Committee convenes for consultation upon the request of one its members.
- (4) In the case of concern regarding a conflict of interest or if a Committee member is prevented from carrying out their duties on a longer-term basis, the relevant deputy takes their place. Sections 22 et seqq. of the German Code of Criminal Procedure (*Strafprozessordnung*) apply accordingly in the case of a potential conflict of interest. Concerns regarding a conflict of interest may be raised by all Committee members who are entitled to vote, by the University's ombudspersons, or by the person affected by the allegation. The Committee makes a decision in this regard, excluding the individual at the centre of the concern. Procedural steps that cannot be postponed may still be taken.
- (5) Decisions are made by simple majority; in the case of a tie, the vote of the chairperson is decisive. The Committee may only take a decision when at least three of its members are present.
- (6) The members of the Committee and their deputies perform their duties independently, in particular independent of instructions or informal attempts to assert influence in individual cases by the Executive Board or other University bodies. Members conduct their duties with the strictest discretion, i.e., maintaining confidentiality.
- (7) The Committee's work and meetings are confidential and not open to the public.

§ 22

Responsibility in academic proceedings

- (1) In suspected cases of research misconduct where the misconduct concerns academic examinations (e.g., bachelor's, master's, or *Diplom* examinations or doctorates and postdoctoral lecturing qualifications [*Habilitation*]), the body provided for in the relevant regulations is responsible for investigating allegations.
- (2) The responsible body pursuant to Subsection 1 can also refer a suspected case of misconduct to the Committee as defined in Section 21 or call in the Committee's expertise to advise in the handling of a case. The Committee as defined in Section 21 can claim responsibility over a suspected case of misconduct at any time.



Part IV: Procedures and measures

§ 23

General principles for dealing with suspected cases of research misconduct

- (1) All University bodies examining a suspected case of research misconduct within the scope of their responsibility take appropriate measures to protect both the individual who raised the allegation (complainant) and the individual affected by it (respondent). The responsible bodies are aware that conducting proceedings and the concluding potential imposition of sanctions can constitute significant encroachments in the legal interests of respondents.
- (2) The investigation into allegations of research misconduct must be carried out in accordance with the principles of the rule of law, fairly, and under the presumption of innocence at all times. The investigation is also carried out in a confidential manner. Investigations are conducted irrespective of the status and position of the individual concerned; this also applies to any decisions being made.
- (3) The information disclosed by the complainant must be provided in good faith. Complainants must have objective grounds to believe that there has been potential non-compliance with the standards of good research practice. If the complainant is unable to verify the facts underlying their suspicion themselves or if there are uncertainties in the interpretation of the standards of good research practice pursuant to Part I with regard to an observed occurrence, the complainant is to contact one of the University's ombudspersons to clarify their suspicion.
- (4) Neither the complainant nor the respondent should experience any disadvantages in their own advance in research or in their career as a result of the allegation. For the respondent, this applies until any research misconduct is proven and established. In the case of early career researchers, the disclosure should not lead to delays in their qualification phase if possible. No disadvantages should arise for the writing of final projects or doctoral theses. The same applies with regard to working conditions and potential contract extensions.
- (5) The complainant must continue to be protected if misconduct is not proven in the course of the proceedings. Different requirements only apply if the allegation is made against the complainant's better knowledge.
- (6) All bodies involved in proceedings strive to conduct the whole proceedings as promptly as possible. They take the necessary steps to conclude each step of the proceedings within an appropriate time.
- (7) Allegations in which the complainant does not reveal their identity (anonymous disclosures) will be investigated if the complainant provides solid and verifiable facts.
- (8) If the complainant's identity is known to the responsible body, the body keeps the complainant's name confidential and does not disclose it to third parties without the consent of the complainant, which is to be given in writing. The complainant's name may be disclosed without consent if there is a legal obligation to do so.
- (9) The confidentiality of the proceedings is restricted if the complainant makes their suspicion public. The body responsible for the investigation decides on a case-by-case basis, exercising due discretion, how to handle a breach of confidentiality on the part of the complainant.



§ 24

Initiating an investigation in the event of suspected misconduct in research

- (1) Complainants are to contact an ombudsperson or deputy ombudsperson to report a suspicion of misconduct. Suspicions of misconduct are to be provided in writing or can be spoken to the ombudsperson or deputy ombudsperson for transcription. If complainants report their suspicion of research misconduct directly to a member of the Committee as defined in Section 21, the member refers the allegation to the relevant ombudsperson with the consent of the complainant in accordance with their appropriate areas of responsibility.
- (2) If concerns regarding a conflict of interest in the proceedings relate to ombudspersons in accordance with Part IV, Sections 21 et seqq. of the German Code of Criminal Procedure apply accordingly in derogation from Section 20, Subsection 1 of these Statutes. The Committee as defined in Section 21 of these Statutes takes a decision on this matter.
- (3) The responsible ombudsperson or their deputy conducts a confidential review to establish whether there are sufficiently substantiated indicators that an individual has, in a traceable manner, committed research misconduct pursuant to Section 18. The ombudsperson can conduct preliminary investigations in this regard; Section 25, Subsection 2 applies to this accordingly.
- (4) If the ombudsperson reaches the conclusion that the suspicions are sufficiently substantiated pursuant to item (3), they initiate a preliminary inquiry.

