

Statutes for Ensuring Good Scientific Practice, Avoiding Scientific Misconduct, and Handling Violations

as of June 1, 2022

On the basis of § 79 para. 3 of the Act on the Autonomy of Institutions of Higher Education in the Free State of Saxony in the version published on January 15, 2013 (SächsGVBl. p. 3), last amended by Article 2 of the Act of September 30, 2021 (SächsGVBl. p. 1122) and taking into account the Code "Guidelines for Ensuring Good Scientific Practice" of the German Research Foundation of July 3, 2019, by resolution of the Senate of April 13, 2022 ,and consultation with the University Executive Board ,the following Statutes.

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Preamble

(1) Scientific work is based on fundamental principles that apply equally in all scientific disciplines. The foremost principle is truthfulness with respect to oneself and others. It is both an ethical norm and the basis of the rules of scientific professionalism that apply in the individual disciplines.

(2) All members and staff of TU Dresden are obliged to follow these Statutes, to make them the basis of their scientific work and to actively contribute to the avoidance of scientific misconduct within their sphere of activity. TU Dresden shall ensure that the Statutes are known to all members and staff of the university. Any justified suspicion of scientific misconduct at TU Dresden will be investigated and given the utmost attention, with due regard ensured for the rights of those involved. If the suspicion is confirmed, appropriate measures will be taken in the individual case.

Part 1 Good Scientific Practice

§ 1

Basic Principles of Good Scientific Practice

(1) Good scientific practice includes in particular the following basic principles:

- 1st working according to the recognized rules of the discipline ("lege artis"),
- 2nd documenting the results in a traceable, verifiable, and complete manner,
- 3rd consistently scrutinize all results,
- 4th maintaining strict honesty with regard to one's own and third parties' contributions,
- 5th complying with ethical standards in the conduct of surveys and studies, and
- 6th allowing and encouraging critical discourse in the scientific community.

(2) Every researcher is responsible for ensuring that their own conduct complies with the standards of good scientific practice.

§ 2

Leadership Responsibility and Cooperation

(1) The University Executive Board is responsible for the observance and communication of good scientific practice and creates the conditions and prerequisites for ensuring that legal and ethical standards can be met in both research and teaching. It also ensures that those responsible for work units receive the necessary support to create appropriate conditions in their work units. It bears responsibility for an appropriate institutional organizational structure.

(2) The framework includes clear and written procedures and principles for personnel selection and development as well as for the promotion of early-career researchers and equal opportunities. Gender equality and diversity are taken into account and processes are designed to avoid unconscious bias, as far as possible.

(3) The supervisor of the scientific working unit is responsible for the appropriate organization of the units. This includes a clear allocation of the tasks, supervision, quality assurance, and conflict resolution to a manageable extent. The supervisor shall ensure that all members and staff of the scientific working unit are aware of their roles, rights, and obligations. Abuse of power and exploitation of dependencies must be prevented both at the level of the individual academic work unit

and at the level of the management of academic institutions. Career advancement of the scientific and research support staff of the work unit is part of the managerial responsibilities.

(4) Researchers are responsible for implementing the fundamental values and standards of scientific work in their actions and for standing up for them. Teaching the fundamentals of good scientific work begins at the earliest possible stage in academic teaching and scientific training. Researchers at all career levels regularly update their knowledge of the standards of good scientific practice and the state of the art in research. Early-career researchers support each other in the continuous learning and training process and engage in regular exchange.

(5) Participants in a research project shall define their roles and responsibilities in an appropriate manner and adapt them as necessary. They engage in regular exchanges with each other. An adjustment is particularly indicated if the focal points of the work of those involved in the research project undergo a change.

§ 3

Commitment to and Informing about the Statutes of Good Scientific Practice

(1) All persons working at TU Dresden in a scientific or non-scientific capacity, early-career scientists, and all students are obliged to comply with the Statutes of Good Scientific Practice.

(2) The Statutes of Good Scientific Practice shall be integrated as a binding component in academic teaching and in the training of early-career scientists.

(3) The entire scientific staff of TU Dresden as well as all doctoral candidates are obliged to complete at least one training course online or in-person on the topic of good scientific practice.

