



Statute

for safeguarding good research practice and
the procedure for dealing with allegations of
research misconduct

of 22 February 2024

Preface



Good scientific practice is the basis of our joint work in research, teaching, study and operations at Trier University. It concerns us all equally: From established researchers to young academics and students, and also includes everyone who works in areas that support research at Trier University. It is explicitly not just a requirement for individual academics, but a shared concern and obligation: Only by encouraging openness, fairness, equality of opportunity, critical thinking and the ability to reflect, and by making them a lived reality, can

we all achieve the level of academic honesty that society expects of academia.

I am very pleased that we now have the Statutes for Safeguarding good Research Practice and Rules of Procedure for dealing with Allegations of Scientific Misconduct, adopted by the Senate and coordinated with the DFG. These will make it easier for us to work towards our common goal of academic integrity, and thus ultimately to help shape the future of Trier University in a constructive way.

Univ.-Prof. Dr. Eva Martha Eckkrammer
President of Trier University

Disclaimer: This English translation of the statute for safeguarding good research practice and the procedure for dealing with allegations of research misconduct is provided for informational purposes. The English text was carefully translated and reviewed for accuracy. The translation is based on the English translation of the DFG Code of Conduct. If the English and German versions permit different interpretations, the German text shall prevail.

Statute for safeguarding good research practice and the procedure for dealing with allegations of research misconduct

of 22 February 2024

Based on Section 7 Subsection 1, Sentence 1, 3, Subsection 7, Section 72 Subsection 5 and Section 76 Subsection 1 and Subsection 2 number 14 of the Higher Education Act (*Hochschulgesetz*) of 23 September 2020 (Law and Ordinance Gazette for the State of Rhineland-Palatine (*Gesetz- und Verordnungsblatt für das Land Rheinland-Pfalz – GVBl.*), p. 461), last amended by law of 22 July 2021 (GVBl p. 453), the Senate of Trier University, in consultation with Faculties I to VI, adopted the following statute on 22 February 2024 for the safeguarding of good research practice and the procedure for dealing with allegations of research misconduct. It is hereby published.

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Preamble

Research integrity forms the basis of a trustworthy research. The basic principles of good research work apply equally in all research disciplines. First and foremost is truthfulness towards oneself, others, and the public.

As a place of research and teaching, Trier University has an institutional responsibility to comply with the basic principles of good research practice. It is responsible for the compliance of the actions of its members and their employees and promotes them through appropriate organisational structures. With the participation of its research members, it establishes the rules for good research practice, announces them to its members and obliges them – taking into account the peculiarities of the relevant field – to comply with them. Its tasks also include the clarification of research misconduct by its members and employees.

Part 1 Applicability

Section 1 Applicability

- (1) This statute defines the standards of good research practice, taking into account the German Research Foundation's Code of Conduct "Guidelines for Safeguarding Good Research Practice", and regulates the procedure in cases of suspected research misconduct by members and employees of Trier University.
- (2) The procedure under this statute does not replace other procedures regulated by law or other statutes.
- (3) The provisions of Part 3 shall also apply if the person concerned by the suspicion of research misconduct is no longer a member of Trier University, but the conduct of which he or she is accused falls within the period of membership.

Part 2 Good research practice

Section 2 General principles

- (1) Every researcher is responsible for ensuring that their own conduct complies with the standards of good research practice.
- (2) In particular, the principles of good research practice include working *lege artis*, maintaining strict honesty in attributing one's own contributions and those of others, rigorously questioning all findings, permitting and promoting critical discourse within the research community and refraining from research misconduct (see Part 3).

Section 3 Professional ethos

- (1) Researchers are responsible for putting the fundamental values and norms of research into practice and advocating for them. Education in the principles of good research begins at the earliest possible stage in academic teaching and research training. Researchers at all career levels regularly update their knowledge about the standards of good research practice and the current state of the art.
- (2) Experienced and early career researchers support each other in a process of continuous mutual learning and ongoing training and maintain a regular dialogue.

Section 4 Organisational responsibility of the university management

- (1) The university management creates the basic framework for research work. It is responsible for ensuring adherence to and the promotion of good practice, and for appropriate career support for all researchers.
- (2) It guarantees the necessary conditions to enable researchers to comply with legal and ethical standards. The basic framework includes clear written policies and procedures for staff selection and development as well as for early career support and equal opportunity.
- (3) With regard to staff selection and development, due consideration is given to gender equality and diversity. The relevant processes are transparent and avoid unconscious bias as much as possible.
- (4) Suitable supervisory structures and concepts are established for early career researchers. Honest career advice, training opportunities, and mentoring are offered to researchers and research support staff.
- (5) The university management is responsible for ensuring that an appropriate organisational structure is in place at the institution. It guarantees that the tasks of leadership, supervision, quality assurance, and conflict management are clearly allocated in accordance with the size of individual research work units and suitably communicated to members.