§ 25

Preliminary inquiry

- (1) In the context of the preliminary inquiry, the ombudsperson makes a written request to the respondent to provide a statement in response to the allegation without undue delay. In this request, the ombudsperson notifies the respondent of the incriminating facts and evidence. A time limit is to be set for the provision of the statement; as a rule, this should be four weeks. The time limit can be extended. The statement is to be given in writing. Respondents are under no obligation to implicate themselves.
- (2) In the context of the preliminary inquiry, the ombudsperson can conduct the necessary investigations to determine the facts insofar as these investigations are permissible by virtue of higher-ranking law. The ombudsperson may, for example, request, obtain, and examine documents, request and safeguard other evidence, obtain statements or – if necessary – obtain external expert opinions. All individuals involved are to be instructed to handle such requests confidentially.
- (3) The inquiry files should show which steps were taken to determine the facts.
- (4) After concluding the relevant investigations and assessing all pertinent evidence, including the respondent's written statement, the responsible ombudsperson makes a decision without undue delay regarding the further course of the proceedings. The decision is based on whether a finding of research misconduct on the basis of the factual situation by the Committee as defined in Section 21 appears to be more likely than the discontinuation of proceedings (reasonable suspicion). If there are no reasonable suspicion of traceable research misconduct, the ombudsperson discontinues the proceedings. In the case of reasonable suspicion, the ombudsperson refers the preliminary inquiry for formal investigation, which is conducted by the Committee as defined in Section 21.



- (5) If the proceedings are discontinued, the decision is initially communicated to the complainant in writing. The key reasons that led to this decision are to be stated. The complainant is granted the right to lodge an objection against the decision within a two-week period. The objection is to be submitted to the Committee as defined in Section 21. The decision will be reviewed if an objection is lodged within the period stipulated. The result of this review is not contestable.
- (6) If the two-week period passes with no objections or an objection does not lead to a different outcome, the decision to discontinue proceedings is communicated to the respondent in writing, stating the key reasons for this decision.
- (7) If the proceedings are referred for formal investigation, this decision must be communicated to the complainant and the respondent in writing. If the respondent has refuted the allegation, the reasons why the allegation could not be invalidated are to be briefly outlined.

§ 26

Formal investigation

- (1) The formal investigation is carried out by the Committee for Safeguarding Good Research Practice as defined in Section 21. An appointment is set for the Committee to meet in a timely manner. For this meeting, the respondent will be given the opportunity at least four weeks in advance to make a written statement or an oral statement before the Committee (hearing) regarding the allegation. Section 25, Subsection 1, Sentence 6 applies accordingly. The complainant is also given a further opportunity to make a statement. If the respondent refrains from further comments, this alone may not be factored in to their disadvantage. A decision is then to be made according to the facts on record.
- (2) Exercising its due discretion, the Committee can hear oral statements from further individuals whose opinion it deems useful for the proceedings. The provisions of the German Code of Criminal Procedure apply accordingly with regard to the right to refuse to give evidence.
- (3) Each individual who gives an oral statement before the Committee may consult a person of their confidence as an advisor. The Committee is to be informed of this in a timely manner.
- (4) The Committee examines whether it is satisfied that research misconduct has been proven in accordance with the conventional rules of the free evaluation of evidence. Research misconduct can only be established if a majority within the Committee reaches a decision to this effect. Deliberations are subject to the secrecy of deliberations. The Committee's power to discontinue the proceedings due to a lack of sufficient suspicion or due to insignificance in the case of less severe misconduct remains unaffected. If proceedings are discontinued, it is not possible for the complainant to raise an objection.
- (5) Subsections 8 and 9 of Section 23 apply accordingly with regard to the potential disclosure of the complainant's identity.
- (6) If non-compliance with disciplinary or labour law regulations is suspected, the proceedings are suspended and, if necessary, continued after the investigation into non-compliance with disciplinary or labour law regulations has been concluded.
- (7) The Committee as defined in Section 21 submits a final report to the Executive Board in a timely manner; this report can also contain the Committee's suggested sanctions. The essential grounds on which the Committee based its decision are to be communicated.



§ 27

Conclusion of the proceedings

- (1) The Executive Board decides, exercising its due discretion, whether research misconduct has been established vis-à-vis the respondent, as well as whether and, if applicable, which sanctions and measures will be imposed on the respondent. If the revocation of an academic degree is considered as a measure, the proceedings are handed over to the responsible body pursuant to the relevant regulations.
- (2) If the respondent is a member of the Executive Board, the respondent is to be excluded from the decision-making process.
- (3) The complainant and the respondent are notified of the decision and the essential grounds for it in writing following the meeting in which it is made. The complainant and the respondent have recourse to the statutorily granted legal remedies to object to this decision.
- (4) Affected research organizations and third parties who have a well-founded interest in the decision are also notified of the decision. The Executive Board decides whether and in which way this is the case, exercising its due discretion. The Executive Board also decides whether and how the public is to be informed. Notifications pursuant to this Section may be accompanied by a statement of reasons.

