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Academic Senate

Code of Ethics

Charter to ensure good academic practice

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Freie Universität Berlin

Code of Ethics

Charter to ensure good academic practice

Developed according to the German Research Foundation (DFG) commission's recommendations „Voluntary Self-regulation in the academic field“ of 9 December 1997 and the recommendations of the Conference of University Presidents (HRK) plenum of 6 July 1998

On the basis of Section 9 Paragraph 1 Nos. 4 and 5 of the Partial University Constitution (FU Mitteilung [Gazette of the Freie Universität Berlin] 24/1998), the Academic Senate issued the following charter on 16 June 1999, amended on 17 April 2002. ¹⁾

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A. Code of Ethics and procedure to ensure good academic practice

General remarks

Universities are places of research, teaching and promoting young academics; as such, they have a duty to preserve high standards. The mechanisms to ensure the quality of their performance in all fields must be continually examined and if necessary, further developed. This includes measures to ensure that academic misconduct does not occur. It is the university's task to educate its students to promote academic integrity and fairness in their work. This applies particularly to disciplines in which academic development depends on gaining new data which may be economically useful in the context of growing international competition.

The Freie Universität Berlin presents this code of ethics and procedure regulations to ensure good academic practice, comprising binding rules and the procedure for dealing with

academic misconduct, on the basis of the German Research Foundation (DFG)'s recommendations of 9 July 1997 and the Conference of University Presidents (HRK) plenum's recommendations of 6 July 1998.

Every member of the university is obliged to follow good academic practice. As part of their responsibility for their graduates, academic staff must educate their students in the principles of academic work and good academic practice during their studies. This takes place at an early stage when students are introduced to academic working skills. Every young academic should experience the positive impact of fair treatment early in his/her academic career. Supervisors are therefore called on to be particularly sensitive in utilising data from examination work or similar.

1. Rules of good academic practice

- 1.1 All academic staff, researchers and students at the university are obliged to follow the rules of good academic practice as stated below:
 - a) Following the general principles of academic work ("lege artis")
 - b) Fully documenting their findings
 - c) Honestly acknowledging contributions by collaborators or partners, colleagues, competitors (excluding honorary authorship)
 - d) Collaborating and taking on management responsibility in working groups (e.g. regular joint discussions of on-going work; supervision of young academics)
 - e) Securely storing primary data for ten years in the institution in which they were generated
 - f) Responsibility of all authors for every part of joint academic publications
- 1.2 Early instruction of students, young academics, examination candidates and doctoral candidates in the departments
- 1.3 The subject areas and departments are required to take account of these regulations in their study and examination regulations.

2. Elements which constitute academic misconduct

Academic misconduct has occurred when, deliberately or through negligence, false information is given, intellectual property of third parties is used or the research of others is impaired in a significant academic context. The individual circumstances in each case are decisive in evaluating the misconduct.

2.1 Examples of serious academic misconduct are:

- a) Giving false information in publications, job applications or funding applications
 - Inventing data
 - Falsifying data, e.g. by
 - *Selecting and concealing undesirable findings
 - *Manipulating a diagram or illustration
 - *Improper use of statistical procedures with the intention of interpreting data in an unjustifiable way
 - Distorted interpretation of findings and unjustified conclusions

¹⁾ The charter was confirmed by the Senate Department for Science, Research and Culture on 18 November 2002.

