



Statutes of Ulm University on Safeguarding Good Scientific Practice

of 3 May 2023

In its meeting on 26 April 2023, the Senate of Ulm University passed the following statutes on the basis of §§ 8 (5), 19 (1) sentence 2 no. 10 LHG in the version of 1 April 2014 (law gazette p. 99), last amended by the law of 7 February 2023 (law gazette p. 26, 43).

Content:

Section A: Good Scientific Practice

Section B: Safety-relevant research

Section C: Commission, ombudspersons

Section D: Procedure in cases of scientific misconduct

Section E: Procedure in the case of safety-relevant research

Section F: Final provisions

Section A

Good Scientific Practice

§ 1 Commitment to the general principles

- (1) Considering the generally accepted principles, the guidelines of various funding organisations and with the participation of its scientific members, Ulm University establishes rules for good scientific practice in these statutes.
- (2) All scientists are responsible for ensuring that their own conduct complies with the standards of good scientific practice. This includes the duty to work *lege artis*, to maintain strict honesty with regard to one's own and third parties' contributions, to consistently self-doubt all results, and to allow and encourage critical discourse in the scientific community.

§ 2 Professional ethics

- (1) Scientists bear responsibility for implementing the fundamental values and standards of scientific work in their actions and for standing up for them. Teaching the basics of good scientific work begins at the earliest possible stage in academic teaching and scientific education, training and continuing education. Scientists at all career levels undergo regular training on the standards of good scientific practice and the state of the art in research.

- (2) All persons involved in the scientific process support one another in the continuous learning and further education process and are in regular exchange.

§ 3 Organisational responsibility of the management of scientific institutions

- (1) The governing bodies of Ulm University and the Faculties (Board, Senate, Faculty Boards and Faculty Councils) create the framework conditions for academic work in their areas of responsibility as assigned by the Federal State Higher Education Act and the Constitution. They share responsibility for adhering to and communicating good scientific practice as well as adequate career support for all scientists. While taking into account the specifics of the relevant subject areas, they create the conditions in research and teaching for scientists to be able to comply with the legal and ethical standards applicable to their respective subject. The framework conditions include written procedures and principles for staff selection and staff development as well as for the promotion of junior researchers and equal opportunities.
- (2) The Board and the Faculty Boards bear particular responsibility for an appropriate institutional organisational structure. This recognises the freedom of research and teaching of each individual academic member of Ulm University. At the same time, it ensures that the tasks of management, supervision, quality assurance and conflict resolution are clearly assigned and appropriately communicated to the respective members and affiliates.
- (3) Gender equality and diversity are taken into account in the selection and development of staff. The corresponding processes are transparent and avoid unwitting influences ("unconscious bias") as far as possible. Suitable supervision structures and concepts are established for young researchers. Sincere guidance for career and further career paths as well as further training opportunities and mentoring for academic staff are offered and developed for research-affiliated (non-academic) staff.

§ 4 Responsibility of work units

- (1) The management of a scientific work unit has a special responsibility for the entire group. Cooperation in scientific work units must be organised in such a way that the group as a whole can fulfil its tasks, that the necessary cooperation and coordination can take place and that all members can fulfil their roles, rights and duties while recognising their individual freedom of research.
- (2) Responsibility also includes, in particular, ensuring appropriate individual supervision - embedded in the overall concept of the respective institution - of junior researchers, their appropriate participation in the resources of the work unit, as well as career advancement of scientific and research-affiliated (non-scientific) staff. Abuse of power and exploitation of relationships of dependency shall be prevented by appropriate organisational measures both at the level of the individual scientific work unit and at the level of the management of scientific institutions.
- (3) Where scientific tasks are performed in work units in which several scientists work together, the size and organisation of the work unit shall be designed in such a way that the management tasks, in particular the transfer of competences, the scientific supervision as well as the supervisory and mentoring duties, can be performed appropriately.
- (4) The performance of management tasks goes hand in hand with the corresponding responsibility and respects the individual research freedom of others. Researchers and research-affiliated (non-scientific) staff enjoy a balance of support and individual responsibility appropriate to their career level. They are accorded adequate status with corresponding participation rights. They are empowered to shape their careers through increasing independence.