Section 5 Responsibility of the heads of research work units

- (1) The head of a research work unit is responsible for the entire unit. Collaboration within the unit is designed to allow the group to perform its tasks, to achieve the necessary cooperation and coordination, and to allow all members to understand their roles, rights, and duties.
- (2) The leadership role includes ensuring adequate individual supervision of early career researchers as well as career development for researchers and research support staff within the framework of the overall university support programme.

- (3) The size and the organisation of the research work group are designed to allow leadership tasks, particularly skills training, research support and supervisory duties, to be performed appropriately. The performance of leadership tasks is associated with a corresponding responsibility.
- (4) Researchers and research support staff benefit from a balance of support and personal responsibility appropriate to their career level. They are given adequate status with corresponding rights of participation. Through gradually increasing autonomy, they are empowered to shape their career.
- (5) Students, graduates, and doctoral candidates must be adequately supervised as part of their work in the research working group. Each of them must be assigned a permanent contact person in the working group. The supervision includes the teaching of good research practice, also based on this statute.
- (6) Abuse of power and the exploitation of dependency relationships must be prevented by appropriate organizational measures both at the level of the individual research work unit and at the level of the university management.

Section 6 Dimensions of performance and assessment criteria

- (1) Originality and quality take precedence over quantity as performance and evaluation criteria for examinations, for the award of academic degrees, for promotions, recruitment, appointments, and allocations. Quantitative indicators can only be included in the overall assessment in a differentiated and reflected manner. High-quality research is based on discipline-specific criteria.
- (2) In addition to gaining insights and their critical reflection, further performance dimensions can be taken into account. Examples include involvement in teaching, academic self-governance, public relations, and knowledge and technology transfer; contributions to the general good of society may also be recognised. An individual's approach to research, such as an openness to new findings and a willingness to take risks, is also considered.
- (3) Appropriate allowance is made for periods of absence due to personal, family or health reasons or for prolonged training or qualification phases resulting from such periods, and for alternative career paths or similar circumstances.
- (4) Where provided voluntarily, individual circumstances stated in curricula vitae – as well as the categories specified in the German General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz* – AGG) – are considered when forming a judgement.

Section 7 Cross-phase quality assurance

- (1) Researchers carry out each step of the research process *lege artis*. They ensure continuous, research-related quality assurance, in particular with regard to:

- compliance with subject-specific standards and established methods,
 - the development of new methods,
 - processes such as equipment calibration,
 - the collection, processing, and analysis of research data,
 - the selection and use of research software, software development, and programming,
 - and the keeping of laboratory notebooks.
- (2) When research findings are made publicly available (in the narrower sense of publication, but also in a broader sense through other communication channels), the quality assurance mechanisms used are always explained.
 - (3) If researchers have made their findings publicly available and subsequently become aware of inconsistencies or errors in them, they make the necessary corrections.
 - (4) If the inconsistencies or errors constitute grounds for retracting a publication, the researchers will promptly request the publisher, infrastructure provider, etc. to correct or retract the publication and make a corresponding announcement. The same applies if researchers are made aware of such inconsistencies or errors by third parties.
 - (5) The origin of the data, organisms, materials, and software used in the research process is disclosed and the reuse of data is clearly indicated; original sources are cited. The nature and the scope of research data generated during the research process are described. Research data are handled in accordance with the requirements of the relevant subject area. The source code of publicly available software must be persistent, citable and documented. Depending on the particular subject area, it is an essential part of quality assurance that results or findings can be replicated or confirmed by other researchers.

Section 8 Stakeholders, responsibilities, and roles

- (1) The roles and responsibilities of the researchers and research support staff participating in a research project must be clear at each stage of the project.
- (2) The participants in a research project engage in regular dialogue. They define their roles and responsibilities in a suitable way and adapt them where necessary. Adaptations are likely to be needed if the focus of a participant's work changes.

Section 9 Research design

- (1) Researchers take into account and acknowledge the current state of research when planning a project. To identify relevant and suitable research questions, they familiarise themselves with existing research in the public domain. Trier University shall ensure the necessary framework conditions within its capabilities.
- (2) Methods to avoid (unconscious) distortions in the interpretation of findings, e. g. the use of blinding in experiments, are applied where possible. Researchers examine whether and

to what extent gender and diversity dimensions may be of significance to the research project (regarding methods, work programme, objectives, etc.). The context in which the research was conducted is taken into consideration when interpreting findings.