(4) TU Dresden undertakes to create and continuously develop the organizational and personnel structures necessary to ensure good scientific practice and to prevent scientific misconduct.

(5) On this basis, the Schools are requested to draw up principles of scientific work specific to each department and to announce these in an appropriate manner.

§ 4

Supervision of Early-Career Scientists

(1) The supervision, training, and promotion of early-career scientists are core tasks of TU Dresden.

(2) When teaching the rules of good scientific practice, for which the University Executive Board is responsible according to § 2 para. 1, the supervisors in particular shall ensure that they are internalized as a basic ethical principle.

(3) It must be ensured that there are contact persons in each teaching and research unit who are able to communicate the principles for ensuring good scientific practice. Corresponding training courses are offered at TU Dresden.

(4) Good supervision involves a balance between support and encouragement of scientific independence. The supervisory tasks also include appropriate career support as well as support for the independent scientific profiling of the early-career scientist, for example, by enabling them to

participate in scientific events and to take advantage of offers from the Graduate Academy as well as in publication activities.

(5) The supervision of doctoral candidates at TU Dresden is to be organized as follows:

- 1st In addition to the primary supervisor, at least one other experienced researcher shall be provided as part of a supervisory team. Both are to be higher education lecturers. One of them can also be a researcher with qualifications equivalent to a habilitation, for example an associate professor with membership rights, a *Privatdozent* or a TUD Young Investigator. In addition, other experts can be involved in the supervision in an advisory capacity.
- 2nd The supervisory teams meet with the doctoral candidate at least once a year to discuss the work progress and make recommendations.
- 3rd The form and scope of supervision are to be determined at the beginning of the doctoral project in the form of a supervision agreement with the doctoral candidate. In addition, the application for acceptance of the doctoral candidate must be submitted to the faculty at the beginning of the project.
- 4th The completion of the doctorate within a reasonable period of time is encouraged by the supervisors.

(6) The dissertation must be assessed by at least one external, full-time assessor from outside TU Dresden, who was not involved in the supervision of the dissertation and does not work in the same institute as the main supervisor.

(7) The respective doctoral regulations govern the supervision of doctoral projects.

§ 5

Performance and Evaluation Criteria

(1) Originality and quality shall always take precedence over quantity as performance and evaluation criteria for examinations, the awarding of academic degrees, promotions, recruitment, appointments, and resource allocations.

(2) When the performance of scientists is evaluated for the purposes of promotions, recruitment, appointments, and resource allocations, other performance dimensions shall be taken into account in addition to the production of knowledge and its critical reflection. These are, for example, the degree of commitment to teaching, academic self-management, and the transfer of knowledge and technology; contributions in the interest of society as a whole can also be acknowledged.

(3) Applications may specify a maximum number of publications to be submitted as proof of performance.

§ 6

Confidentiality and neutrality in appraisals and consultations

Researchers who perform advisory and review activities, in particular assess submitted manuscripts, grant applications, or the credentials of individuals, are bound by strict confidentiality. This prohibits the disclosure of information to third parties and the unauthorized use for own purposes. They shall disclose any facts that may give rise to a concern of bias. The obligation to maintain confidentiality and to disclose facts that may give rise to concerns of bias also applies to members

of academic advisory, supervisory and decision-making bodies. Possible biases must be reported immediately to the relevant committee. Further details are governed by the relevant regulations.

§ 7

Cross-phase Quality Assurance in the Research Process

(1) The researchers shall carry out each step in the research process in a *lege artis* fashion. Whenever scientific findings are made publicly available, the applied quality assurance mechanisms are always outlined, as far as this is possible in the respective publication body. This is especially true when new methods are developed. Continuous, research-related quality assurance refers in particular to compliance with subject-specific standards and established methods, to processes such as the calibration of equipment, the collection, processing and analysis of research data, the selection and use of research software, its development and programming, and the keeping of laboratory records.