§ 5 Performance dimensions and evaluation criteria

- (1) A multidimensional approach is required to evaluate the performance of scientists: In addition to scientific performance, other aspects should be taken into account. The evaluation of performance primarily follows qualitative standards; quantitative indicators can only be included in the overall evaluation in a differentiated and reflected manner. As far as voluntarily stated, individual characteristics in CVs are also included in the judgement - in addition to the categories of the German General Equal Treatment Act ("Allgemeines Gleichbehandlungsgesetz").
- (2) The quality standards to be applied are based on discipline-specific criteria and the legal duties of Ulm University. In addition to the acquisition of knowledge and its critical reflection, other performance dimensions are also included in the assessment. These are, for example: a commitment to teaching, academic self-administration, public relations, knowledge and technology transfer; contributions in the interest of society as a whole can also be recognised. The scientific attitude of the researcher, such as openness to knowledge and willingness to take risks, is also taken into account. Personal, family or health-related downtimes or the resulting longer training or qualification periods, alternative career paths or comparable circumstances are appropriately considered.

§ 6 Cross-phase quality assurance

- (1) Scientists carry out each step in the research process in a *lege artis* manner. When scientific findings are made publicly available, the quality assurance mechanisms applied must always be explained. This is especially true when new methods are being developed.
- (2) Continuous quality assurance accompanying research means, in particular, compliance with subject-specific standards and established methods, processes such as the calibration of equipment, the collection, processing and analysis of research data, the selection and use of research software, its development and programming, and documentation in accordance with § 11.
- (3) If scientists have made findings publicly available and subsequently notice discrepancies or errors, they correct them. If the discrepancies or errors are the reason for the retraction of a publication, the scientists work with the corresponding publisher or infrastructure provider etc. as quickly as possible to ensure that the correction or retraction takes place and is marked accordingly. The same applies if the scientists are informed of such discrepancies or errors by third parties.
- (4) The origin of data, organisms, materials and software used in the research process shall be identified and the subsequent use documented; the original sources shall be cited. The type and scope of research data generated in the research process are described. The handling of such data is designed in accordance with the requirements of the subject concerned. The source code of publicly accessible software must be persistent, citable and documented. The fact that results or findings can be replicated or confirmed by other researchers (for example, by means of a detailed description of materials and methods) is - depending on the subject area concerned - an essential component of quality assurance.

§ 7 Actors, responsibilities and roles

- (1) The roles and responsibilities of the scientists involved in a research project and of the research-affiliated (non-scientific) staff must be clear at all times during a research project.

- (2) The participants in a research project are in regular exchange. They define their roles and responsibilities in an appropriate manner and adjust them if necessary. An adjustment is particularly necessary if the focus of the work of one of the participants in the research project changes.

§ 8 Research design

- (1) Researchers comprehensively consider the current state of research when planning a project and identify it accordingly. The identification of relevant and suitable research questions requires careful investigation of research achievements that have already been made publicly available. Together with the management bodies, they assume their responsibility for shaping the framework conditions at Ulm University in order to be able to fulfil these duties of care.
- (2) Methods to avoid (unconscious) bias in the interpretation of findings, for example blinding of experimental series, are applied as far as possible. Researchers check whether and, if so, to what extent gender and diversity can be significant for the research project (with regard to the methods, the work programme, the goals, etc.). When interpreting findings, the respective framework conditions are taken into account.

§ 9 Legal and ethical framework, rights of use

- (1) Scientists handle the constitutionally granted freedom of research responsibly. They take into account rights and obligations, in particular those resulting from legal requirements, but also from contracts with third parties, and, where necessary, obtain and submit approvals and ethics votes. With regard to research projects, a thorough assessment of the research consequences and the evaluation of the respective ethical aspects should be carried out. The legal framework of a research project also includes documented agreements on the rights of use of research data and research results arising from it.
- (2) Ulm University shares the responsibility for the compliance of the actions of its academic members and their affiliates with the rules and promotes this through appropriate organisational structures. It fulfils its responsibility by developing binding principles for research ethics and procedures for the corresponding evaluation of research projects.
- (3) Scientists shall, as far as possible and reasonable, make documented agreements on the rights of use at the earliest possible stage in the research project. In particular, the scientist who collects the data or develops the idea is entitled to use the data. In the context of an ongoing research project, the authorised users also decide whether third parties should be given access to the data, taking into account data protection regulations.

§ 10 Methods and standards

- (1) Scientists use scientifically sound and comprehensible methods to answer research questions. When developing and applying new methods, they attach particular importance to quality assurance and the establishment of standards.
- (2) As a rule, the application of a method requires specific competences, which can be achieved through close cooperation. The establishment of standards for methods, the use of software, the collection of research data and the description of research results is an essential prerequisite for the comparability and transferability of research results.

