Regulations for
Ensuring Good Research Practice
Jade University of Applied Sciences Wilhelmshaven/Oldenburg/Elsfleth

Preamble

Scientific work is based on fundamental ethical principles. These principles form the basis for the rules of good research practice, which may vary from discipline to discipline. Above all, these ethical standards include honesty towards oneself and others, as well as recognition of the responsibility that academic work carries for the conditions of a humane life in the present and future. This responsibility includes concern for the contribution of scientific activity to ecologically sustainable development. It is a core task of science to credibly convey this ethical attitude to students and early career researchers and to apply it in practice. Good research practice is also a prerequisite for effective research that is recognized in international competition.

The following regulations implement the German Research Foundation (DFG) code of conduct “Guidelines for Safeguarding Good Research Practice” in the version dated August 2019. They are legally binding for all persons who are engaged in research or research support activities at Jade University.

Section I Principles of Good Research Practice

§ 1 Scope of these regulations

(1) The principles of good research practice to be observed in accordance with these regulations are published on the Jade University website for the attention of all those working at the university. In addition, all staff employed under labor law or in civil service positions who are engaged in scientific work will be notified of the entry into force of these regulations via email.

(2) All persons engaged in scientific work at Jade University are obligated and responsible for complying with the rules of good research practice in their conduct.

(3) Rights and obligations under labor and civil service law are not affected by these regulations.

§ 2 Individual principles of good research practice

The principles of good research practice include, in particular

1. working lege artis,
2. maintaining strict honesty with regard to one's own contributions and those of third parties,
3. consistently questioning all results oneself, and
4. allowing and encouraging critical discourse within the scientific community.

§ 3 Professional ethics of scientific staff

(1) The teaching of the fundamentals of good research practice will begin at the earliest possible stage in scientific training (including teaching) and career development.

(2) Those engaged in scientific work will uphold the fundamental values of good research practice.

(3) At all career levels, scientific staff will undergo a process of continuous learning and ongoing training with regard to good research practice. To this end, they exchange ideas and support each other.

§ 4 Organizational responsibility of the heads of university

(1) The heads of university are responsible for ensuring compliance with good research practice at the university.

(2) The heads of university establish the framework for safeguarding scientific work at the university by setting up an appropriate institutional organizational structure. In this way, the heads of university create conditions for scientific staff to comply with legal and ethical standards.

(3) The recruitment and development of Jade University personnel is defined by the following guidelines including clear procedures and written policies, with a particular emphasis on equal opportunities and diversity.

→ Equality Plan of the Jade University

→ Guidelines for Personnel Recruitment

(4) The following support structures and concepts have been established to promote researchers in the early stages of their careers:

→ Support concept for cooperative doctorates

→ Status of cooperative doctoral candidates through support agreements

→ Cooperation agreement with the University of Oldenburg (Graduate Academy)

§ 5 Responsibility of the heads of work units

(1) The head of a research work unit is responsible for the entire unit under his or her leadership.

(2) The responsibility of the head of a research work unit includes, in particular, the ensurance of individual supervision of early career researchers, embedded in the overall concept of the university, as well as to promote the careers of researchers and research support staff and to teach the principles of scientific integrity.

(3) Cooperation within the research work units shall be such that the unit as a whole can fulfill its tasks, that the necessary cooperation and coordination take place, and that all members are aware of their roles, rights, and duties.

(4) Abuse of power and exploitation of relationships of dependency shall be counteracted by appropriate organizational measures both at the level of the individual work units and at the level of the heads of university.

(5) Scientific staff shall enjoy a balance of support and personal responsibility appropriate to their career stage.

§ 6 Evaluation of research performance

The evaluation of performance of the scientific staff shall follow a multidimensional approach. A significant component of the evaluation is research performance, which should primarily be assessed according to qualitative criteria. Quantitative indicators may be included in the overall assessment in a differentiated and reflective manner. In addition to research performance, other aspects may also be taken into consideration.

§ 7 Cross-phase quality assurance

(1) Researchers carry out each step of the research process de lege artis. Continuous and cross-phase quality assurance takes place.

(2) The origin of data, organisms, materials and software used in the research process are disclosed by citing the original sources, and conditions for replication are documented. If publicly available software is used, it must be documented in a persistent and citable manner, specifying the source code, as far as this is possible and reasonable.

(3) The type and scope of research data generated in the research process are described.