(2) Researchers comprehensively consider and acknowledge the current state of research when identifying relevant and appropriate research questions and planning a project. This requires careful research into research results that have already been made publicly available. TU Dresden ensures that the necessary framework conditions are in place for the research. Methods to avoid (unconscious) bias in the interpretation of findings, for example blinding of experimental series, shall be used where possible. Researchers consider if and how gender and diversity may be relevant to the research project (in terms of methods, work program, objectives, etc.). When interpreting results, the respective framework conditions are taken into account.

(3) Researchers use scientifically based and comprehensible methods to answer questions about their research. When developing and applying new methods, they particularly emphasize quality assurance and the establishment of standards. If necessary, specific competencies for the application of a method are covered by correspondingly close collaborations.

(4) Scientists are continuously aware of the danger of misuse of research results. They take into account rights and obligations, in particular those resulting from legal requirements but also from contracts with third parties, and obtain and submit approvals and ethics votes where necessary. Their responsibility is not limited to the compliance with legal requirements, but it also includes the obligation to apply their knowledge, experience, and skills in such a way that risks can be identified, assessed, and evaluated. In doing so, they take particular account of the aspects and ethical principles associated with safety-relevant research (dual use). Identified risks are proactively reported by the researchers to the Vice-Rector Research. The University Executive Board, as the responsible body for the rule-compliant actions of the members and staff of TU Dresden, arranges for the matter to be referred to the responsible committees after examining the facts.

(5) As a matter of principle, all information relevant to the generation of research results must be documented, including individual results that do not support the research hypothesis. If specific professional recommendations for the review and evaluation exist, these shall be followed; if the documentation does not meet these requirements, the limitations and the reasons for them shall be explained in a comprehensible manner. Documentation and research results must not be manipulated; they must be protected against manipulation as best as possible. The origin of data, organizational elements, materials and software used in the research process is identified and the subsequent use is documented; original sources must be cited. The nature and extent of research data generated in the research process shall be described. The handling of data is designed according to the specifications in the discipline concerned. The source code of publicly available soft-

ware must be persistent, citable, and documented. The fact that results or findings can be replicated or confirmed by other researchers is - depending on the discipline concerned - an essential part of quality assurance. Work processes shall be described in detail. This also includes, as far as this is possible and reasonable, making available the research data, materials and information on which the results are based, the methods applied, and the software used. If personally developed research software is to be made available to third parties, it will be provided with an appropriate license. Researchers' own preliminary and external preliminary work must be completely and correctly ascertained.

(6) Primary data as a basis for publications shall be stored on durable and secured data storage devices in the institution in which they were created. TU Dresden ensures that the necessary infrastructure and support services are available. Primary data also includes measurement results, collections, study surveys, material samples, archaeological finds, questionnaires, audio recordings, and film recordings.

(7) If the primary data contain personal data – individual information about personal or factual circumstances of an identified or identifiable natural person – the characteristics with the help of which a personal reference can be established shall be stored separately; the characteristics shall be erased as soon as the research purpose permits this. In this respect, this data are to be removed from the primary data to be archived.

(8) The researchers involved in a research project shall, as far as possible and reasonable, reach documented agreements at the earliest possible point in time on who is entitled to access rights and use rights to the research data. The use of research data is available in particular to the scientists who collect them.

(9) If scientific findings are made publicly available, the primary data must generally remain accessible at the institution for ten years. The conservation period starts from the date of the realization of the public access. In the case of primary data that cannot be stored on durable and secure media, shortened retention periods may be established in justified cases. The reasons for this shall be described in a comprehensible manner. As a rule, the original data and documents remain at the place of origin; however, duplicates may be made or access rights determined. If there are comprehensible reasons for not preserving certain data, the researchers shall explain this in a comprehensible manner.

(10) For reasons of traceability, research connectivity, and reusability of research work in the future, scientists shall, whenever possible, save the research data and main materials on which the publication is based – in accordance with the FAIR principles ("Findable, Accessible, Interoperable, Reusable") – in recognized archives and repositories whenever possible and document this in publications. Restrictions on public accessibility may arise in the context of patent applications.

(11) If researchers have made findings publicly available and subsequently become aware of inconsistencies or errors, they shall correct them and publish the errata. If the discrepancies or errors are the reason for the retraction of a publication, the researchers shall work as quickly as possible with the relevant publisher or the like to ensure that the correction or retraction takes place and is marked accordingly. The same applies if the researchers are informed by third parties of such inconsistencies or errors, which are to be corrected after examining the facts.