§ 11 Documentation

- (1) Scientists shall document all information relevant to the achievement of a research result in such a comprehensible manner as is necessary and appropriate in the field concerned in order to be able to review and evaluate the result. Changes to the documentation must always be traceable. In principle, they therefore also document individual results that do not support the research hypothesis. In this context, a targeted selection of results must be avoided. If there are specific professional recommendations for the review and evaluation, the researchers document the results according to the respective guidelines. If the documentation does not meet these requirements, the limitations and the reasons for them shall be explained in a comprehensible manner. Documentation and research results must not be manipulated; they must be protected against manipulation with due care.
- (2) In order to enable the replicability of research results, the information on used or emerging research data necessary for understanding the research, the methodological, evaluative and analytical steps and, if applicable, the formulation of the hypothesis shall be deposited, the traceability of citations shall be ensured and, as far as possible, third parties shall be allowed access to this information. In the development of research software, the source code shall be documented.

§ 12 Establishing public access to research results

- (1) In principle, scientists contribute all results to the scientific discourse. In individual cases, however, there may be reasons not to make results publicly available; this decision may not depend on third parties. Scientists decide on their own responsibility, taking into account the customs of the discipline concerned, whether, how and where to make their results publicly available. Once a decision has been made to make results publicly available, scientists describe them fully and in a traceable manner. This also includes, as far as this is possible and reasonable, making the research data, materials and information on which the results are based, the methods applied and the software used accessible in an appropriate manner and comprehensively explaining work processes. Self-programmed software is to be made publicly available with the indication of the source code. Scientists shall provide complete and correct evidence of their own and others' preliminary work.
- (2) For reasons of traceability, connectivity of research, and reusability, scientists deposit the research data and central materials underlying the publication - following the FAIR principles ("Findable, Accessible, Interoperable, Re-Usable") - accessible in recognized archives and repositories whenever possible. Restrictions regarding public accessibility may arise in the context of patent applications or trade secrets. If research software developed in-house is to be made available to third parties, it will be provided with an appropriate license.
- (3) Taking into account the idea of "quality before quantity", scientists avoid inappropriately small-scale publications. They limit the repetition of the contents of their publications as (co-)authors to the extent necessary for understanding the context. They cite the results they have already made publicly available unless the specific self-image of the discipline concerned allows them to waive this requirement by way of exception.

§ 13 Authorship

- (1) An author is someone who has made a substantial, genuine and traceable contribution to the content of a scientific text, data or software publication. All authors explicitly consent to the final version of the work to be published. This consent can only be refused for important reasons. All authors are jointly responsible for the publication unless explicitly stated otherwise. Authors shall

ensure and, where possible, work towards ensuring that their research contributions are labelled by publishers or infrastructure providers in such a way that they can be correctly cited by users.

- (2) The contribution must be made to the scientific content of the publication. Whether a contribution is genuine and traceable must be examined separately in each individual case and depends on the subject area concerned. A traceable, genuine contribution can exist in particular if a researcher has participated in a scientifically relevant way
 - in the planning or the conception of the research project, or
 - in the preparation, collection, procurement or provision of the data, software, sources, or
 - in the analysis/evaluation or interpretation of the data, sources or the conclusions drawn from them, or
 - in the writing of the manuscript.
- (3) If a contribution is not sufficient to justify authorship, such support may be appropriately acknowledged in footnotes, in the preface or in the acknowledgement. Honorary authorship where precisely no such contribution has been made is not permissible. A managerial or supervisory function does not in itself justify co-authorship.
- (4) Agreement on the order of authors is reached in good time, as a rule at the latest when the manuscript is being formulated, on the basis of comprehensible criteria taking into account the conventions of the subject area concerned.

§ 14 Publication medium

- (1) Authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse. Academics who take on the function of editors carefully consider for which publication media they take on this task. The academic quality of a contribution does not depend on the medium in which it is published.
- (2) In addition to publications in books and journals, subject repositories, data and software repositories as well as blogs should also be considered. A new or unknown publication medium should be examined to see whether it can sustainably and reliably guarantee that only those contributions are published that at least meet the scientific standards in the addressed subject culture. A publication should be refrained from if there are indications that the standards of good scientific practice are not observed in the publication medium.

§ 15 Confidentiality and neutrality in review processes and consultations

Honest conduct is the basis of the legitimacy of any decision-making process. Academics who, in particular, assess submitted manuscripts, funding applications or the credentials of individuals are obliged to maintain strict confidentiality in this regard. They shall disclose all facts that may give rise to a concern of partiality. The obligation to maintain confidentiality and to disclose facts that may give rise to concerns of partiality also applies to members of scientific advisory and decision-making bodies.

§ 16 Archiving

- (1) Scientists shall adequately secure research data or research results that have been made publicly accessible, as well as the underlying key materials and, where applicable, the research software used, in accordance with the standards of the discipline concerned, and shall store

them for an appropriate period of time. If there are comprehensible reasons for not retaining certain data, the researchers shall explain this. Ulm University ensures that the necessary infrastructure is in place to enable archiving.

