

The DFG Process (to ascertain scientific misconduct)

# **PROCESS GUIDELINES FOR GOOD SCIENTIFIC PRACTICE**

# Suspected Cases of Scientific Misconduct

- **Scientific misconduct** (according to DFG recommendations & standards, see [1] & [2]):
  - Falschangaben
  - Verletzung geistigen Eigentums (Uhrheberrecht)
  - Inanspruchnahme der (Mit)Autorenschaft eines anderen ohne dessen Einverständnis (Publikationsrecht)
  - Sabotage von Forschungstätigkeit
  - Beseitigung von Primärdaten
  - Erfindung und Fälschung von Daten (fabrication and falsification of data)
  - Plagiat (plagiarism)
  - Vertrauensbruch als GutachterIn wie auch als Vorgesetzter (Probleme bei der Supervision) (breach of confidence as a reviewer or superior)
  
- **Mitverantwortung** für Fehlverhalten (according to DFG recommendations & standards, see [2]: p. 21):
  - aktive Beteiligung am Fehlverhalten anderer
  - Mitwissen um Fälschungen durch andere
  - Mitautorschaft an fälschungsbehafteten Veröffentlichungen
  - grober Vernachlässigung der Aufsichtspflicht
  
- **Ombudsperson** zur Anhörung von Vorwürfen wissenschaftlichen Fehlverhaltens an der Uni Köln:
  - Prof. Dr. Otto Depenheuer: <http://staatsphilosophie.uni-koeln.de/personalia/direktor/>
  
- **DFG Process Guidelines for Good Scientific Practice** (see [2])

# DFG Recommendation 8: Procedure when Scientific Misconduct is Suspected

[1]: pp. 76-80

- The law on disciplinary actions legally takes precedence over internal institutional procedures as far as sanctions touching the relationship between employer and employee are concerned. Equally, other legal regulations e. g. in labour law or in the law on academic degrees cannot be overridden by internal rules.
- **1. Phase (inquiry):**
  - It serves to ascertain a factual basis for judging whether or not an allegation is well founded.
  - The need of the respondent and the “whistleblower” for confidentiality is balanced against the aim of reaching a clear statement of the facts within a defined short time.
  - The protection of the potentially innocent respondent is particularly prominent.
  - It ends with the decision whether the allegation has substance and therefore requires further investigations, or whether it has proved baseless.
- **2. Phase (investigation):**
  - includes such additional inquiries as may be necessary, in particular hearings and recordings of evidence, the formal declaration that misconduct has or has not occurred, and finally the reaction to a confirmed allegation.
  - Reactions may take the form of a settlement or arbitration, of recommendations to superiors or third parties, or of sanctions (including e. g. the obligation to retract or correct publications with proven irregularities) imposed through the authority empowered for this in the individual institution.
  - The protection of public confidence in science requires that not only the investigation and confirmation of the facts, but also the reaction to confirmed misconduct happen within a reasonable period of time.
- Such procedures, as has been noted above, reach their limits where legal regulations apply. In the first phase of inquiry, it will not always be possible to reach an exact conclusion on the precise nature of a case. The procedural character of the inquiry phase will therefore have to be measured against the requirements of related legal proceedings to ensure that findings established in this phase may, if necessary, be used in these proceedings as well.

