

Note: This English version of the Statutes on the Prevention of Academic Misconduct and on the Procedure in Cases of Suspected Academic Misconduct at the European University Viadrina Frankfurt (Oder) is for your information only. The legally binding version is the one in German language. You may access the German version at the corresponding German website.

Based on Sections 5 (1) sentence 2, 64 (2) no. 6 in conjunction with Section 4 (5) sentence 2 of the Brandenburg Higher Education Act (BbgHG) of April 28, 2014 (GVBl.I/14, No. 18), last amended by the Act of September 23, 2020 (GVBl.I/20, No. 26) in conjunction with Section 10 (3) sentence 1 No. 1 of the Basic Regulations of the European University Viadrina Frankfurt (Oder) of September 4, 2019 (Official Announcements of the European University Viadrina Frankfurt (Oder) No. 02/2020, p. 1), last amended by the amendment statute of November 6, 2019 (Official Announcements of the European University Viadrina Frankfurt (Oder), No. 02/2020, p. 14), the Senate of the European University Viadrina Frankfurt (Oder) hereby enacts the following

Statutes on the Prevention of Academic Misconduct and on the Procedure in Cases of Suspected Academic Misconduct at the European University Viadrina Frankfurt (Oder)

**Dated
November 3, 2021**

The European University Viadrina is committed to upholding good research practice. It does not accept academic misconduct and will investigate any concrete suspicion of academic misconduct. Should the suspicion of misconduct be confirmed, measures appropriate to the individual case shall be taken within the scope of available options.

§ 1 Academic misconduct

- (1) Academic misconduct is deemed to have occurred if, in an academic context, false statements are made intentionally or through gross negligence, the intellectual property of others is infringed, or their research activities are otherwise impaired. The circumstances of each individual case are decisive.
- (2) The following, in particular, shall be considered academic misconduct:
 1. False statements made
 - a. by inventing data and/or research results;
 - b. by falsifying data and/or research results, e.g. by not taking unwanted results into account without disclosing this, or by manipulating representations or illustrations;
 - c. by providing incorrect information in an application letter or funding application;
 - d. by providing incorrect information about the academic achievements of researchers in the context of selection or review committees.
 2. Violation of intellectual property
in relation to a copyright-protected work created by others or to essential academic knowledge, hypotheses, teachings, or research approaches originating from others through
 - a. the unmarked adoption of third-party content without the required source citation (plagiarism);

- b. the exploitation of research approaches and ideas, in particular as a reviewer (theft of ideas);
 - c. the assumption of academic authorship or co-authorship without making a research contribution of one's own;
 - d. the falsification of content;
 - e. the unauthorized publication or unauthorized disclosure to third parties, as long as the work, finding, hypothesis, teaching content, or research approach has not yet been published;
 - f. the assumption of another person's (co-)authorship without their consent.
 - 3. Impairment of the research activities of others through
 - a. Sabotaging the research activities of others, e.g. by damaging, destroying, or manipulating literature, archive or source material, equipment, documents, hardware, software, or other items that another person needs to carry out a research project;
 - b. removing primary data, insofar as this violates legal provisions;
 - c. the unauthorized destruction or unauthorized disclosure of research material.
- (3) Joint responsibility for misconduct may arise in cases of intent or gross negligence, including active participation in the misconduct of others, knowledge of falsifications by others, co-authorship of publications containing falsifications, and gross neglect of supervisory duties.