- (2) When scientific findings are made publicly available, the underlying research data (usually raw data) - depending on the subject area - are usually kept accessible and traceable for a period of ten years at the institution where they originated or in multi-site repositories. In justified cases, shortened storage periods may be appropriate; the corresponding reasons shall be described in a comprehensible manner. The storage period shall commence on the date on which public access is established.

Section B

Safety-relevant research

§ 17 Social responsibility

- (1) Ulm University is conscious of the social responsibility that comes with being an academic institution. It expects all members and affiliates to consider the social consequences of their actions, attaches importance to scientific independence and rejects any appropriation by third parties.
- (2) Scientists take into account possible safety-relevant risks of their activities. Safety-relevant risks exist in particular if the research project is associated with significant risks to human dignity, life, health, property, the environment or peaceful coexistence. The aforementioned risks may arise during the implementation of the research project or be associated with the use of knowledge, products or technologies resulting from the scientific work.
- (3) Scientists are continuously aware of the risk of misuse of research results. Their responsibility is not limited to compliance with legal requirements, but also includes the obligation to use their knowledge, experience and skills in such a way that risks can be identified, assessed and evaluated. In doing so, they take particular account of the aspects associated with safety-relevant research.
- (4) Scientists document their risk assessment and their measures to reduce risks. If there are indications that significant safety-relevant risks exist and the scientists are either employed by Ulm University or Ulm University Hospital or conduct research using their resources, they shall seek advice from the Commission "Responsibility in the Conduct of Science" before conducting a research project and take its recommendations into account when designing the research project. In justified exceptional cases, for example if a safety-relevant risk is only identified during project implementation, the consultation can take place at a later point in time. In any case, the consultation shall be arranged immediately after a safety-relevant risk has become known. Scientifically active members of Ulm University who are neither employed nor active at Ulm University or Ulm University Hospital are recommended to seek advice according to sentence 2.

Section C

Commission, ombudspersons

§ 18 Commission

- (1) The Senate shall appoint a standing Commission "Responsibility in the Conduct of Science" to conduct proceedings in cases of scientific misconduct under Section D and to perform the task of advising scientists on safety-relevant research under Section E. The Commission consists of five full-time professors, one academic staff member, one doctoral candidate and one member of the non-academic staff. The members should come from different disciplines and different Faculties. If none of the members of the Commission is qualified to hold judicial office, a lawyer from the Central University Administration should join in an advisory capacity.
- (2) Members of the Commission shall not hold offices with a management function in the self-governing bodies of Ulm University (Board, Faculty Boards). The term of office always ends with the term of office of the university teachers in the Senate. As a rule, members should only be reappointed once. After the expiry of the term of office, the members shall continue to conduct business until a successor is appointed.
- (3) If there is any doubt about the integrity of a member of the Commission, the Senate shall appoint a substitute member. He or she shall take his or her place until such doubt has been removed. This applies in particular if a main trial for scientific misconduct is pending against the person concerned himself/herself before a commission comparable to the Commission "Responsibility in the Conduct of Science" of Ulm University. The Commission shall make the determinations under this paragraph by a majority of its members, excluding the person concerned.
- (4) If main proceedings have been opened against a member of the Commission for academic misconduct, the Senate shall appoint a new member.
- (5) The Commission shall elect a chair and a deputy chair from among its members. It decides by majority vote of the members.
- (6) The Commission is independent and not subject to any instructions. No member may suffer any disadvantage as a result of their dutiful participation in the Commission.
- (7) The Commission shall report annually to the Senate on its work.

§ 19 Ombudsperson

- (1) The Senate appoints two professors experienced in science as ombudspersons to whom the members and affiliates of Ulm University can turn in questions of good scientific practice and in questions of suspected scientific misconduct. The Senate also appoints two professorial members of Ulm University to represent the ombudspersons in the event that they are partial or prevented from attending. The names and contact details of the ombudspersons and their deputies shall be announced in an appropriate manner.
- (2) While holding their office, the ombudspersons shall not hold offices with a management function in the self-governing bodies of Ulm University (Board, Faculty Boards). The term of office of the ombudspersons is two years; a single reappointment is possible. Scientists with integrity and leadership experience are selected as ombudspersons. The ombudspersons receive the necessary content-related and infrastructural support from Ulm University as well as acceptance in the performance of their tasks.
- (3) As neutral and qualified contact persons, the ombudspersons advise on questions of good scientific practice and in suspected cases of scientific misconduct and take up on their own initiative relevant tips of which they become aware. As far as possible, they contribute to solution-oriented conflict mediation. They perform their duties while maintaining confidentiality and, if necessary,

forward suspected cases of scientific misconduct to the responsible body, usually the Commission "Responsibility in the Conduct of Science".