Section 10 Legal and ethical framework conditions, usage rights

- (1) Researchers adopt a responsible approach to the constitutionally guaranteed freedom of research. They comply with rights and obligations, particularly those arising from legal requirements and contracts with third parties, and where necessary seek approvals and ethics statements and present these when required. With regard to research projects, the potential consequences of the research should be evaluated in detail and the ethical aspects should be assessed.
- (2) Researchers maintain a continual awareness of the risks associated with the misuse of research results. Their responsibility is not limited to compliance with legal requirements but also includes an obligation to use their knowledge, experience, and skills such that risks can be recognised, assessed and evaluated. They pay particular attention to the aspects associated with security-relevant research (dual use).
- (3) Trier University is responsible for ensuring that its members' actions comply with regulations and promote this through suitable organisational structures. They develop binding ethical guidance and policies and define procedures to assess ethical issues relating to research projects.
- (4) Within the framework of the organizational structure of Trier University, at the earliest possible stage in the research project researchers conclude, if possible and reasonable, documented agreements on usage rights with the participating researchers and their respective organisations.
- (5) In particular, the researcher who collected the data is entitled to use them. During a research project, those entitled to use the data decide whether third parties should have access to them (subject to data protection regulations).

Section 11 Methods and standards

- (1) To answer research questions, researchers use sound and appropriate methods. When developing and applying new methods, they attach particular importance to quality assurance and the establishment of standards.
- (2) The application of a method normally requires specific expertise that is ensured, where necessary, by suitable cooperative arrangements. The establishment of standards for methods, the use of software, the collection of research data, and the description of research results is essential for the comparability and transferability of research outcomes.

Section 12 Documentation

- (1) Researchers document all information relevant to the production of a research result as clearly as is required by and is appropriate for the relevant subject area to allow the result to be reviewed and assessed. This includes, in particular, storing information about the research data used or generated, the method, evaluation and analysis steps and, if applicable, the development of the hypothesis, ensuring the traceability of citations and, where possible, allowing third parties access to this information. When developing research software, the source code is documented.
- (2) In general, this also includes documenting individual results that do not support the research hypothesis. The selection of results must be avoided.
- (3) Where subject-specific recommendations exist for review and assessment, researchers create documentation in accordance with these guidelines. If the documentation does not satisfy these requirements, the constraints and the reasons for them are clearly explained.
- (4) Documentation and research results must not be manipulated; they are protected as effectively as possible against manipulation

Section 13 Providing public access to research results

- (1) As a rule, researchers make all results available as part of research discourse. They decide on their own responsibility – taking into account the practices of the subject area concerned – to what extent there are reasons in individual cases to deviate from this principle and refrain from making it publicly available; the decision may not be made dependent on third parties. Exceptions are permitted in particular where rights of third parties are affected, patent applications are pending, contract research or safety-relevant research is involved.
- (2) If it has been decided to make results available in the public domain, researchers describe them clearly and in full. Where possible and reasonable, this includes making the research data, materials, and information on which the results are based, as well as the methods and software used, available and fully explaining the work processes. Software programmed by researchers themselves is made publicly available along with the source code. Researchers provide full and correct information about their own preliminary work and that of others.
- (3) In the interest of transparency and to enable research to be referred to and reused by others, whenever possible researchers make the research data and principal materials on which a publication is based available in recognised archives and repositories in accordance with the FAIR principles (**F**indable, **A**ccessible, **I**nteroperable, **R**eusable). Restrictions may apply to public availability in the case of patent applications. If self-developed research software is to be made available to third parties, an appropriate licence is provided.

- (4) In line with the principle of “quality over quantity”, researchers avoid splitting research into inappropriately small publications. They limit the repetition of content from publications of which they were (co-)authors to that which is necessary to enable the reader to understand the context. They cite results previously made publicly available unless, in exceptional cases, this is deemed unnecessary by the general conventions of the discipline.