§ 2 Ombudsperson

- (1) The President shall appoint an independent ombudsperson and a deputy for a term of three years on the recommendation of the Senate. A one-time re-election is possible. The deputy serves as a substitute in the event of bias or incapacity. Furthermore, the ombudsperson and his or her deputy may exchange information for the purpose of mutual consultation unless expressly requested otherwise. The ombudsperson and their deputy should not belong to the same faculty. Integrity-committed researchers with management experience shall be appointed as ombudsperson and deputy. The ombudsperson and their deputy may not be members of the Presidential Council during their term of office.
- (2) The ombudsperson acts as a neutral and qualified contact person for questions of good research practice and in cases of suspected academic misconduct and contributes, as far as possible, to solution-oriented conflict mediation.
- (3) All members and affiliates of the university may contact the ombudsperson for mediation in a conflict or advice on the rules for good research practice. In addition, the ombudsperson is available to members and affiliates of the university for discussion of suspected academic misconduct or corresponding advice. Those who believe they are subject to suspicion of academic misconduct may also contact the ombudsperson for discussion or advice. Members and affiliates of the university are free to contact the "Ombudsman for Research" of the German Research Foundation (DFG) instead of the ombudsperson of the European University Viadrina.
- (4) The ombudsperson is independent of instructions and bound to confidentiality and impartiality.
- (5) The appointment of the ombudsperson and their deputy shall be announced publicly by the university on the university website, stating their contact details. The ombudsperson

shall receive the necessary support in terms of content and acceptance in the performance of their duties. The ombudsperson and their deputy shall be granted appropriate relief from their other duties.

§ 3

Whistleblowers and Persons Affected by Allegations

- (1) All bodies investigating allegations of academic misconduct shall act appropriately to protect both the whistleblowers and the persons affected by the allegations.
- (2) The investigation of allegations of academic misconduct shall be conducted at every stage of the proceedings with express regard for confidentiality and the fundamental principle of the presumption of innocence.
- (3) The report by the whistleblower must be made in good faith. Deliberately false allegations may themselves constitute academic misconduct.
- (4) Neither the whistleblower nor the person affected by the allegations shall suffer any disadvantages for their own academic or professional advancement because of the report. The report shall, particularly in the case of researchers in the qualification phase, not lead to delays in the qualification of the whistleblower and the preparation of qualification work and doctoral theses shall not be disadvantaged. This also applies to working conditions and possible contract extensions. The person affected by the allegations shall not suffer any disadvantages from the investigation of the suspicion until academic misconduct has been formally established in accordance with § 4(7).
- (5) The whistleblower must have objective grounds for believing that standards of good research practice may have been violated. If the whistleblower is unable to verify the facts themselves or if there are uncertainties regarding the interpretation of the guidelines for good research practice with regard to an observed incident, the whistleblower should contact the Ombudsperson of the European University Viadrina or the DFG's "Ombudsman for Science" committee for clarification.
- (6) An anonymous report can only be investigated in a procedure if the whistleblower provides the body investigating the suspicion with reliable and sufficiently concrete facts.
- (7) If the whistleblower is known by name, the investigating body shall treat the name confidentially and shall not disclose it to third parties without the whistleblower's consent. Exceptions to this rule may only be made if there is a legal obligation to do so or if the person concerned by the allegations cannot otherwise defend themselves properly because the identity of the whistleblower is essential for this purpose. Before the name of the whistleblower is disclosed, the whistleblower shall be informed immediately and may decide whether to withdraw the report if disclosure of their name is foreseeable. The whistleblower shall also be protected in the event of unproven academic misconduct, provided that the report of the allegations was not made knowingly or recklessly.
- (8) The confidentiality of the procedure shall be subject to restrictions if the whistleblower discloses the suspicion to the public. The investigating body shall decide in each individual case how to deal with the breach of confidentiality by the whistleblower.