- (4) The ombudspersons are members of the Commission "Responsibility in the Conduct of Science" as guests with an advisory vote.
- (5) The ombudspersons shall report annually to the Senate on their work. In particular, they shall communicate the number of cases investigated, the number of cases forwarded to the Commission and the nature of the allegations, if possible in anonymous form.
- (6) The ombudspersons pursuant to paragraph 1 shall cooperate on a basis of trust with the ombudspersons for doctoral candidates to be appointed pursuant to § 38 (4) LHG. Their primary task is to resolve conflicts between doctoral candidates and their supervisors. Should the suspicion of academic misconduct become apparent, the ombudspersons according to paragraph 1 are in charge of this. Only one ombudsperson should deal with a conflict situation at a time. All ombudspersons have the right to address the Commission "Responsibility in the Conduct of Science" directly.
- (7) Members and affiliates of Ulm University can alternatively turn to an ombudsperson of Ulm University or to the supra-regional body "German Research Ombudsman". The German Research Ombudsman is an independent body that provides advice and support on issues of good scientific practice and its violation through scientific dishonesty.

Section D

Procedure in cases of scientific misconduct

§ 20 Misconduct

- (1) Scientific misconduct occurs when a person in a scientific context intentionally or through gross negligence
 - a) makes false statements,
 - b) makes unauthorised use of another person's scientific achievements, or
 - c) impairs the research activities of others in another way,
 - d) obtains pecuniary advantages for him/herself or a third party, directly or indirectly, which are likely to cause distrust of an unbiased research activity, without disclosing this,
 - e) conducts research involving human subjects without the professionally or legally required approval of the ethics committee, or
 - f) pursues safety-relevant research within the meaning of § 17 without having sought the advice of the Commission "Responsibility in the Conduct of Science".
- (2) Scientific misconduct within the meaning of paragraph 1 shall include in particular:
 - a) false statements by
 - inventing data,
 - insufficient identification of own previous publications,
 - falsifying data and/or research results, for example by selecting and rejecting undesirable results without disclosing this, or by manipulating a representation or figure,
 - claiming a false correlation between a figure, graph, table and associated statement,
 - incorrect information in an application letter, a funding proposal or in the context of a reporting obligation, as far as these are science-related,

- claiming the (co-)authorship with another person without the latter's consent,
 - deceiving about the true (co-)authors of a publication,
 - deliberately incorrect or wilful allegations of scientific misconduct;
- b) unauthorised appropriation of other people's scientific achievements through
- the unmarked adoption of third-party content without the required citation of the source ("plagiarism"),
 - the exploitation of research approaches and ideas, especially as a reviewer (theft of ideas),
 - the unauthorised disclosure of data, theories and findings to third parties,
 - the presumption or unfounded assumption of scientific authorship or co-authorship, especially if no genuine, comprehensible contribution to the scientific content of the publication has been made,
 - the misrepresentation of a substantive statement,
 - unauthorised publication and unauthorised making available to third parties as long as the work, finding, hypothesis, teaching or research approach has not yet been published;
- c) impairing the research activities of others, in particular by
- sabotaging research activities, including damaging, destroying or tampering with experimental set-ups, equipment, records, hardware, software, chemicals or other items required by others for research purposes;
 - withholding, falsification or unauthorised removal of research data, essential information or their documentation; this also applies to other research documents.
- (3) Scientific misconduct also results - in the case of intent or gross negligence - from
- a) co-authorship of a publication containing false information or unauthorised appropriation of third-party scientific achievements within the meaning of paragraph 1,
 - b) neglect of supervisory duties, if another person has objectively committed scientific misconduct within the meaning of paragraph 1 and this would have been prevented or made significantly more difficult by the necessary and reasonable supervision.
- (4) Scientific misconduct within the meaning of paragraph 1 also results from intentional participation in the sense of instigating or assisting in the intentional misconduct of others.

§ 21 Competence

- (1) The competence of the Commission and the ombudspersons according to Section C is established for allegations of academic misconduct if the person affected by the allegations was a member of Ulm University or otherwise employed by it at the time of the alleged misconduct.
- (2) If proceedings are pending before a court or a commission comparable to the bodies under these Statutes which have essentially the same allegations regarding the matter, the ombudsperson or the commission may decide to suspend the proceedings.