²⁾ Supplementing the DFG's recommendations, the Code of Ethics also includes recommendations by the Danish Medical Research Council (DMRC, 1992)

- b) Infringement of intellectual property rights, i.e. misuse of others' copyrighted work, academic findings, hypotheses, teachings or research approaches by
- Unauthorised use of other's work while passing it off as one's own (plagiarism)
 - Exploiting research approaches and ideas, particularly in relation to appraisals (theft of ideas)
 - Pretending authorship or unfounded appropriation of academic authorship or co-authorship
 - Falsifying content
 - Distorted presentation of research findings
 - Unauthorised publication of unpublished data and making such data accessible for third parties without authorisation
 - Claiming (co)authorship with a third party without their permission
- c) Impairment of others' research work by
- Sabotaging research work (e.g. damaging, destroying or manipulating experimental set-ups, equipment, documents, hardware, software, protocols, chemicals)
 - Disposing of primary data if this is against legal requirements or the recognised principles of academic work in the relevant discipline
- d) Participating in misconduct by others or co-authorship of publications which include falsifications
- e) Knowledge of falsifications by third parties
- f) Gross negligence in exercising supervisory duties

2.2 Examples of minor academic misconduct are

- a) Non-disclosure of multiple publications in lists of publications
- b) Not mentioning earlier observations of third parties
- c) Not crediting colleagues for their contributions to a publication

B. Procedure if academic misconduct is suspected

1. Investigating bodies

Elected representatives at department and university level are the contact partners where academic misconduct is suspected. Every member of the department or university has the right to personally address the representative named in the university calendar within a short period of time. The people elected as representatives should not include anyone who would be forced to act on the information given them e.g. as an official or supervisor. The representatives are also to carry out the preliminary investigation where misconduct is suspected. The representatives are to have deputies in case they are unable to act or where they may be biased.

1.1 Departmental representative

The Department Council elects an experienced academic and a deputy from among the active, emeritus or retired university teaching staff in the department as departmental representatives, upon a proposal by the Dean's office. The appointment is for three years. Members of the Dean's office, the clinic managing board or the Executive Board may not be elected. The representatives advise members of the department who have informed them about suspected academic misconduct and also take action themselves to follow up relevant indications.

1.2 Central representative and investigation committee (formal investigation)

If the suspicion of culpable misconduct is well-founded, the department representative is to pass the case to a committee for

formal investigation. This committee is appointed by the Executive Board for three years; its members include an independent person (central representative), one representative each for the departments of the humanities/social sciences, sciences and medicine, and one university lecturer qualified to act as judge or with experience of extra-judicial arbitration. The committee is only active when called upon.

The central representative is the contact partner for the department representative and the final authority to be appealed to in case of complaints (see 2.1.d).

2. Investigation procedure and principles applying to all investigations

The procedure for investigating suspected culpable misconduct comprises a preliminary investigation and – if necessary – a formal investigation. Both stages of the procedure must satisfy the following principles:

- a) Both the accused person and the persons involved in the procedure must be able to assert prejudice on the part of one of the persons involved.
- b) The accused person must be given the opportunity to respond to the allegations at every phase of the procedure.
- c) Until culpable misconduct has been proved (official decision), information about the people involved in the procedure and the findings so far are to be kept strictly confidential.
- d) The stages of the procedure are to be completed within 12 weeks.
- e) The events and findings of each procedure stage are to be recorded in writing.

The above procedure does not replace other proceedings whether governed by law or by the university statutes (e.g. university regulations procedure, disciplinary proceedings, litigation before labour courts, civil law proceedings, criminal proceedings). These latter may be initiated by the relevant body; in this case the Executive Board is to be informed by the participants in all phases of the procedure as a matter of priority, immediately and directly about all the relevant facts relating to the procedure mentioned.

2.1 Preliminary investigation

- a) If academic misconduct is suspected, the department representative is to be informed. The complaint should be submitted in writing; if it is submitted orally, the allegation and the proofs of it are to be recorded in writing. The representative is first to check the plausibility and truth of the allegations.
- b) The representative is to inform the person suspected of misconduct of the incriminating facts and proofs and gives him/her the opportunity to make a statement responding to the allegations within two weeks. The person suspected will not be informed of the name of the person making the complaint without the latter's agreement.
- c) After the suspected person has submitted their response or the deadline has passed, the representative is to decide within two weeks whether to end the preliminary investigation because the suspicion has not been substantiated or the alleged malpractice can be excluded with a high degree of probability, or whether a formal investigation must take place. The suspected person and the person making the complaint are to be informed in writing of this decision – giving reasons.
- d) If the suspicion has not been sufficiently substantiated or misconduct can be excluded, the representative is to call off the

investigation procedure. The complainant and the accused person are to be informed of this step in writing. If the complainant is not satisfied with the investigation procedure being called off, he/she has the right to address the representative personally within two weeks; the latter must then re-examine his/her decision. If the disagreement persists, the complainant and the representative may appeal to the central representative as the final authority.