Section 14 Authorship

- (1) An author is an individual who has made a genuine, identifiable contribution to the content of a research publication of text, data or software or a research proposal. All authors agree on the final version of the work to be published. Unless explicitly stated otherwise, they share responsibility for the publication. Authors seek to ensure that, as far as possible, their contributions are identified by publishers or infrastructure providers such that they can be correctly cited by users.
- (2) The contribution must add to the research content of the publication. What constitutes a genuine and identifiable contribution must be evaluated on a case-by-case basis and depends on the subject area in question. An identifiable, genuine contribution is deemed to exist particularly in instances in which a researcher – in a research-relevant way – takes part in
 - the development and conceptual design of the research project, or
 - the gathering, collection, acquisition or provision of data, software or sources, or
 - the analysis/evaluation or interpretation of data, sources, and conclusions drawn from them, or
 - the drafting of the manuscript.
- (3) If a contribution is not sufficient to justify authorship, the individual’s support may be properly acknowledged in footnotes, a foreword or an acknowledgement.
- (4) Honorary authorship where no such contribution was made is not permissible. A leadership or supervisory function does not itself constitute co-authorship.
- (5) Collaborating researchers agree on authorship of a publication. The decision as to the order in which authors are named is made in good time, normally no later than when the manuscript is drafted, and in accordance with clear criteria that reflect the practices within the relevant subject areas. Without sufficient reason, a necessary consent to a publication of results may not be denied. Refusal of consent must be justified with verifiable criticism of data, methods or results.

Section 15 Publication medium

- (1) Authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse. A new or unknown publication medium is

examined for its reliability. The research/academic quality of a contribution does not depend on the medium in which it is published. In addition to publication in books and journals, authors may also consider academic repositories, data and software repositories, and blogs. A key criterion to selecting a publication medium is whether it has established guidelines on good research practice.

- (2) Researchers who assume the role of editor carefully select where they will carry out this activity.

Section 16 Confidentiality and neutrality of review processes and discussions

- (1) Fair behaviour is the basis for the legitimacy of any judgement-forming process. Researchers who evaluate submitted manuscripts, funding proposals or personal qualifications are obliged to maintain strict confidentiality with regard to this process. They disclose all facts that could give rise to the appearance of a conflict of interest. The duty of confidentiality and disclosure of facts that could give rise to the appearance of a conflict of interest also applies to members of research advisory and decision-making bodies.
- (2) The confidentiality of third-party material to which a reviewer or committee member gains access precludes sharing the material with third parties or making personal use of it.
- (3) Researchers immediately disclose to the responsible body any potential or apparent conflicts of interest, bias or favouritism relating to the research project being reviewed or the person or matter being discussed.

Section 17 Archiving

- (1) Researchers back up research data and results made publicly available, as well as the central materials on which they are based and the research software used, by adequate means according to the standards of the relevant subject area and the guidelines for handling research data at Trier University (*Leitlinien zum Umgang mit Forschungsdaten an der Universität Trier*, see Appendix 1) and retain them for an appropriate period of time. Where justifiable reasons exist for not archiving particular data, researchers explain these reasons. Trier University ensures that the infrastructure necessary to enable archiving is in place.
- (2) When research and academic findings are made publicly available, the research data (generally raw data) on which they are based are generally archived in an accessible and identifiable manner for a period of ten years at the institution where the data were produced or in cross-location repositories. This practice may differ depending on the subject area. In justified cases, shorter archiving periods may be appropriate; the reasons for this are described clearly and comprehensibly. The archiving period begins on the date when the results are made publicly available.

Part 3 Procedure in the event of suspected research misconduct

Section 18 Definition

- (1) Research misconduct exists in particular if, in a research-relevant context, incorrect information is provided intentionally or through gross negligence, the research achievements of others are appropriated without authorization, or the research activity of others is impaired. Behaviours which are to be regarded in particular as research misconduct are listed in Appendix 2. The circumstances of the individual case are decisive.
- (2) Joint responsibility for misconduct may result, among other things, from neglect of the duty of supervision or active participation in the misconduct of others.
- (3) Members and employees of the University may not make allegations of research misconduct without sufficient knowledge of the facts. Careless handling of allegations of research misconduct, especially the making of deliberately incorrect allegations, may itself constitute a form of research misconduct.

Section 19 Competence

- (1) The Research Commission of the Senate is a permanent commission responsible for investigating allegations of research misconduct.
- (2) For each investigation, the Research Commission shall appoint a sub-commission from its members, the chairmanship of which must be a person qualified to hold the German judiciary. The sub-commission may not include members of the University Executive Board or superiors of the persons concerned. The Sub-Commission may include external experts. An ombudsperson should be involved as an advisory member.
- (3) Each member of the sub-commission shall have a deputy in the event of bias, concern about bias or incapacity.
- (4) The procedure before the Research Commission and its sub-commission does not replace other legal or statutory procedures. Where appropriate, these shall be initiated by the relevant competent bodies.