(4) An essential component of quality assurance is that it is possible for other researchers to replicate results or findings.

(5) When research findings are made publicly available (including through means other than publications), the quality assurance mechanisms used shall always be disclosed. If discrepancies or errors in such findings are subsequently noticed or pointed out, they shall be corrected.

§ 8 Stakeholders, responsibilities, roles

(1) The roles and responsibilities of the researchers and research support staff involved in a research project must be defined in an appropriate manner and must be clear at all times.

(2) If necessary, the roles and responsibilities shall be adjusted.

§ 9 Research design

(1) Researchers comprehensively take account of and acknowledge the current state of research when planning a project. This generally requires thorough examination of research achievements that are already publicly accessible.

(2) The heads of university ensure the necessary conditions for this research within the scope of its budgetary possibilities.

(3) Researchers apply methods to avoid (even unconscious) bias in the interpretation of findings, as far as this is possible and reasonable.

(4) Researchers examine whether and to what extent gender and diversity may be relevant to the research project.

§ 10 Legal and ethical framework conditions for research

(1) Researchers exercise the freedom of research granted to them under constitutional law in a responsible manner.

(2) The heads of university ensure that the actions of the members and affiliates of the university comply with the rules and promote compliance with the rules through appropriate organizational structures. The heads of university developed the following binding documents for research ethics:

→ Regulations of the Jade University Research Ethics Commission

→ Regulations for ensuring good research practice

→ Regulations for the protection of personal data

Implementation is ensured by a Senate Commission for Research Ethics.

(3) Researchers observe their rights and obligations in their conduct, in particular those arising from legal requirements and contracts with third parties.

(4) Researchers obtain permissions and ethical approvals where necessary and submit them to the relevant authorities.

(5) Researchers are continuously aware of the risk of misuse of research results, in particular in the case of security-relevant research. The consequences of research are thoroughly assessed and the ethical implications of the research are evaluated.

§ 11 Rights of use

(1) Researchers enter into documented agreements at the earliest possible stage regarding the rights of use for data and results arising from the research project.

(2) The use of data and results is reserved in particular for those researchers who collected the data.

(3) The authorized users agree on whether and how third parties may access the research data.

§ 12 Methods and standards

(1) Research shall be conducted using scientifically sound and transparent methods.

(2) When developing and applying new methods, researchers shall place particular emphasis on quality assurance and the establishment of standards.

§ 13 Documentation

(1) Researchers document all information relevant to the generation of a research result in a manner that is as comprehensible as required and appropriate in the respective field to allow the result to be reviewed, assessed evaluated and replication is possible. Where subject-specific recommendations exist for verification and evaluation, researchers shall document their work in accordance with these guidelines. When developing research software, the source code is documented as far as possible and reasonable.

(2) Individual results that do not support the researcher's own hypothesis are also documented as a matter of principle. Selective documentation of results is not permitted.

(3) If the documentation does not meet the requirements set out in paragraphs 1 and 2, the constraints and reasons therefore are clearly explained.

(4) Documentation and research results must not be manipulated. They must be protected against manipulation as effectively as possible.

§ 14 Provision of public access to research data and results

(1) As a matter of principle, researchers contribute all their results to the scientific discourse.

(2) Research data (usually raw data) and research results, as well as the underlying key materials, are saved and archived for an appropriate period of time (usually 10 years) and made publicly available after scientific use, e.g. through publication. The retention period commences on the date on which public access is provided. Storage may take place at the institution where the research data was generated or in repositories across different locations. If there are plausible reasons for not storing certain data or for storing it only for

a shorter period of time, researchers have to explain this in exceptional cases by providing an appropriate explanation.

(3) In individual cases, there may be reasons for not making results publicly available. The decision to make data publicly available must not depend categorically on third parties; rather, researchers must decide on their own responsibility and in accordance with the conventions of their respective field whether, how, and where their results are made publicly available. Exceptions are permissible in particular where the rights of third parties are affected, patent applications are pending, or the research is commissioned or involves security-relevant research.

(4) If results are made publicly available, they are described in a complete and comprehensible manner. This also includes making available the research data, materials, and information underlying the results, the methods used, and the software employed, insofar as this is possible and reasonable. This is done in accordance with the FAIR principles: Findable, Accessible, Interoperable, Reusable. Exceptions may apply in case of patent applications.