§ 4

Procedure in Cases of Suspected Academic Misconduct

- (1) The European University Viadrina will investigate any concrete suspicion of academic misconduct at the university that is brought to the attention of the ombudsperson. Anonymous reports will also be investigated if substantiating facts are presented. The allegations shall be examined for plausibility and significance. The ombudsperson shall consult separately with the accused and the whistleblower to determine whether a case of suspected misconduct should be investigated. If the ombudsperson decides, without prejudice to the rights of the President, that the suspicion is unfounded, no further proceedings shall be initiated. The suspected case shall be recorded in the files. Otherwise, the information is forwarded to the president while maintaining confidentiality. A suspected case can also be reported directly to the President, who informs the ombudsperson and decides whether the ombudsperson should conduct a preliminary investigation.
- (2) If it is decided that a suspected case should be investigated, the President shall form an investigation commission consisting of one university teacher from each faculty that will investigate the matter. Any conflicts of interest must be taken into account when appointing the investigation commission.
- (3) The investigation commission shall appoint one of its members as chair. The members shall hold office for the duration of the investigation. The commission shall include both women and men. The investigation commission may call in additional persons for consultation if necessary.
- (4) The investigation commission shall meet in closed session. It shall constitute a quorum if all members are present. Attendance can also be ensured by participation in a video conference. Resolutions shall be passed by a simple majority.
- (5) The investigation commission shall examine, in its free assessment of the evidence, whether academic misconduct has occurred. It shall be entitled to take all steps necessary to clarify the facts of the case. To this end, it may obtain all necessary information and statements and, in individual cases, consult experts from the relevant academic field. The commission shall take into account all exonerating and incriminating circumstances and, after careful consideration, evaluate them. In doing so, care shall be taken to ensure that the procedure is completed within a reasonable period of time.
- (6) The accused shall be informed of the incriminating facts and, if available, of any evidence. Both the accused and the person who provided the information shall be given the opportunity to comment in writing or orally. The accused shall have the right to inspect the files.
- (7) If the suspicion of a violation of good research practice cannot be dispelled, the investigation commission shall submit a corresponding report with a recommendation for action to the President, who shall decide on the further course of action. If the President decides that academic misconduct has been sufficiently proven, he or she shall formally establish this and decide on the consequences. In addition to employment or service law, the consequences of academic, civil, or criminal law shall also be considered.
- (8) If non-university research institutions and associations are directly affected, the President shall inform them of the proven academic misconduct. In the case of third-party-funded research, the third-party funding provider shall be informed.

- (9) If the academic misconduct consists of false statements or a violation of intellectual property in accordance with § 1(2) No. 2, the author concerned shall be obliged to issue a corresponding retraction. If the work concerned is still unpublished, it shall be withdrawn in good time; if it has already been published, it shall be retracted, at least with regard to the parts concerned. The persons concerned are obliged to obtain the consent of co-authors to a retraction, even if they themselves are not accused of academic misconduct. The (co-) author(s) responsible for the publication containing the falsification shall report to the President within a period to be determined on the measures taken to withdraw the publication and on the success of these measures. If necessary, the President shall take appropriate measures to revoke the publications concerned. Publications that have been found to be fraudulent shall be removed from the publication list of the author concerned and from the publications of the university or marked accordingly.
- (10) The ombudsperson, the investigation commission, the accused, and the whistleblower shall be informed in writing of the decision of the president, unless this conflicts with data protection regulations. The central reasons for the decision shall be communicated.

§ 5

Information of Third Parties and Protection of Affected Parties

- (1) If necessary in order to protect third parties, to maintain trust in academic integrity, to restore their academic reputation, to prevent consequential damage, or otherwise in the general public interest, affected third parties outside the academic community and/or the press shall be informed in an appropriate manner and within the scope of the legal provisions about the outcome of the investigation procedure.
- (2) Persons who have been involved in academic misconduct through no fault of their own shall not suffer any further damage to their personal and academic integrity. Possible measures to be taken are consultation by the ombudsperson or a written statement by the President that the person concerned is not guilty of academic misconduct. In the same way, persons who have provided information shall be protected from discrimination, unless their suspicions prove to be manifestly unfounded.

§ 6

Entry into Force

These statutes shall enter into force on the day after their publication. At the same time, the Guidelines for Ensuring Good Research Practice and for the Prevention of Academic Misconduct at the European University Viadrina Frankfurt (Oder) of July 17, 2002, shall cease to be in force.