Section 20 Ombudspersons

- (1) Trier University appoints three full-time professors, who should preferably have management experience, as ombudspersons for members and employees of the University. Among them should be at least one female and at least one male professor. In the event of bias, concern of bias or incapacity, the ombudspersons shall substitute each other. The ombudspersons are named on the homepage of Trier University. Ombudspersons may not serve as members of a central governing body of Trier University

while exercising this function. Their term of office is three years. A further term of office is possible.

- (2) As neutral and qualified contact persons, the ombudspersons advise on questions of good research practice and, where possible, contribute to solution-oriented conflict mediation. While maintaining confidentiality, they advise those who inform them of suspected research misconduct (complainants). They examine the allegations for plausibility, correctness, and significance and with regard to the possibilities of resolving the allegations. The ombudspersons also act as contact persons for those accused of research misconduct (the person concerned). They must maintain confidentiality.
- (3) Information obtained by an ombudsperson from a complainant or from a person concerned may be made subject to the procedure only with his or her consent.
- (4) Each member of the university is entitled to speak to an ombudsperson in person within a short period of time. If the ombudsperson concerned is prevented from attending the consultation in a timely manner, or if there are circumstances that justify bias or concern of bias on the part of the ombudsperson with regard to the complainant or the person concerned, the ombudsperson shall refer the complainant, or the person concerned to another ombudsperson. This also applies if a reason for impediment or bias subsequently occurs or becomes apparent.
- (5) The ombudspersons receive the necessary substantive support and acceptance from the university in carrying out their tasks.
- (6) In order to increase the functioning of the ombudsman institution, the teaching duty of the ombudspersons must be reduced appropriately in accordance with the state ordinance on the teaching obligation at universities or, in coordination with the ombudspersons, other suitable exoneration shall be provided.
- (7) Members and employees of the university can choose whether to contact the local ombudsperson or the supra-regional "German Research Ombudsman" committee in cases of suspected research misconduct.

Section 21 General principles

- (1) The procedure for suspected research misconduct shall respect the principles of a fair and confidential procedure. Confidentiality must be maintained to protect both the complainant and the person concerned. The principle of presumption of innocence applies.
- (2) The complainant and the person concerned should be given the opportunity to comment at each stage of the procedure.
- (3) Until evidence of research misconduct is provided, the information about the parties involved in the process and the findings to date will be treated confidentially. The

investigating bodies shall take appropriate steps to protect the interests of the complainant and the person concerned.

- (4) Neither the complainant nor those affected by the allegations may suffer disadvantages for their own research and professional advancement as a result of the report.
- (5) The university shall ensure that the entire procedure is carried out as promptly as possible and shall take the necessary steps to complete each section of the procedure within a reasonable period of time.

Section 22 Protection of the complainant

- (1) If the person making the complaint is known by name, the investigating body shall treat the name confidentially at each stage of the proceedings on a case-by-case basis and shall not disclose it to third parties without the corresponding consent. Something else only applies if there is a legal obligation to do so or if the person concerned by the allegations cannot otherwise defend him- or herself properly, because the identity of the complainant is exceptionally important.
- (2) Before the name of the complainant is disclosed, he or she is informed; the complainant can decide whether he or she withdraws the complaint if the name is to be disclosed.
- (3) Confidentiality regarding the person of the complainant will be restricted if he or she goes public with the suspicion. The investigating body shall decide on a case-by-case basis how to deal with this situation.
- (4) The reporting of research misconduct – especially in the case of young researchers – should not lead to delays during the qualification of the complainant. The complaint should not have a negative impact on the preparation of theses and doctorates, on the working conditions and on possible contract extensions.
- (5) The complainant shall also be protected in the event of unproven research misconduct, provided that the complaint has not been made against better knowledge.

Section 23 Reporting research misconduct to the ombudspersons

- (1) In cases of suspected research misconduct, members and employees of Trier University can contact an ombudsperson. This right is also available to non-members of Trier University if they want to raise a suspicion of research misconduct against a member of Trier University. If the complaint of a non-member is filed with a body other than the ombudsperson, the ombudsperson must forward the complaint to an ombudsperson.
- (2) The complaint can be made anonymously or by name. If the complaint is made anonymously, it can only be checked if the complainant submits reliable and sufficiently concrete facts that make the suspicion of research misconduct appear sufficiently likely.