§ 8 Scientific Publications

(1) In principle, TU Dresden researchers contribute their research results to the scientific discourse. In individual cases, however, there may be reasons not to make results publicly available; this decision must not depend on third parties. Researchers decide on their own responsibility - taking into account the customs of the research area concerned - whether, how and where to make their results publicly available. Publications split into inappropriately small fragments shall be avoided.

(2) Authors shall select the publication medium with due consideration of its quality and visibility in the respective field of discourse. Researchers who assume the role of editors shall carefully consider the publisher for which they assume this role. In addition to publications in books and journals, specialist repositories, data and software repositories, and blogs are also particularly worthy of consideration. A new or unknown publication medium shall be assessed for its trustworthiness. A key criterion in the selection decision is whether the publication medium has established its own guidelines for good scientific practice. The academic quality of a contribution does not depend on the publication medium in which it is made publicly available.

(3) An author is a person who has made a genuine, traceable contribution to the content of a scientific text, data, or software publication and has consented to its publication.

(4) The answer to the question of when a contribution is genuine and traceable is based on a separate examination in each individual case and depends on the subject area in question. A contribution in this sense is deemed to have been made in particular if a scientist contributed in a scientifically significant way to

- 1st the development and conception of the research project or
- 2nd the development, collection, acquisition, provision of the data, software, sources, or
- 3rd the analysis/evaluation or interpretation of the data, sources, and the conclusions drawn therefrom; or
- 4th the development of scientific results in a substantial manner or
- 5th the writing of the manuscript.

(5) Honorary authorship in which no such contribution has been made is not permissible. A managerial or supervisory position does not in itself establish authorship.

(6) If a contribution is not sufficient to justify authorship, such support may be appropriately credited in footnotes, the preface, or the acknowledgments.

(7) The scientists involved in the publication shall agree on who should be the author of the research results or they are in accordance with paragraph 1. Agreement on the order in which the authors are listed is reached in good time, usually at the latest when the manuscript is being prepared, on the basis of traceable criteria and with consideration given to the conventions of each field.

(8) All authors shall agree to the final version of the manuscript for publication. They shall be jointly responsible for the publication; exceptions shall be explicitly indicated. The authors take care and do their best to ensure that their research contributions are marked by the publishers or the infrastructure providers in such a way that they can be correctly cited by users.

(9) It is against the rules of good scientific practice to terminate without good cause the collaboration on a publication, without sufficient reason or to prevent the publication of the results as a co-author on whose approval the publication is contingent. Refusals to publish must be justified with written, verifiable criticism of data, methods, or results.

(10) Publications that are intended as reports on new scientific results must describe the methods and the results in a traceable way – if necessary with reference to additional literature.

(11) In scientific publications, significant findings supporting the results and hypotheses, but also those contradicting them, must be reported. This also includes, as far as this is possible and reasonable, making available the research data, materials and information on which the results are based, the methods applied, and the software used, and providing a comprehensive description of the work processes. An author's own preliminary work and external preliminary work and relevant publications of other authors on which the work is directly based must be named as completely and correctly as possible.

(12) An author's own results that have already been made publicly available must be cited, unless the discipline-specific self-conception allows this to be dispensed with in exceptional cases. The repetition of the contents of own previous publications shall be limited to the extent necessary for the understanding of the context.

(13) If the publication is to contain personal data – individual details of personal or factual circumstances of an identified or identifiable natural person – this shall only be permissible if the data subject has consented thereto or if this is indispensable for the presentation of research results on events in contemporary history and is not contrary to the overriding interests of the data subjects which are worthy of protection.

Part 2 Scientific Misconduct

§ 9

Identification and Forms of Scientific Misconduct

(1) Scientific misconduct shall be deemed to have occurred if, in a context relevant to science, the standards of good scientific practice have been violated intentionally or through gross negligence, false statements have been or are being made, the intellectual property of others has been infringed or their research activities have been or are being impaired in some other way. The circumstances of each individual case are decisive, while the respective culture of the field must be considered.