§ 28

Duration of the proceedings and retention obligation

- (1) As a rule, the entire proceedings should not last longer than six months.
- (2) The files related to the investigation proceedings are to be retained for 10 years. The University Archives ensure the transfer and archiving of the files and digital documents.

§ 29

Sanctions in the case of research misconduct

- (1) Since each case of research misconduct is different and since the severity of the research misconduct established also plays a role, there are no uniform guidelines on what constitutes an adequate reaction. This rather depends on the circumstances in each individual case. Depending on the severity of the individual case, the sanctions set out in the following subsections come into question:
- (2) In less severe cases, the individual may be reprimanded or receive a formal reprimand from the President.
- (3) Academic sanctions: withdrawal of the authorization to supervise doctorates, revocation of the doctoral degree, revocation of the postdoctoral lecturing qualification (*Habilitation*), withdrawal of the authorization to teach (*venia legendi*).
- (4) Retraction of academic publications: authors and editors affected are required to withdraw research publications that contain errors due to research misconduct if they are still unpublished and correct them if they are already published.
- (5) Funding decisions or funding contracts may be withdrawn, insofar as the decision was made by the University or the contract was concluded by the University, including, if applicable, the reclaiming of funds.



- (6) Individuals may be excluded for a certain period from a role as a reviewer or as a University committee member.
- (7) Sanctions under civil law:
- claims for return against the respondent, for example for the return of stolen research material or the like
 - claims for removal and injunctive relief resulting from copyright law, the right to protection of personality, patent law, and competition law
 - claims for repayment, for example of grants, third-party funding or the like
 - claims for damages in the case of personal damages, material damages or the like
 - issuance of a ban on entering the University's premises
- (8) Sanctions under criminal law: consequences under criminal law always come into consideration if there is a suspicion that research misconduct simultaneously constitutes an offence in accordance with the German Criminal Code (*Strafgesetzbuch*; StGB). The President takes the decision regarding the involvement of investigating authorities. Possible criminal offences include: Section 202a of the StGB: data espionage; Section 204 of the StGB: exploitation of another's secrets; Section 222 of the StGB: negligent killing; Sections 223, 230 of the StGB: intentional or negligent bodily harm; Section 242 of the StGB: theft; Section 246 of the StGB: misappropriation; Section 263 of the StGB: fraud; Section 264 of the StGB: subsidy fraud; Section 266 of the StGB: embezzlement; Section 267 of the StGB: forgery of documents; Section 268 of the StGB: forgery of technical records; Section 303 of the StGB: criminal damage; Section 303a of the StGB: data manipulation; Section 106 of the Act on Copyright and Related Rights (*Urheberrechtsgesetz*; UrhG): unlawful exploitation of copyrighted works.
- (9) Sanctions under employment law and civil service law: Provided that the person affected is an employee of the University of Jena, measures under labour law or civil service law may also be considered, such as a disciplinary warning, ordinary or extraordinary dismissal, contract termination, measures under disciplinary regulations, or discharge from the civil service.
- (10) Sanctions or measures that differ from those set out in Subsections 1 to 9 may only be imposed if they are proportionate in consideration of the respondent's legal and legitimate interests.

§ 30

Transitional provisions / applicability upon leaving the University of Jena

- (1) Proceedings against research misconduct pursuant to Section 18 are conducted in accordance with these Statutes if the research misconduct occurred after these Statutes entered into force.
- (2) The provisions regarding the proceedings in Section 18 only apply to suspected cases that are reported after the time these Statutes enter into force. For preliminary investigations, preliminary inquiries and investigative proceedings that are already ongoing upon the entry into force of these Statutes, the Guidelines for Safeguarding Good Research Practice at Friedrich Schiller University Jena (*Richtlinien zur Sicherung guter wissenschaftlicher Praxis an der Friedrich-Schiller-Universität Jena*) effective from 20 December 2006 (university gazette of Friedrich Schiller University Jena, *Verköndungsblatt*, No. 05/2008, p. 70) continue to apply.
- (3) Proceedings can also be conducted in accordance with these Statutes in the case that the respondent no longer researches at the University of Jena but did research at the University when the research misconduct was committed.



§ 31
Entry into force, expiry

These Statutes enter into force on the day following their publication in the university gazette (*Verkündungsblatt*) of Friedrich Schiller University Jena. The Guidelines for Safeguarding Good Research Practice at Friedrich Schiller University Jena (*Richtlinien zur Sicherung guter wissenschaftlicher Praxis an der Friedrich-Schiller-Universität Jena*) effective from December 20, 2006 (university gazette of Friedrich Schiller University Jena, *Verkündungsblatt*, No. 05/2008, p. 70) simultaneously expire, with the provision that they continue to apply to proceedings pursuant to Section 31, Subsection 2.

Jena, July, 14 2023

Signed

Prof. Dr Walter Rosenthal
President of Friedrich Schiller University Jena