- (3) If an ombudsperson becomes aware of a suspicion of research misconduct on the basis of a complaint or otherwise, he or she shall initiate a preliminary examination procedure. In order to do so, the Ombudsperson must obtain the information and comments required to clarify the allegation while safeguarding the legitimate interests of the persons concerned, in particular the Ombudsperson shall give the person concerned the opportunity to comment on the allegations in writing. The name of the complainant will not be disclosed without his or her consent at this stage.
- (4) After further clarification of the facts, the ombudsperson decides on the specificity and plausibility of the allegations and taking into account the opinion of the person concerned, whether he or she is forwarding the case to the Research Commission for the opening of a formal investigation procedure. Section 20 subsection 3 applies accordingly. The ombudsperson shall inform both the complainant and the person concerned in writing of the decision and the reasons.
- (5) If the ombudsperson refuses to forward the procedure to the Research Commission, the complainant may raise his or her allegations directly with the President or the Chair of the Research Commission. The ombudsperson should inform the complainant of this.

Section 24 Formal investigation procedure

- (1) At the request of an ombudsperson, the members of the ombudsperson's office or at the request of the President, the Research Commission shall decide to initiate a formal investigation procedure. It shall transfer the procedure to a sub-commission for further examination (section 19 subsection 2). The sub-commission shall examine whether the person concerned is to be accused of research misconduct pursuant to section 18.
- (2) The sub-commission may, at its own discretion, appoint expert reviewers from the field of a research matter to be assessed and experts for dealing with cases of research misconduct as further members with advisory vote or external consultants. The involvement of arbitration advisors is also possible.
- (3) The sub-commission shall deliberate in a private session. It shall examine in free evaluation of evidence whether the person concerned is to be accused of research misconduct. The sub-commission shall give the person concerned an appropriate opportunity to comment. The person or persons concerned shall, at his or her request, be heard orally before the sub-commission; he or she may seek the assistance of a trusted person. This also applies to other persons to be heard.
- (4) The name of the complainant will only be disclosed to the person concerned by the allegations if there is a legal obligation to do so or if the person concerned by the allegations cannot otherwise defend him- or herself properly.
- (5) The procedure shall be terminated if the sub-commission deems any misconduct to be unproven or considers it to be unfounded. If the sub-commission deems research misconduct to have occurred, it shall submit the results of its investigation, including the

case files, to the President via the Research Commission and make a recommendation regarding the measures to be taken pursuant to Part 4.

- (6) If the suspicion concerns an academic examination or a graduation (doctorate, habilitation), the sub-commission shall direct the procedure (including the documents available to it) to the body responsible by doctoral or habilitation regulations, if the allegations do not prove to be obviously unsuitable after their own review in order to take further measures under the relevant regulations. The chairperson of the investigation committee is available for consultation with the responsible bodies when dealing with the suspected case. As long as the sub-commission investigates a matter, it prevents other bodies from acting on the same matter. This does not apply to emergency measures under employment law or civil service law, in particular the dismissal of suspicion referred to in Appendix 3 No. 2.
- (7) The investigation commission shall notify the parties involved of its decision in writing via the President, stating the main reasons.
- (8) The files of the formal investigation shall be kept for 30 years. The ombudspersons have the right to obtain information about the procedure and its results by examining the files.

Part 4 Consequences of research misconduct

Section 25 Measures in the event of research misconduct

- (1) If research misconduct has been identified, the President will consider the need for further action to uphold the University's research standards and the rights of all those directly and indirectly affected. The punishment of research misconduct depends on the circumstances of the individual case.
- (2) Taking into account the circumstances of the individual case, the university management takes or initiates in particular employment, civil, criminal or regulatory measures. The measures to be considered are listed in Appendix 3.

Section 26 Issue of a research reprimand

- (1) In the event of research misconduct, the President may issue a research reprimand to the person concerned. In the event of serious or repeated research misconduct, a more severe reprimand may also be made.
- (2) The stricter reprimand may be made public on the homepage of Trier University. The interests of the person concerned must be adequately protected.
- (3) In the case of section 24 subsection 6, the responsible department decides on the issue of the reprimand.

(4) Section 2 shall not apply in the event of student misconduct.

Section 27 Notification of others of the research misconduct

Third parties may be informed of the outcome of the proceedings if there is a legitimate interest. The President shall decide on this in consultation with the departments concerned.

Section 28 Entry into force

These regulations come into force on the day after their publication in the Gazette of Trier University (Official Announcements). It replaces the guidelines adopted by the Senate of Trier University on 18 February 2016 for safeguarding good research practice, which are at the same time out of force.