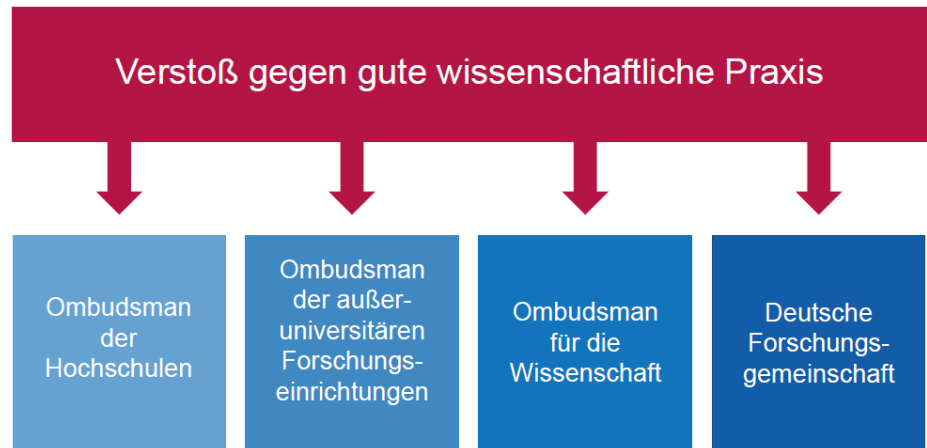
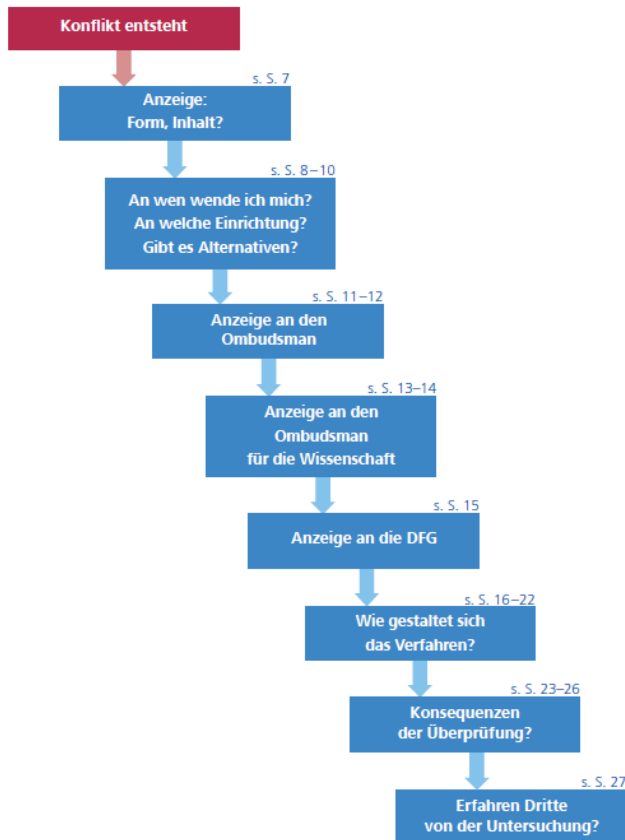
# DFG Recommendation 8: Procedure when Scientific Misconduct is Suspected

[1]: p. 78

- Both phases of internal procedures, inquiry and investigation, must conform to the following principles:
  - a) The regulations must specify in advance
    - who officially receives allegations of scientific misconduct,
    - when inquiries and investigations are to be initiated, by whom, and in what form,
    - which steps are to be taken to set up decision-making bodies, whether they be ad hoc groups or standing committees or take a mixed form, e. g. with a permanent chairperson and individually appointed members from the institution itself or from outside. Ideally the academic members of an institution should be in control of the proceedings and have the majority in the decision-making bodies. However, involving experts from outside will always serve objectivity and may be indispensable in smaller institutions.
  - b) Conflict of interest of a person involved in investigations must be arguable both by him- or herself and by the respondent.
  - c) The respondent must have a right to be heard in every phase of the proceedings.
  - d) Until culpable misconduct is proven, strict confidentiality must be observed concerning the parties involved as well as the findings reached.
  - e) The result of an investigation shall be communicated to the science organizations and journals involved at a suitable time after its conclusion.
  - f) The individual phases of the procedure must be concluded within appropriate time limits. The universities and research institutions should attempt to impose a maximum duration on the whole procedure. In the interests of all those involved, even complex cases should be concluded within a reasonable period.
  - g) Proceedings and results of the individual phases must be clearly recorded in writing.

# DFG Process Guidelines for Good Scientific Practice [2]

## Leitfaden zum Verfahrensablauf in Konflikten guter wissenschaftlicher Praxis



Ombudsman der Universität zu Köln:  
**Prof. Dr. Otto Depenheuer**

Aufgabe:

Beratung, Unterstützung und Vermittlung in Fragen vermuteten wiss. Fehlverhaltens

# DFG Recommendations: Betroffene und Whistleblower

[2]: pp. 10, 28

## ▪ **Schutz des Betroffenen und des Whistleblowers:**

- Nicht nur der Betroffene, gegen den sich der Verdacht eines Fehlverhaltens richtet, ist von der Institution, der er angehört, in geeigneter Weise zu schützen. Auch der Hinweisgeber bzw. die/der Anzeigende (Whistleblower) bedarf des Schutzes dieser Institution.
- Auch im Fall eines nicht erwiesenen wissenschaftlichen Fehlverhaltens ist der Hinweisgeber zu schützen, sofern seine Vorwürfe nicht offensichtlich haltlos erfolgten.
- Ombudspersonen sowie die untersuchende Einrichtung sollen diesem Schutzgedanken in geeigneter Weise Rechnung tragen. / The independent mediator (ombudsman) and the institutions who verify a suspicion must protect them in an appropriate manner.

[1]: pp. 88-89

## ▪ **DFG Recommendation 17: Whistleblower:**

- Researchers who suspect scientific misconduct and can provide specific information (whistleblowers) must not suffer disadvantage in their own scientific and career progress as result.
- The whistleblower's report must be made in good faith. Allegations must not be made without verification and without adequate knowledge of the facts.
- Frivolous allegations of scientific misconduct and the making of allegations known to be incorrect can represent a form of scientific misconduct.