§ 22 General rules of procedure

- (1) Ombudspersons and the Commission shall conduct the investigation of allegations of academic misconduct (the Proceedings) at their due discretion. They shall take appropriate action to protect both the whistleblower and the person concerned by the allegations. The investigation of allegations of scientific misconduct shall explicitly respect confidentiality and the fundamental principle of the presumption of innocence.
- (2) The whistleblower's report must be made in good faith. Deliberately false or wanton accusations may themselves constitute scientific misconduct. Neither the person making the report nor the person concerned by the allegations may suffer disadvantages for his or her own academic or professional advancement solely because of the report. Particularly in the case of junior researchers, indications of scientific misconduct prior to the opening of the main proceedings should not lead to delays during qualification; the preparation of theses and dissertations should not be subject to any disadvantages. This also applies to working conditions and possible contract extensions. The ombudsperson and the commission shall ensure that the parties involved do not suffer any disadvantages as a result of the report alone. The President and the responsible Deans shall take the necessary measures in individual cases to enforce this prohibition of discrimination.
- (3) Ombudspersons and the Senate Commission shall maintain the confidentiality of the whistleblower, the persons who are the subject of the whistleblowing and all other persons named in communications from whistleblowers. The identity and other information that allows conclusions about the identity may only be disclosed to persons who are responsible for receiving the information according to these statutes or insofar as the disclosure is absolutely necessary for follow-up measures. As a rule, they may only be disclosed if the person providing the information has previously consented to the disclosure. When assessing the voluntariness of consent, ombudspersons and the commission take into account dependency relationships and the circumstances under which consent was given. The requirement of confidentiality applies regardless of the competence of the ombudsperson and the commission. The identity of whistleblowers who intentionally or grossly negligently provide inaccurate information or who publicly disseminate allegations is not protected. Information on the identity of persons who are the subject of a report may be disclosed to the respective competent body if this is necessary in the context of internal investigations at the respective employer or the respective office, in criminal proceedings at the request of the prosecuting authorities and on the basis of an order in administrative proceedings or a court decision.
- (4) If information which is the subject of proceedings under these Statutes becomes public within or outside the University and the person giving the information, persons who are the subject of the information, other persons or the University or individual persons of its institutions are thereby threatened with substantial damage, the Commission may, after hearing and considering the interests of all persons concerned, restrict the confidentiality of the proceedings and, in turn, inform the University public or the public to the extent that this is necessary to avert the damage.
- (5) The ombudsperson and the Commission decide on their own responsibility whether they will also review such reports where the whistleblower does not give his or her name (anonymous report). An anonymous report can only be reviewed in a procedure if the whistleblower provides the body investigating the suspicion with reliable and sufficiently concrete facts.
- (6) The ombudsperson and the Commission may seek expert opinions at any stage of the proceedings.

- (7) Meetings of the Commission are not public. The members of the Commission are bound to secrecy. The same applies to experts, auxiliary persons and persons who provide administrative support for the work of the Commission.
- (8) In principle, the Commission decides after an oral discussion. Written decision-making by circulation is permissible, provided that there are no legal provisions to the contrary and no member objects.
- (9) The Commission may consult experts in the relevant fields and obtain expert opinions. The Commission may request additional documents, information or justifications from applicants and other parties concerned. The parties concerned may also involve experts of their choice.
- (10) Members and affiliates of Ulm University must provide the Commission with truthful and timely information and access to relevant documents. The grounds for testifying and refusing to provide information according to the Code of Criminal Procedure shall apply accordingly.
- (11) The results of the meetings of the Commission shall be recorded in minutes.
- (12) A reopening of the proceedings is possible at any time, even if proceedings have been discontinued by the ombudsperson or the Commission if new suspicions are expressed or new facts become known.
- (13) The ombudspersons and the members of the Commission shall check at the beginning and continuously during each procedure whether there are any procedural grounds for disqualification (§ 20 VwVfG) or other circumstances that could give rise to concerns about their partiality. Before each procedural act, they shall inform the chair of the Commission of these reasons or circumstances, who shall immediately refer the matter to the Commission. It shall decide on the procedural exclusion of the member, which shall also be pronounced in the event of partiality, or determine that there is no cause for such exclusion. The member concerned may not participate in this decision. The excluded member may neither participate nor be present in the further deliberation and decision-making in the proceedings concerned. The confidentiality obligations apply to the excluded member in relation to these proceedings. If there are grounds for exclusion or concerns of partiality with regard to the chair of the Commission, the deputy chair shall take his/her place, and if no deputy chair has been appointed or if grounds for exclusion or partiality are also to be feared in his/her person, the professorial member of the Commission with the longest service after the first appointment to a full-time university professorship shall take his/her place. A member of the Commission shall not be deemed to be partial solely because, as a member of the Ethics Committee of Ulm University, he or she has already been involved in a research project that is the subject of proceedings under these statutes. The whistleblowers as well as the persons concerned by the allegations and the ombudspersons may submit a request for recusal with regard to each ombudsperson and each member of the Commission to the chair of the Commission. This shall include a credible explanation of the reason for recusal. The member concerned shall comment thereon. The Commission shall decide on the request for recusal according to sentences 3 and 4 prior to any further deliberation or decision and prior to any further participation of the member concerned in the proceedings.