Trier, 22 February 2024

Univ.-Prof. Dr. Eva Martha Eckkrammer
President of Trier University

Appendix 1

Guidelines for Managing Research Data

Trier University aims to promote the quality-assured and sustainable management of research data, in addition to the guidelines for ensuring good scientific practice. It considers the storage and provision of research data as an essential contribution to generating scientific knowledge and ensuring the quality of research. It promotes and supports unrestricted access to research data where this is possible under (data protection) law. The handling of research data should consider the following principles, taking into account subject-specific requirements:

- (1) Research data serve as the foundation of scientific research and simultaneously represent key results of the research process. They are generated, for example, by collecting, recording, and analyzing text, image, and multimedia data and artifacts, conducting interviews or surveys, measuring, or simulations. Along with the documentation of the methodological approach and information on the software used, research data ensure the traceability of the formation of hypotheses and formulation of results, and guarantee the study's replicability.
- (2) Research data management encompasses all phases of the research process, from data collection, processing, analysis, backup, and archiving to publication. This includes measures to ensure data integrity, documentation of the research context, and long-term reusability. Subject-specific guidelines and standards must be considered while implementing research data management.
- (3) Research data management complies with the requirements of research funding organizations, cooperation partners, data providers, and professional associations.
- (4) It is recommended that a data management plan be created before starting a research project and updated throughout the research process. The goal is to ensure systematic and sustainable research data management and to guarantee its integration into the intended infrastructures.
- (5) Research data management is the responsibility of the researchers and the heads of a research project. The project leadership develops, together with the employees, rules for managing research data in the research project. Furthermore, the scientific and legal interests of the researchers must be considered.
- (6) If the legal framework conditions permit, research data relevant for reuse should be made publicly accessible in national or international subject-specific data repositories under appropriate licensing; if this option is not available, the research data should be stored and archived in supra-regional interdisciplinary repositories or the University's local IT infrastructure. The storage of primary research data obtained according to Points 4 and 5, in line with good scientific practice, is typically facilitated by appropriate infrastructure and services provided by the University.
- (7) Researchers consider ethical, data protection, copyright, and confidentiality concerns in research data management. When transferring reuse or publication rights to third parties,

care should be taken to ensure that the data remains freely available for scientific purposes.

Trier University supports researchers in implementing these guidelines through appropriate measures. This includes advice on organizational, legal, and technical aspects of research data management and support in creating data management plans, developing a project-specific strategy for implementing research data management, and providing IT infrastructure. The methods of subject-specific research data management should be effectively incorporated into teaching and professional development in cooperation with the faculties.

Trier University cooperates with other scientific institutions and infrastructure facilities in research data management and participates in national and international development processes to establish information infrastructures.

Trier University, in collaboration with the faculties and central facilities, develops actionable recommendations for implementing these guidelines and will continuously refine them to address ongoing discussions and developments in research data management and the expansion of IT infrastructures.

Appendix 2

Catalogue of behaviours to be considered research misconduct

- (1) Research misconduct shall be deemed to occur in particular if, in a research-relevant context, individuals intentionally or with gross negligence
1. make misrepresentations,
 2. claim others' research achievements as their own without justification, or
 3. interfere with others' research.

Research misconduct shall include in particular

1. misrepresentation

- a) by fabricating data and/or research findings,
- b) by falsifying data and/or research findings, in particular
 - i) by suppressing and/or eliminating data and/or results obtained in the research process without disclosing this,
 - ii) by manipulating a representation or illustration/figure,
- c) by presenting an image and a statement corresponding to it in an incongruous manner,
- d) by making inaccurate statements in a grant proposal or within the scope of the reporting obligation (including false statements regarding the publication medium and publications in print) to the extent that they relate to research,
- e) by claiming another person's (co-)authorship without consent,

2. violation of intellectual property:

- a) by using others' content without indicating the source (plagiarism),
- b) by using others' research approaches and ideas (idea theft),
- c) by sharing, without authorisation, others' data, theories, and findings with third parties,
- d) by claiming, or assuming without justification, authorship or co-authorship, in particular if no genuine, identifiable contribution was made to the research content of the publication,
- e) by falsifying content,
- f) by publishing an unpublished work, finding, hypothesis, teaching or research approach, or otherwise making it available to third parties, without authorisation,

3. interference with others' research, in particular

- a) sabotaging research activities (such as damaging, destroying or manipulating experimental setups, instrumentation, documentation, hardware, software, chemicals or other items required by others for research purposes),
 - b) falsifying or removing, without authorisation, research data or research documents,
 - c) falsifying or removing, without authorisation, the documentation of research data.
- (2) In cases of intent or gross negligence, research misconduct also results from
- 1. co-authorship of a publication that contains false information or unjustifiably appropriated third-party research achievements as defined in subsection 1,
 - 2. neglect of supervisory obligations if another person has committed research misconduct as defined in subsection 1 and this would have been prevented or substantially impeded by necessary and reasonable supervision.
- (3) Research misconduct as defined in subsection 1 also results from the intentional participation (in the form of instigation or abetment) in the intentional misconduct of others.