(2) Scientific misconduct by false statements occurs in particular

- 1st by incorrectly claiming authorship (ghostwriting),
- 2nd by inventing data,
- 3rd by falsifying data and sources, for example, by incomplete use of data and sources, by not including undesired results without disclosing this, and by manipulating sources, representations, or illustrations,
- 4th by the incongruent representation of figures and corresponding statements,
- 5th by providing incorrect information in an application letter or grant application or in the context of the reporting obligation,
- 6th by providing incorrect information on the scientific achievements of applicants in selection and review committees.

(3) Scientific misconduct also results from infringement of intellectual property relating to a copyrighted work created by another person or to substantial scientific knowledge, hypotheses, tenets, or research approaches originating from others as a result of

- 1st unauthorized exploitation under assumption of authorship (plagiarism),
- 2nd the exploitation of research approaches and ideas of others, especially as a reviewer (theft of ideas),
- 3rd the assumption of academic authorship or co-authorship,
- 4th the falsification of content,
- 5th the unauthorized disclosure of data, theories, and findings to third parties,
- 6th unauthorized publication or sharing with third parties as long as the work, finding, hypothesis, teaching, or research approach has not yet been published,
- 7th claiming the (co-)authorship of another person without his or her consent,
- 8th arbitrarily delaying the publication of a scientific paper, in particular as editor, reviewer, or co-author.

(4) Scientific misconduct also occurs in the case of interference with the research activities of others by means of

- 1st sabotaging the research projects of others, for example, by
 - a) damaging, destroying, or tampering with literature, archival, or source materials, experimental setups, equipment, records, hardware, software, chemicals, or other items needed by another person to conduct a research project,
 - b) the falsification or unauthorized removal of documentation of research data,
 - c) the misappropriation or theft of books, archival records, manuscripts, or data sets,
 - d) the rendering unusable of scientifically relevant information carriers such as books, documents, or other data;
- 2nd the elimination of primary data, insofar as this violates legal regulations or field-specific recognized principles of scientific work;
- 3rd the public expression of an incorrect suspicion of scientific misconduct.

§10

Joint Responsibility for Scientific Misconduct

Joint responsibility for scientific misconduct can result, among other things, from participation in the sense of instigating or aiding and abetting the scientific misconduct of others, joint knowledge of falsifications by others, co-authorship in the case of knowledge of publications containing falsifications, as well as gross neglect of the duty of supervision.

Part 3 Committees and Representatives

§ 11

Ombudsperson

(1) If proposed by the University Executive Board, the Senate shall appoint an ombudsperson and their deputy. The deputy shall take the place of the ombudsperson if they are unable to fulfill their duties or are biased. The appointment of the ombudsperson and their deputy shall be for three years. A one-time reappointment is possible.

(2) TU Dresden shall take sufficient care to ensure that the ombudsperson is known at the institution.

(3) The ombudsperson is the contact person, advisor, and mediator in all cases of suspected scientific misconduct. The ombudsperson is supported, if necessary, by the Office for Good Scientific Practice.

(4) The ombudsperson shall report annually to the Senate on their activities. This may include recommendations on how to deal with scientific misconduct.

(5) The ombudsperson shall maintain a regular exchange with the confidential counselors of the faculties (§ 12), the Review Board for Scientific Misconduct (§ 15) as well as the other advisory bodies of TU Dresden. Conflict cases that are not related to scientific misconduct can be forwarded confidentially to the responsible TU Dresden offices (e.g., Personnel Representation Council, the Graduate Academy's Conflict Mediator; Personnel Representation Office,) with the consent of the informant.

(6) Scientists with personal integrity and management experience shall be selected for the office of ombudsperson and for the office of deputy ombudsperson. They perform this task independently. In order to avoid conflicts of interest, as a rule no persons are to be selected for this task who (still) hold an active management function at TU Dresden; the parallel exercise of a central management function (member of the University Executive Board, Dean or others) at the University is excluded.

(7) Every member and all staff of TU Dresden have the right to speak to the ombudsperson personally in a timely manner. As an alternative to the TU Dresden ombudsperson, the national body "Ombudsman for Science" set up by the German Research Foundation (DFG) can also be called upon.