- e) If the allegation is confirmed but the misconduct was only minor, however, the representative will attempt to achieve an arbitration. If the complainant or the accused is not satisfied with the arbitration suggestion, he/she has the right to address the representative personally within two weeks; the latter must then re-examine his/her suggestion. Here too, parties may appeal to the central representative if the disagreement persists.
- f) In cases of well-founded suspicion of serious academic misconduct, the department representative is to pass the case on to the central representative for a formal investigation to be opened, while maintaining confidentiality.

2.2 Formal investigation

- a) The formal investigation procedure is to be opened by the central representative and carried out by the committee in accordance with no. 1.2.
- b) The committee may, if necessary, consult experts in a particular subject area relevant to the case and experts in dealing with such cases such as e.g. arbitration advisers.
- c) The investigation is to take place in the form of a closed oral hearing. The committee is to consider the evidence freely and examine whether academic misconduct has occurred. The accused person is to be given a suitable opportunity to respond to the allegations. He/she may be heard orally if they wish; they may also call on a trusted person to support them.
 - d) At this stage in the procedure, the name of the complainant is to be made public if the accused person cannot otherwise defend him/herself effectively because for example the credibility and motives relating to the accusation of possible misconduct must be examined.
- e) If the committee considers that misconduct has not been proved, the proceedings are to be stopped. If misconduct has been proved, the committee is to present its findings to the Executive Board with a suggestion about how to proceed further, also relating to how to protect the rights of third parties, for the Board's decision and further instructions. In cases of minor misconduct, the committee is to attempt arbitration. No. 2 final sentence remains unaffected.
- f) The accused person and the complainant must be informed immediately in writing of the main reasons which led to the procedure being stopped or passed on to the Executive Board.
- g) There is no internal complaints procedure against the committee's decision.
- h) At the end of an investigation procedure in which academic misconduct was proved, the relevant representative is to advise all persons who are (were) innocently involved in the case of academic misconduct in relation to securing their personal and academic integrity. The report about the findings of the procedure is to be passed to the Dean's office and the Executive Board. No. 2 final sentence remains unaffected.
- i) The records of the formal investigation are to be preserved for 30 years. The persons who were named in relation to a case of academic misconduct but not involved have the right to apply to the representative to provide them with a statement exonerating them; this right covers the whole 30-year retention period.

3. Sanctions

- a) If academic misconduct is found to have occurred, the Dean's office and the Executive Board are to examine further measures to preserve academic standards and the rights of all those directly and indirectly affected. No. 2 final sentence remains unaffected.
- b) If a student has been guilty of misconduct and subsequent proceedings based on the university statutes take place, the representative is to consider what conditions may be imposed to enable the student to complete his/her degree.
- c) At departmental level, academic consequences are to be considered, e.g. the withdrawal of academic degrees or withdrawal of the authority to teach. The Dean's offices in conjunction with the Executive Board are to examine whether and how far to inform other academics (past and possible collaboration partners, co-authors), academic institutions, academic journals and publishers (in case of publication), funding institutions and academic organisations, professional organisations, ministries and the public.
- d) Regardless of the procedure regulated above, the Executive Board, which is to be informed immediately at every stage of the procedure in accordance with no. 2 last sentence and if necessary, the relevant Dean's office, are to initiate the necessary steps towards the relevant proceedings in relation to civil service law, in particular disciplinary or labour law, civil and/or criminal law.