Appendix 3

Catalogue of sanctions or consequences for research misconduct

I. Consequences in labour law

1. Warning

The warning, which is to be given in written form and filed in the personnel record, is a precursor to termination. It is therefore a possible consequence only for minor acts of research misconduct, where termination is not yet judged to be necessary.

2. Extraordinary termination

An extraordinary termination presupposes that, in consideration of the specifics surrounding a case of misconduct and the interests of both parties of the employment contract, a continuation of the employment relation is no longer reasonably bearable. Cases of severe research misconduct almost certainly meet this standard.

The termination must take place within a two-week deadline. The two-week period begins at the point when the terminating party becomes aware of the misconduct which justifies the termination. This does not include the mere suspicion of research misconduct but is instead the point at which research misconduct has been verified and the university management has been informed thereof.

An extraordinary termination for other important reasons remains unaffected.

The preparation of an extraordinary termination normally requires special labour law counsel. For extremely urgent suspicions, it seems advisable to provide for such counsel immediately in order to clarify if a so called 'Verdachtskündigung' (termination due to suspicion) is appropriate; this step should be taken to minimize the risk that a court could decide that the two-week period began at the moment the leadership became aware of an urgent suspicion rather than at the moment when the committee confirmed those suspicions.

3. Ordinary termination

An ordinary termination based on the regular deadlines mandated by labour law will most likely only rarely be useful for the cases being discussed here. For cases of research misconduct, the options of extraordinary termination or contract dissolution will be preferable.

4. Contract dissolution

In addition to ordinary and extraordinary terminations – considering the two-week deadline for extraordinary termination – the option to dissolve the contract by mutual agreement should remain in consideration.

5. Specificities associated with civil service contracts

For researchers employed as civil servants, the state law for civil servants applies. It is reasonable to expect that severe research misconduct is sufficient reason for termination under the civil servant laws in Rhineland-Palatinate.

II. Consequences under civil law

The following consequences under civil law may be considered:

1. an exclusion order prohibiting entering the campus,
2. order to surrender the right of possession, i.e. the requirement that misappropriated research goods be returned to their original owner,
3. remedy claims and prohibitory injunctions arising from copyright law, personality rights, patent law, and competition law,
4. repayment claims, i.e. for scholarships or external funding,
5. claims for damages by the university or by third parties for personal, property or financial damages.

III. Consequences under criminal law

Criminal consequences come into consideration when the suspicion exists that a particular case of research misconduct is also action covered by the German Criminal Code (*Strafgesetzbuch* – StGB), or when other criminal provisions are met or administrative offences have taken place. In those cases, investigative authorities shall be informed by the university leadership.

Possible criminal offences include, among other things:

1. privacy violations
 - § 202 a StGB: Data espionage
 - § 204 StGB: Unauthorized usage of other persons' secrets
2. crimes against life and physical integrity
 - § 222 StGB: Negligent homicide
 - §§ 223, 230 StGB: Malicious injury or injury resulting from negligence
3. property crimes
 - § 242 StGB: Theft
 - § 246 StGB: Embezzlement
 - § 263 StGB: Fraud
 - § 264 StGB: Subsidy fraud
 - § 266 StGB: Breach of trust
4. document fraud
 - § 267 StGB: Document fraud
 - § 268 StGB: Falsification of technical records
5. property crimes
 - § 303 StGB: Property damage
 - § 303a StGB: Data alteration

6. copyright infringements
 - § 106 Copyright law: the unauthorised use of copyrighted materials.

IV. Academic consequences

Possible academic consequences include:

1. revocation of doctoral degree,
2. withdrawal of the licence to teach,
3. revocation of a final degree or exmatriculation,
4. Issue of a (more severe) research reprimand.

Academic consequences in the form of revocation of degrees can only be administered by the university which granted the degree. If severe research misconduct can be connected to having obtained a degree, the institution where that degree was earned should be informed.

V. Retraction of research publications/information for the public and the press

Generally, authors, groups of authors, publishers, and publishing houses have a duty to withdraw, correct or retract publications which, due to research misconduct, contain errors. If third parties were involved in the publication, they too should be informed through the appropriate channels.

Should these duties remain unfulfilled, the President shall, as he or she can, initiate appropriate proceedings.

For cases of grave research misconduct, the President shall inform any other research institutions or research organizations affected by said misconduct. For some cases it may also be justified to inform professional associations of the misconduct.

In order to protect third parties, maintain trust in research honesty, restore the university's research reputation, prevent subsequent damages, and to act with respect to general public interests, the university may be obliged to inform affected third parties or the public.