§ 12

Liaison Officer for Early-Career Researchers

(1) Each faculty appoints one male and one female scientist as a Liaison Officer for early-career scientists. For Central Academic Units, Liaison Officers can also be appointed for early-career scientists. The same regulations apply to them as to the Liaison Officer for early-career scientists at the faculties.

(2) These are the first contact persons for early-career scientists at the faculty level. They advise and can mediate in problematic situations. If necessary, and only with the consent of the person seeking advice, they can pass the case on to the ombudsperson. The Review Board for Scientific Practice is then informed of the conflict case. This shall not affect the right of direct recourse to the ombudsperson.

(3) The faculties shall take sufficient care to ensure that the Liaison Officer in the faculty is known at the institution.

§ 13

Investigative Committee

(1) In order to investigate scientific misconduct, the University Executive Board shall, in consultation with the Senate, appoint an Investigative Committee consisting of the chairperson and four other members. The University Executive Board shall appoint the chairperson and the other members of the Investigative Committee for a period of three years; reappointment is possible. The chairperson should not be a member or staff of TU Dresden and should preferably be qualified to

hold the office of a judge. The other members of the Investigative Committee must be members or staff of TU Dresden and come from different academic disciplines. Commission members are bound by strict confidentiality. They shall disclose any facts that may give rise to a concern of bias. A possible bias is to be reported directly to the University Executive Board, which, after examining the facts, will appoint an appropriate substitute for the commission member in question from among the members or associate members of TU Dresden. In case of bias of the chairperson of the commission, the University Executive Board appoints a substitute who is not a member or associated member of TU Dresden.

(2) The Investigative Committee may at any time consult individuals who have special expertise in the scientific field to be assessed or who have experience in dealing with relevant procedures. The ombudsperson is supported, if necessary, by the Office for Good Scientific Practice.

(3) The Investigative Committee shall meet in private and be subject to strict confidentiality. Decisions made by the Investigative Committee shall be adopted by simple majority, unless stipulated otherwise. The Investigative Committee shall make its decisions on the basis of the facts established and the evidence gathered, and shall act on its own free accord.

§ 14

Regular Examination Boards

(1) In suspicious cases where the misconduct concerns academic examinations (e.g., bachelor's, master's, *Diplom* examinations) or graduations (doctorates, habilitations), the board designated in the respective examination or graduation regulation shall be responsible for the review ("Regular Examination Board").

(2) A Regular Examination Board may refer a case to the Investigative Committee or consult its expertise in the handling of the case. The Investigative Committee may take on a case at any time.

(3) As long as the Investigative Committee is working on a case, this shall prevent other bodies from taking action on the same matter.

§ 15

Office for Good Scientific Practice

(1) The Review Board for Scientific Misconduct is responsible for supporting the ombudsperson and the Investigative Committee as well as the regular examination boards in cases of suspected misconduct, in particular for assisting with the respective ombudsperson proceedings and the file management.

(2) The **Office for Good Scientific Practice** accepts reports of suspected misconduct confidentially and provides information on possible procedural steps. This shall not affect the right of immediately recourse to the ombudsperson.

(3) The Review Board for Scientific Misconduct provides technical services in the form of plagiarism detection software.

(4) The Review Board for Scientific Misconduct supports all teaching staff in the prevention of scientific misconduct, conducts training courses, and contributes to raising awareness of scientific honesty.

Part 4 Procedure in Cases of Suspected Scientific Misconduct

§ 16

Suspected Cases and Suspicious Activity Reports

(1) In cases of suspected scientific misconduct, members and staff of TU Dresden shall contact the ombudsperson. External persons can also contact the ombudsperson in cases of suspected misconduct related to scientists at TU Dresden.

(2) Any report must be made in “good faith” that the allegation is true. The investigation of accusations of scientific misconduct shall be conducted expressly with due regard for confidentiality and the fundamental principle of the presumption of innocence.

(3) If the suspicion of scientific misconduct is reported to a body other than the ombudsperson and that body is not the Regular Examination Board, it should be recommended that the ombudsperson be contacted.