§ 23 Preliminary proceedings

- (1) In case of suspicion of scientific misconduct, an ombudsperson shall be informed immediately. The information should be given in writing; in case of oral information, a written note about the suspicion and the facts substantiating it should be recorded. Alternatively, members and affiliates of Ulm University may contact the "German Research Ombudsman" committee of the German Research Foundation (*Deutsche Forschungsgemeinschaft*).

- (2) If an ombudsperson becomes aware of scientific misconduct, he or she examines the allegations from the point of view of plausibility with regard to their concreteness and significance, to possible motives and with regard to possibilities of clearing up the allegations.
- (3) The person concerned by the suspicion of misconduct shall immediately be given the opportunity to comment on the allegations as well as the incriminating facts and evidence, without being informed of the identity of the whistleblower. In doing so, she or he must be informed that they are free to comment on the suspicion or not to testify on the matter and that they may at any time consult or call in a legal counsel of their choice. As a rule, the time limit for making a statement is three weeks. It may be extended according to the circumstances of the individual case.
- (4) After receipt of the statement of the person concerned or after the expiry of the deadline, the ombudsperson shall decide whether the preliminary proceedings can be discontinued. The preliminary proceedings shall be discontinued if the suspicion is not sufficiently confirmed. The whistleblower shall be informed of the intended discontinuation. If he or she does not agree with the discontinuation of the proceedings, he or she may initiate a new review of the decision within two weeks, submitting new facts. The decision concluding the preliminary proceedings shall be communicated to the person concerned.
- (5) If the term of office of the ombudsperson ends before the conclusion of the preliminary proceedings, the preliminary proceedings shall be concluded by the same ombudsperson.

§ 23a Transfer proceedings

- (1) If the preliminary proceedings have sufficiently confirmed the suspicion, the ombudsperson shall forward the case to the Commission. In doing so, the allegations must be communicated to the chair of the Commission in writing and the documentation compiled on the case must be submitted without delay.
- (2) The chair of the Commission shall decide on further proceedings after examining the documentation. She or he
 - a) can refer the case back to the ombudsperson if further investigations seem necessary as part of the preliminary proceedings. In justified cases, this can also be a different ombudsperson than the one involved in the preliminary proceedings;
 - b) can, in consultation with the ombudsperson, discontinue the case on grounds of insignificance if a minor case of scientific misconduct has been established and the person concerned has contributed significantly to the clarification; the chair of the Commission shall inform the Commission of his or her decision; the Commission may adopt general binding criteria on the case in which insignificance within the meaning of para. 2b) exists or is excluded;
 - c) can propose to the Commission that main proceedings be opened.
- (3) If the proceedings are discontinued, the person concerned and the whistleblower shall be informed of the decision. § 23 sentences 4 and 5 apply analogously. Whistleblowers so notified shall be advised that the decision taken is to be treated in strict confidence.

§ 24 Main proceedings

- (1) The Commission shall decide on the opening of the main proceedings on the proposal of the chair. The chair of the Commission shall notify the President of the opening of the main proceedings. The President shall immediately inform the Dean of the Faculty of which the persons concerned are members with regard to possibly pending academic proceedings. The chair of the Commission shall inform the persons concerned and the whistleblowers of the decision. Whistleblowers so notified shall be advised that the decision taken is to be treated in strict confidence.
- (2) The Commission may extend the object of investigation within the framework of the main proceedings if further suspicion arises with regard to scientific misconduct by the same group of persons without having to conduct a new preliminary procedure. The persons concerned shall be informed of this decision without delay.
- (3) The Commission shall establish the facts of the case and determine the nature and scope of the necessary investigation. It is not bound by the requests of the parties involved. It shall take into account all circumstances relevant to the individual case, including those favourable to the parties involved. The person concerned shall be given the opportunity to comment in a suitable manner. In this context, the person concerned shall be informed that he or she is free to comment on the suspicion or not to testify on the matter and to consult a legal counsel to be chosen by him or her at any time. The person concerned shall also be heard orally at his or her request. If other persons are heard, they shall also have the right to be heard orally and to have legal counsel present. If the person concerned needs to know the name of the whistleblower in order to defend himself or herself appropriately, he or she shall be informed of the name.