(5) Self-developed software is made accessible, including its source code, insofar as this is possible and reasonable. An appropriate license is provided if necessary. The work progress is fully explained.

(6) One’s own and third-party preliminary work must be completely and correctly documented, unless this can be waived in exceptional discipline-specific cases, in which one’s own results are already publicly available. The repetition of content from own publications is limited to the extent necessary for understanding.

(7) Jade University defines the necessary processes in research data management and develops the necessary infrastructure to enable archiving. As far as possible, the processes and services (e.g., repositories and archiving options) are coordinated and used with partners in the state of Lower Saxony.

§ 15 Authorship

(1) An author is an individual who has made a genuine, identifiable contribution to the content of a scientific text, data, or software publication. Whether a contribution is genuine and identifiable depends on the subject-specific principles of scientific work and must be assessed on a case-by-case basis.

(2) A genuine, identifiable contribution is deemed to exist particularly if a person engaged in scientific work has contributed in a research-relevant way to

- the design and development of the specific research activities described and evaluated in the publication (not: merely applying for or acquiring funds for higher level framework projects, institutional units, or instrumental equipment, merely holding a management or supervisory position in the respective research institution, etc.);

- independent collection and processing of data, development of sources, or programming of software (not: merely performing routine technical tasks, merely implementing specified survey formats, or similar);

- independent analysis, evaluation, or interpretation of data, sources, or results (not: merely listing data, compiling sources, or similar);
- development of conceptual approaches or argumentative structures (not: merely advising on external drafts, merely contributing unspecific suggestions, or similar);
- drafting of the manuscript (not: mere editorial adjustments, mere linguistic corrections, etc.)

(3) If a contribution is insufficient to justify authorship, the support can be appropriately acknowledged in footnotes, in the foreword, or in the acknowledgments. Honorary authorship, where no sufficient contribution has been made, is as equally inadmissible as the derivation of authorship based solely on a managerial or supervisory function.

(4) All authors must agree to the final version of the work to be published; they bear joint responsibility for the publication, unless expressly stated otherwise. Consent to publication may not be refused without sufficient reason. Rather, a refusal must be justified by verifiable criticism of data, methods, or results.

(5) Researchers shall agree in good time – as a rule, when the manuscript is being drafted at the latest – on who is to be the author of the research results. The agreement must be based on comprehensible criteria, and the conventions of each subject area must be taken into account.

§ 16 Forms of publication

(1) The scientific quality of a contribution does not depend on the form of publication in which it is made publicly available. In addition to publications in books and journals, authors may also consider academic repositories, data and software repositories as well as blogs.

(2) Authors carefully select the form of publication, considering its quality and visibility in the relevant field of discourse. A new publication medium is evaluated to assess its seriousness.

(3) Anyone who assumes the role of editor carefully selects which publication medium this will be for.

§ 17 Confidentiality and neutrality in reviews and consultations

(1) Fair behavior is the basis for the legitimacy of any judgment-forming process.

(2) Researchers who evaluate manuscripts, funding proposals, or personal qualifications, are obliged to maintain strict confidentiality in this regard. They immediately disclose all facts that could give rise to the appearance of a conflict of interest to the responsible authority.

(3) Confidentiality means that any content accessed in the course of one's duties must not be disclosed to third parties or used for personal purposes.

(4) Paragraphs 1 and 2 apply accordingly to members of scientific advisory and decision-making boards.

Section II Ombudsperson System

§ 18 Ombudspersons

(1) There are two ombudspersons at Jade University who represent each other. A deputy is appointed in cases where there is an appearance of a conflict of interest regarding the original ombudsperson or where the ombudsperson is unable to perform his/her duties. Whether an appearance of a conflict of interest exists is determined in accordance with § 21 of the Administrative Procedure Act (VwVfG) of the State of Lower Saxony. In case of doubt, the investigation commission decides in accordance with Section III.

(2) Scientists of integrity may be appointed as ombudspersons. When making the appointment, the academic cultures represented at the university should also be taken into consideration.

(3) During their term of office, ombudspersons may not be members of the investigation committee or any governing body of the university. Governing bodies are defined as:

- Presidium,
- Head of department.

(4) Appointments are made by the heads of university following election by the Senate of Jade University. The election shall be preceded by a proposal from the Commission for Research, Knowledge and Technology Transfer.

(5) The term of office of an ombudsperson or deputy ombudsperson is four years. A one-time re-election is permitted.