(4) The report of suspicion shall be made in writing and include the incriminating facts and evidence. An oral report shall be followed by a written note setting out the suspicions and the facts and evidence on which they are based. The ombudsperson may also take up reports of suspicious activity if they are made without disclosing the identity of the informant. The prerequisite is that the allegations have sufficient credibility.

(5) The ombudsperson shall obtain the information and statements necessary to investigate the facts of the case, while safeguarding the data subject's interests that are worthy of protection, and shall also consult experts in individual cases. The requested information shall be provided to the ombudsperson in a timely and confidential manner by the appropriate offices of the University. The activities of the ombudsperson for the internal investigation of the facts shall take place under strictest confidentiality.

(6) If, in the view of the ombudsperson, there is reasonable suspicion of scientific misconduct, they may inform the Investigative Committee or the competent Regular Examination Board and the Review Board for Scientific Misconduct about the facts of the case. If, in the view of the ombudsperson, there is a significant case of scientific misconduct, they must inform the Investigative Committee or the relevant Regular Examination Board and the Review Board for Scientific Misconduct.

§ 17

Participation and Protection of Parties During Proceedings

(1) The incriminating facts and, if applicable, evidence shall be made known to the data subject, insofar as this does not jeopardize the clarification of the facts, together with the request to make a statement thereon. As a rule, the period for submitting statements is four weeks. The informant and the person concerned shall be informed of their rights and obligations and also of the possible consequences of failure to comply with the obligations.

(2) Persons who provide a specifiable indication of suspected scientific misconduct (whistle-blowers) shall not suffer any disadvantages with respect to their own scientific and professional advancement as a result. Furthermore, the persons affected by the suspicion must not suffer any such disadvantages from the mere reporting of an accusation. This is to be ensured by the Univer-

sity Executive Board of TU Dresden. The ombudsperson, the Review Board for Scientific Misconduct, the Investigative Committee, and the Regular Examination Boards must work to provide this protection in an appropriate manner. Therefore, both the ombudsperson and all members of the aforementioned bodies are obliged to maintain confidentiality about the identity of the persons who have contacted them with a specifiable indication of suspected scientific misconduct (whistleblowers), as well as about circumstances that allow conclusions to be drawn about these persons, even after their activities have ended. This does not apply insofar as this person has released them from the obligation to preserve confidentiality.

(3) The reporting of such allegations shall be treated confidentially by all parties involved. Confidentiality serves to protect the whistleblower as well as the person suspected of misconduct. Prior to the final review of a suspicion, it is essential to avoid prejudging the person concerned.

(4) The person concerned, the informant, and the ombudsperson shall be informed of the decision of the respective committee. The main reasons which led to the decision must also be disclosed.

(5) The whistleblower shall also be protected in the case of unproven scientific misconduct, unless it can be proven that the report of the allegations was made against their better judgment.

(6) At the end of an investigation process, care shall be taken to ensure that persons who have been involved in acts of scientific misconduct through no fault of their own do not suffer further damage to their personal and scientific integrity. Appropriate measures can include counselling by the ombudsperson or a written, if necessary also public declaration by TU Dresden that the person concerned is not guilty of scientific misconduct.

§ 18

Preliminary Investigation

(1) As soon as the Investigative Committee or a Regular Examination Board learns of concrete suspicions of scientific misconduct, proceedings shall be initiated in accordance with the principles of Section 17 or the case shall be referred to the ombudsperson.

(2) All incriminating and exculpating facts and evidence shall be documented in writing.

(3) After receipt of a statement of the persons concerned or after expiry of the period in accordance with Section 17 para. 1, the Investigative Committee or the Regular Examination Board shall decide within four weeks whether the proceedings are to be terminated – with notification of the reasons provided to the persons concerned and the informants – because the suspicion has not been confirmed or whether formal investigation proceedings are to be initiated.

(4) If the informant does not agree with the discontinuation of the proceedings, they may present their objections in writing or orally to the Investigative Committee or the Regular Examination Board within two weeks. The Investigative Committee or the Regular Examination Board shall deliberate and decide on the objections, considering the rights of participation and protection in accordance with Section 17.