- (4) The Commission shall decide whether scientific misconduct has occurred on the basis of its own free conviction derived from the overall result of the proceedings. If the Commission considers misconduct to be unproven or minor within the meaning of § 23 (4) sentence 3, the proceedings shall be discontinued. If the Commission considers misconduct to be proven, it shall submit the result of its investigation to the President with a proposal for further action, also with regard to safeguarding the rights of others, for decision and further action.
- (5) The essential reasons which led to the discontinuation of the proceedings or to the forwarding to the President shall be communicated in writing to the person concerned and to the person who gave the information and, in individual cases, to other persons who have a justified interest in the decision.
- (6) The files of the main proceedings shall be kept for 30 years.

§ 25 Further procedure after scientific misconduct has been established

- (1) The President shall examine the necessity of measures according to paragraph 3 both in order to maintain the academic standards of Ulm University and the rights of all those directly and indirectly concerned.
- (2) At Ulm University, the academic consequences, e.g. the withdrawal of academic degrees or the withdrawal of the authorisation to teach, shall be examined at the Faculty level, taking into account the final report of the Commission. The Faculty Boards, in cooperation with the President, shall examine whether and to what extent other scientists (former or possible cooperation partners, co-authors), scientific institutions, scientific journals and publishers (in the case of publications), funding bodies and scientific organisations, professional organisations, ministries and the public should be notified.
- (3) The punishment for scientific misconduct depends on the circumstances of the individual case. Depending on the facts of the case, academic, labour law, disciplinary law, civil law, criminal law and/or regulatory law measures with corresponding proceedings are introduced or initiated.
- (4) The President may, in addition to other measures, issue a reprimand to persons in respect of whom the allegation of scientific misconduct has been confirmed. The reprimand establishes the scientific misconduct and may require the person concerned to take more precisely described steps to remedy past misconduct and avoid future misconduct.
- (5) The President shall inform the Commission of the measures taken by him or her, including those taken in the Faculties.

Section E

Proceedings in the case of safety-relevant research

§ 26 Opening of proceedings

- (1) Upon written request, the Commission "Responsibility in the Conduct of Science" advises the scientists responsible for the implementation of a project (hereinafter "project management").
- (2) The project management may amend or withdraw its application.
- (3) The application should contain a brief summary of the project that can be understood by laypersons as well as a precise description of the safety aspects of the project. It shall be accompanied by a statement as to whether and, if so, where and with what result applications of the same or

similar content have already been submitted previously or simultaneously.

- (4) The Commission "Responsibility in the Conduct of Science" shall also become active if it is asked by the Board for an opinion on a specific research project or if members or affiliates of Ulm University present concrete indications of significant safety-relevant risks in writing.

§ 27 Proceedings

- (1) The General rules of procedure pursuant to § 22 shall apply accordingly.
- (2) A request for consultation shall be admissible if the facts presented actually reveal indications of safety-relevant risks. The chair shall decide on the admissibility.
- (3) Insofar as the competence of another committee is also considered for a safety-relevant project within or outside Ulm University and the distribution of competence is not clearly regulated, the Commission shall contact the other commission; both commissions shall then reach an agreement on the competence. In the case of corresponding competence, the Ethics Committee of Ulm University or a comparable committee shall have priority in advising.

§ 28 Outcome

- (1) Subject to further legal requirements, the Commission shall establish by resolution that it has advised the respective research project with regard to safety-relevant risks. Within the scope of its subject matter competence, it comments on the extent to which, in its opinion, the implementation of the project appears legally and ethically justifiable, if necessary with modifications and conditions, e.g. to minimise risks.
- (2) Members who are involved in the research project in question or whose interests are affected in such a way that there is a concern of partiality shall be excluded from the discussion and decision-making.
- (3) The Commission shall strive for consensus on the decisions to be taken in each case. If a consensus cannot be reached, each member may express his or her dissenting opinion in a special vote. This shall be attached to the decision.
- (4) In cases to be specified in more detail, the Commission may allow the chair to decide alone, if necessary with the involvement of another member. He or she shall inform the Commission as soon as possible of the decision taken.
- (5) The decision of the Commission shall be communicated to the project management in writing, including any special votes. Rejections and recommendations to change the research project shall be justified in writing. The chair shall inform the Board of all decisions.
- (6) Irrespective of the advice given by the Commission "Responsibility in the Conduct of Science", the scientists involved in a research project remain responsible for their actions.

Section F

Final provisions

§ 29 Effective date, transitional provisions

These statutes come into effect on the day after their publication in the Official Bulletin (*Amtliche Bekanntmachungen*) of Ulm University. At the same time, the "Statutes of Ulm University for Safeguarding Good Scientific Practice of 16 February 2022" (Official Bulletin of Ulm University No. 4/2022) shall cease to have effect.

Ulm, 3 May 2023

signed

Prof. Dr.-Ing. M. Weber

- President -

Courtesy Translation