(6) Ombudspersons shall receive the necessary support and acceptance in the performance of their duties from the heads of Jade University. To increase the effectiveness of the ombudsperson system, measures shall be taken as necessary to alleviate the workload of acting ombudspersons and deputies.

§ 19 Ombudsperson activities

(1) The ombudspersons shall perform their ombudsperson duties independently in accordance with § 18, in particular independently of instructions or informal case-specific influences from the heads of university and other university bodies. The ombudsperson duties shall be performed confidentially, i.e. in accordance with the principle of confidentiality.

(2) All members and affiliates of Jade University may contact the ombudspersons with questions regarding good research practice, but also in the event of suspected cases of misconduct. Alternatively, members and affiliates of the university have the option of contacting the supra-regional ombudsperson committee “Ombudsgremium für die wissenschaftliche Integrität in Deutschland” (Ombudsperson Committee for Academic Integrity in Germany).

(3) The heads of university ensure that the local ombudspersons are known at the university. The identities and contact details of the respective persons in office shall be published on the Jade University website.

(4) Ombudspersons act as neutral and qualified contact persons for questions of good research practice and in cases of suspected research misconduct. They contribute, as far as possible, to solution-oriented conflict mediation.

(5) Ombudspersons receive inquiries confidentially and, if necessary, forward suspected cases of research misconduct to the responsible authority at Jade University in accordance with Section III.

Section III Procedures for Dealing with Research Misconduct

§ 20 General principles for dealing with suspected cases of research misconduct

(1) All departments at Jade University that investigate suspected research misconduct within their area of responsibility take appropriate measures to protect both the complainant and the respondent. The responsible departments are aware that the implementation of processes and the possible imposition of sanctions may constitute a significant infringement of the legal rights of the respondent.

(2) The investigation of allegations of research misconduct must be conducted at all times in accordance with the principles of the rule of law, fairly and in accordance with the presumption of innocence. Furthermore, the investigation is conducted confidentially. Investigations shall be conducted irrespective of the person concerned, and decisions are made irrespective of the person concerned.

(3) The information disclosed by the complainant must be provided in good faith. The complainant must have objective reasons for suspecting that an infringement of the standards of good research practice may have occurred. If the complainant is unable to verify the facts personally, or if there is uncertainty in relation to an observed set of circumstances with regard to the interpretation of the guidelines for good research practice in accordance with Section I, the complainant should consult the persons specified in § 19 (1) and (2) to clarify the suspicion.

(4) Neither the complainant nor the respondent shall suffer any disadvantages in their own scientific or professional advancement as a result of the report. For the person who is accused, this shall apply until misconduct has been proven and established. In the case of early career researchers, the report should, as far as possible, not lead to delays in their qualification. The completion of theses and doctorates should not be disadvantaged. The same applies to working conditions and possible contract extensions.

(5) The complainant shall also be protected if misconduct is not proven in the process. The only exception to this is if the allegation was made against one's better knowledge.

(6) All authorities involved in the process endeavor to conduct the entire process as promptly as possible. They take the necessary steps to complete each stage of the process within a reasonable period of time.

(7) A report of suspected misconduct in which the complainant does not disclose their identity (anonymous report) is investigated if the complainant provides

reliable and sufficiently specific facts that enable an investigation to be carried out with reasonable effort.

(8) If the identity of the complainant is known to the competent authority, the authority treats the identity as confidential and does not disclose it to third parties without the written consent of the complainant. Disclosure may also take place without consent if there is a corresponding legal obligation to do so. In exceptional cases, disclosure may also take place if the accused person would otherwise be unable to defend themselves properly because the identity of the person making the report is essential for this purpose. Before the identity of the complainant is disclosed, they shall be informed of the intended disclosure. The complainant can decide whether to withdraw the allegation. In the event of withdrawal, disclosure shall not take place unless there is a legal obligation to disclose. The investigation may nevertheless be continued if a weighing of interests shows that this is in the interest of academic integrity in Germany or in the legitimate interest of Jade University.

(9) The confidentiality of the process shall be subject to restrictions if the complainant makes their suspicions public. The authority responsible for the investigation decides in each individual case, at its discretion, how to deal with the breach of confidentiality by the complainant.