§ 19

Formal Investigation Proceedings

(1) The Rector and the ombudsperson shall be notified of the opening of the formal investigation proceedings by the chairperson of the Investigative Committee or the Regular Examination Board.

(2) The Investigative Committee or the Regular Examination Board shall document the proceedings and prepare a report on the result of the investigation, which shall contain the supporting reasons for the result.

(3) The main reasons shall be communicated in writing to the person concerned, the informant, and the ombudsperson before the conclusion of the proceedings. They may make a statement on the report. If the Investigative Committee or the Regular Examination Board considers scientific misconduct to be proven, the report, including the statements and files, shall be submitted to the rector. In these cases, the report also contains a recommendation on how to proceed, in particular on the academic consequences for the person concerned. The Rector shall, where appropriate, forward the documents to the competent authority, and the latter or the Rector shall pursue the measures referred to in Section 21. In other cases, the proceedings shall be discontinued.

(4) The Rector may, in justified cases, demand that the result be re-examined.

§ 20

Duration of the Entire Proceedings and Obligation to Preserve Records

(1) As a rule, overall proceedings should not take longer than six months.

(2) The files of the investigation proceedings shall be retained for 30 years. The university archive ensures the transfer and archiving of the files. Any digital documents resulting from this process are transferred to the digital long-term archiving system.

Part 5 Possible Decisions and Penalties in Cases of Scientific Misconduct

§ 21

Measures in Cases of Scientific Misconduct

(1) Since each case of scientific misconduct is different and the severity of the scientific misconduct discovered also plays a central role in the respective decision, there are no uniform guidelines for the adequate consequences in each case. The decision on the action to be taken in cases of scientific misconduct depends on the circumstances of the individual case. The following measures may be considered:

- 1st In less serious cases, the Rector of TU Dresden may issue a reprimand or a more severe reprimand.
- 2nd Consequences under employment law may include, in particular, a warning, extraordinary termination, ordinary termination, termination of contract, or removal from job.
- 3rd Civil law consequences may include, in particular, the issuing of a ban from the premises, claims for restitution against the persons concerned, for example, with regard to stolen scientific material, claims for removal and injunctive relief based on copyright law, personal rights,

patent and competition law, claims for repayment (for example, of scholarships, third-party funding or similar) or claims for damage compensation by TU Dresden.

- 4th Academic consequences can be initiated at different levels and with different objectives.
- a) Intra-university: Withdrawal of academic degrees if they are based on scientific misconduct or were otherwise fraudulently obtained, in accordance with the relevant doctoral or habilitation or examination regulation, or withdrawal of the authorization to teach.
 - b) Non-university scientific institutions and associations: Such institutions must be informed of scientific misconduct in any event if they are directly affected by it or if the scientist concerned holds a management position or, as in the case of funding organizations, participates in decision-making bodies.
 - c) Withdrawal of scientific publications.

5th There may be criminal consequences if there is suspicion that the scientific misconduct also constitutes an offence under the German Criminal Code [*Strafgesetzbuch*] or other criminal provisions or an administrative offence, in particular in the case of copyright infringements, forgery of documents (including forgery of technical records), damage to property (including alteration of data), property and asset offences (as in the case of theft, misappropriation of funding, or embezzlement), violation of personal privacy or secrecy (as in the case of spying on data or exploitation of other people's secrets), loss of life or physical injury (as in the case of test persons as a result of false data).

(2) Whether and to what extent criminal charges are to be brought by TU Dresden in such a case shall be left to the dutiful discretion of the Rector.

(3) The respective applicable regulations of the examination and doctoral regulations remain unaffected by this.

§ 22

Entry into Force/Expiry

The Statutes for Ensuring Good Scientific Practice, Avoiding Scientific Misconduct, and Handling Violations shall enter into force after publication in the Official Announcements of TU Dresden. At the same time, the Guidelines for Ensuring Good Scientific Practice, Avoiding Scientific Misconduct, and Handling Violations of December 22, 2020 (Official Announcements of TU Dresden No. 01/2021 dated January 21, 2021, p. 15) expired.

Dresden, June 1, 2022

The Rector
of Technische Universität Dresden

Prof. Dr. Ursula M. Staudinger