§ 21 Elements of research misconduct

(1) Research misconduct occurs when a person engaged in scientific work at Jade University intentionally or through gross negligence makes false statements in a scientifically relevant context, appropriates the scientific achievements of others without authorization, or impairs the research activities of others. The specific cases listed in paragraphs 5 to 8 remain unaffected.

(2) False declarations are

a) the fabrication of scientifically relevant data or research results,

b) the falsification of research data or research results, in particular by suppressing or eliminating data or results obtained in the research process without disclosing it, or by falsifying a representation or illustration,

c) the incongruent presentation of an image and the accompanying statement,

d) incorrect scientific specifications in a funding application or in the context of reporting obligations,

e) claiming authorship or co-authorship of another person without their consent.

(3) The following cases constitute the unauthorized appropriation of another person's scientific achievements:

a) unmarked adoption of third-party content without the required reference (“plagiarism”),

b) unauthorized use of research approaches, research results, and research ideas (“idea theft”),

c) unauthorized disclosure of research data, theories, and findings to third parties,

d) presumption or unfounded assumption of authorship or co-authorship of an scientific publication, in particular if no genuine, verifiable contribution to the research content of the publication has been made,

e) falsification of scientific content,

f) unauthorized publication and unauthorized disclosure to third parties as long as the scientific work, findings, hypothesis, doctrine, or research approach has not yet been published.

(4) Impairment of the research activities of others occurs in particular in the following cases:

a) sabotage of research activities (including damaging, destroying, or manipulating experimental setups, equipment, documents, hardware, software, chemicals, or other items needed by others for research purposes),

b) falsification or unauthorized disposal of research data or research documents,

c) falsification or unauthorized disposal of research data documentation.

(5) Research misconduct by persons engaged in scientific work at Jade University also arises—in cases of intent or gross negligence—from

a) co-authorship of a publication that contains false information or improperly appropriated scientific achievements of others,

b) neglect of supervisory duties, if another person has objectively fulfilled the elements of research misconduct as defined in paragraphs 1 to 4, and such misconduct could have been prevented or significantly impeded by the necessary and reasonable supervision.

(6) Research misconduct also results from intentional participation (in the sense of incitement or aiding and abetting) in the intentional misconduct of others as defined in these statutes.

(7) Research misconduct on the part of reviewers or committee members at Jade University of Applied Sciences shall be deemed to have occurred if they intentionally or through gross negligence

a) use research data, theories, or findings that they have obtained in the course of their work as reviewers or committee members for their own research purposes, without authorization,

b) in the course of their work as reviewers or committee members, disclose data, theories, or findings to third parties, in violation of the confidentiality of the process and without authorization

c) in the course of their work as reviewers or committee members, fail to disclose facts or circumstances to the competent authority that could give rise to an appearance of a conflict of interest.

(8) Scientific misconduct also occurs if a reviewer or committee member of Jade University, in the course of their duties and with the intention of gaining an advantage for themselves or another person, knowingly fails to disclose facts which indicate research misconduct by another person as defined in paragraphs 1 to 5.

(9) The acts described in paragraphs 1 to 8 do not preclude the possibility of other acts constituting misconduct.

§ 22 Initiation of an Investigation

(1) Complainants should report their suspicions to an ombudsperson in accordance with §19 in written form. It may also be made verbally; in this case, the receiving office has to prepare a written record. If the complainants report their suspicions directly to a member of the investigation commission (§ 23), the member forwards the report to the competent ombudsperson.

(2) For concerns regarding the partiality of ombudspersons in their role in the procedure under Section III, the provisions of §§ 22 et seq. of the Code of Criminal Procedure apply accordingly, deviating from § 18 (1) of these statutes. The decision is made by the investigation committee in accordance with § 23 of these statutes.

(3) The responsible ombudsperson confidentially examines whether there are sufficiently concrete indications that a person has, in a prosecutable manner, committed an offense pursuant to § 21. The ombudsperson may conduct preliminary investigations in this context; § 24 (2) applies accordingly.

(4) If the ombudsperson concludes that there the suspicion is well-founded in accordance with paragraph 3, they shall initiate a preliminary investigation. The ombudspersons or the Presidium forward allegations of scientific misconduct to the Commission for the Safeguarding of Good Academic Practice at Jade University (§ 23), while maintaining confidentiality to protect the complainant. The commission then conducts a preliminary investigation in accordance with § 24.

§ 23 Commission for the Safeguarding of Good Research Practice

(1) To conduct the formal investigation, the Commission for the Safeguarding of Good Research Practice is established at the university as an ad hoc investigative commission. The commission has five members and is composed of four members from the group of professors and one member from the group of research assistants. The commission is appointed without delay by the heads of university on the recommendation of the responsible member of the Presidium. The composition of the commission takes into account the disciplinary cultures represented at the university. The commission elects a chairperson from among its members. The ombudspersons act as advisory members of the commission in cases of research misconduct. The chairperson conducts the business of the commission and, during meetings, exercises the chair and authority over the premises.

(2) The voting members of the commission and their representatives are appointed by the heads of university after election by the university senate. The term of office covers the duration of the procedure and does not exceed four years. Re-election is possible. In individual cases, the commission may call upon up to two non-voting advisory persons from the field of scientific matter to be assessed as additional members for consultation.

(3) In the event of concern about bias or the long-term unavailability of a commission member, their representative shall take over. §§ 22 et seq. of the Code of Criminal Procedure apply accordingly to concerns about bias. Concerns about bias may be raised by all voting members of the commission, by ombudspersons of the university, or by accused persons. The commission decides without the participation of the person against whom the motion for bias is directed. Procedural actions that cannot be postponed may continue to be carried out.

(4) All members of the commission who are entitled to vote have equal voting rights; the chairperson also has the right to vote. Resolutions are passed by a simple majority; in the event of a tie, the chairperson has the casting vote. The commission only constitutes a quorum if at least four persons are present and eligible to vote.

(5) The members of the commission and their representatives perform their duties independently, in particular independently of instructions or informal case-specific influence from the heads of the university and other university bodies. Their activities are confidential, i.e. subject to discretion.

(6) The commission works and meets confidentially and in private.

(7) Information on the composition of the commission can be obtained from the President's Office of Jade University, Wilhelmshaven Campus.

§ 24 Preliminary investigation

(1) As part of the preliminary investigation, the commission immediately requests the accused person in writing for a statement on the allegations. In doing so, it presents the incriminating facts and evidence to the accused person. A deadline shall be set for the statement; this shall generally be four weeks. The deadline may be extended. The statement shall be made in writing or in text form. Accused persons are not obliged to incriminate themselves.

(2) As part of the preliminary investigation, the commission may conduct investigations necessary to clarify the facts, insofar as these are permissible under higher-ranking law. For example, it may request, obtain, and review documents, obtain and secure other evidence, obtain statements, or, if necessary, obtain external expert opinions. All persons involved are requested to treat the inquiry as confidential.

(3) The files shall show what steps have been taken to clarify the facts of the case.

(4) After completing the relevant investigations and evaluating all relevant evidence, including the statement of the accused person, the commission decides without delay on how to proceed with the case. The decision is based on whether, given the facts of the case, a finding of research misconduct by

the investigation commission appears more likely than a dismissal of the case (sufficient suspicion). If there is insufficient suspicion of prosecutable research misconduct, the commission discontinues the process. If there is sufficient suspicion, the commission converts the preliminary examination into a formal investigation, which is also conducted by the commission.

In case of discontinuation of the process, the decision is first communicated in writing to the person who provided the information. The main reasons for the decision must be stated. The person who reported the misconduct is granted the right to remonstration against the decision within a period of two weeks. The remonstration is only admissible if it is based on new facts. It can be submitted to the ombudsperson or the commission. If a remonstration is lodged within the deadline, the decision will be reviewed.

(5) If the period for remonstration has expired without result or if a remonstration has not led to a different decision, the decision to discontinue the process shall be communicated to the accused person in writing, stating the main reasons for the decision.

(6) If the process is transferred to a formal investigation, this decision shall be communicated in writing to the person who provided the information and to the accused person. If the accused person has contested the allegation, a brief outline shall be provided explaining why the allegation could not be refuted.

§ 25 Course of the Formal Investigation

(1) The chair of the commission notifies the responsible member of the Presidium of the opening of the formal investigation procedure.

(2) The investigation commission arranges a timely appointment for a meeting. The accused person shall be given the opportunity in good time before the meeting to comment on the allegation either orally before the commission (hearing) or in writing. § 24 (1) sentence 6 shall apply accordingly. The complainant shall also be given another opportunity to make a statement. If the accused person waives the right to make a further statement, this alone shall not be considered to their disadvantage. A decision shall then be made on the basis of the files.

(3) The commission may hear other persons whose statements it deems useful for the process at its discretion. With regard to possible rights to refuse to give evidence, the provisions of the Code of Criminal Procedure shall apply accordingly.

(4) Any person heard by the commission may call upon a person of their choice to assist them. The commission has to be informed in good time.

(5) The investigation commission examines, in accordance with the established rules of free evaluation of evidence, whether research misconduct has been proven to its conviction. Research misconduct can only be established if a majority decision has been made within the commission. The deliberations are subject to confidentiality. This does not affect the commission's authority to discontinue the process in the absence of sufficient suspicion or, in the case of minor misconduct, due to insignificance. In the event of the process being

discontinued, the person who provided the information shall not be entitled to appeal.

(6) § 20 (8) and (9) apply accordingly to any disclosure of the identity of the person who reported the misconduct.

(7) If disciplinary or labor law violations are suspected, the process shall be suspended.

(8) The investigation commission promptly submits a final investigation report to the university administration, which also contains the commission's proposals for sanctions. The essential grounds for the commission's decision have to be communicated.

(9) The documents relating to the formal investigation need to be kept at the university for ten years.

(10) At the end of a formal investigation procedure, the ombudspersons advise those persons who have been involved in research misconduct through no fault of their own on how to safeguard their personal and scientific integrity, in particular early career researchers and students.

§ 26 Conclusion of the Procedure

(1) The heads of university decide at its discretion whether research misconduct has been established on the part of the accused person and whether and what sanctions and measures shall be imposed on them.

(2) If the accused person is a member of the heads of university, the person has to be excluded from all decisions relating to the process.

(3) The decision and its main reasons are communicated in writing to the person who reported the misconduct and to the person accused after the meeting. The parties shall be entitled only to the legal remedies granted by law against the decision.

(4) The decision is also communicated to the research organizations concerned and to third parties who have a justified interest in the decision. The heads of university decide at its discretion whether and in what manner this is to be done. It shall also decide whether and in what manner the public is to be informed. Notifications pursuant to this paragraph may be accompanied by a statement of reasons.

(5) If the revocation of an academic degree is being considered, the relevant authorities shall be involved.

§ 27 Possible sanctions and measures

(1) If the heads of university consider research misconduct to be proven, it may, within the bounds of proportionality, impose the following sanctions and/or take the following measures, either alternatively or cumulatively:

a) written reprimand (written censure of a specific behavior),

b) request to the accused person to withdraw or correct incriminating publications or to refrain from publishing incriminating manuscripts,

c) withdrawal of funding decisions or termination of funding agreements, insofar as the decision was made by the university or the agreement was concluded by the university, including, if necessary, a request for repayment of funds,

d) exclusion from acting as a reviewer or committee member of the university for a limited period of time,

e) for university employees: warning under labor law, proper termination, termination of contract, exceptional termination,

f) for university civil servants: initiation of disciplinary processes under civil service law with the measures provided for therein, including provisional measures,

g) criminal charge to the police or the public prosecutor's office,

h) report of misdemeanor to the responsible authority,

i) enforcement of civil law claims – also by way of interim legal protection – in particular for damages, surrender or removal/cessation,

j) enforcement of any public law claims, also by way of interim legal protection,

k) initiation of processes to revoke an academic degree or suggestion to initiate such processes.

(2) Sanctions and measures other than those specified in paragraph 1 may only be imposed if they are adequate in view of the legal interests and legitimate interests of the accused person.

(3) Measures pursuant to paragraph 1 are not unlawful merely because they were not specified in the letter pursuant to § 26 (3).

§ 28 Transitional provisions / implementation upon leaving the university

(1) The acts of research misconduct pursuant to § 21 shall only apply to acts committed after these statutes came into force.

(2) The procedural provisions of this section only applies to reports received after these statutes came into force. Preliminary investigations, preliminary examinations, and investigation procedures already in progress when these statutes come into force are concluded in accordance with the procedural rules previously in force.

(3) A deed may also be prosecuted if the accused person is no longer engaged in scientific work at Jade University, but was engaged in scientific work there at the time of the act.

Section IV Entry into Force of these Regulations; Promulgation; Repeal of the Previous Regulations on Ensuring Good Research Practice

§ 29 Entry into force

These regulations enter into force on the day after their publication in the official bulletin of Jade University Wilhelmshaven/Oldenburg/Elsfleth.