

Guideline for Ensuring Good Research Practice of EBS Universität für Wirtschaft und Recht ^{1 2}

Preamble

Compliance with the rules of good research practice is an important prerequisite for the recognition of research work by the public and the research community. Violations of these principles destroy the public's trust in science as well as the trust between scientists. By means of the standards formulated below, we therefore want to raise awareness for the requirements of good research work. At the same time, we would like to show how we ensure the quality of research work at EBS Universität für Wirtschaft und Recht and how we intend to counter misconduct, critically evaluating the circumstances of each individual case.

I. Standards of Good Research Practice

1. Commitment to the Rules of Good Research Practice

- (1) EBS Universität für Wirtschaft und Recht is committed to adhering to the standards of good research practice.
- (2) The standards shall be made known to the members of EBS and all academics working at EBS shall be obliged to comply with them. Teaching the basics of good research work begins at the earliest possible stage in academic teaching and scientific training. All academic staff at EBS regularly update their knowledge of the standards of good research practice and the state of research.

2. Principles of Good Scientific Practice

- (1) All academics at EBS Universität are responsible for ensuring that their conduct complies with the principles of good research practice and that they substantiate and advocate the fundamental values and standards of research work in their actions.

¹The present rules of good research practice have been adopted, partly unchanged and partly adapted, from the Code "Guidelines for Safeguarding Good Research Practice" of the German Research Foundation (DFG) (https://www.dfg.de/download/pdf/foerderung/rechtliche_rahmenbedingungen/gute_wissenschaftliche_praxis/kodex_gwp.pdf). The procedure for suspected scientific misconduct listed in Section III was developed in accordance with the DFG's Rules of Procedure for Dealing with Scientific Misconduct (https://www.dfg.de/formulare/80_01/).

Valuable suggestions were also taken from the rules and the handbook of good research practice of the TU Dortmund University (https://www.tu-dortmund.de/storages/tu_website/Referat_1/Dokumente_Ordnungen/2020_Regeln_guter_wissenschaftlicher_Praxis.pdf).

² Adopted by the Senate of EBS University on 06.07.2021.

- (2) The principles include, in particular, working *lege artis*, i.e. according to the latest state of knowledge and the methods accepted in the respective discipline. All researchers at EBS are required to maintain honesty with regard to their own and third parties' contributions, to consistently challenge all results themselves and to enable and encourage critical discourse in the academic community.
- (3) In publications, theses, lectures, expert reviews and other research works, members of EBS are obliged to be honest and truthful. Intellectual property of others must be respected implicitly. Others must not be impaired in their research work.
- (4) To answer research questions, EBS academics shall apply scientifically sound and comprehensible methods. When developing and applying new methods, they attach particular importance to quality assurance and the establishment of standards.
- (5) EBS researchers consider the current state of research comprehensively and acknowledge this when planning a project. Identifying relevant and suitable research questions requires careful research into research achievements that have already been made publicly available. EBS Universität guarantees the necessary basic conditions.
- (6) Honest conduct is the basis for the legitimacy of a judgement-forming process. Researchers are obliged to maintain strict confidentiality when evaluating submitted manuscripts, funding applications or the performance of other researchers. They shall disclose all facts that may give rise to concerns of conflict of interest. The obligation of confidentiality and the disclosure of reasons for conflict of interest also apply to members of advisory and decision-making bodies.

3. Legal and Ethical Parameters and Rights of Use

- (1) EBS researchers shall handle the constitutionally granted freedom of research responsibly. They consider rights and obligations, in particular those resulting from legal requirements, but also from contracts with third parties, and obtain approvals and ethical opinions where necessary. With regard to research projects, a thorough assessment of the research consequences and the evaluation of the respective ethical aspects should be conducted. The legal parameters of a research project also include documented agreements on the rights of use of research data and results arising from it.
- (2) Researchers shall be aware of the danger of misuse of research results. Their responsibility is not limited to compliance with legal requirements, but also includes the obligation to use their knowledge, experience and skills in such a way that risks can be identified, estimated and evaluated. In doing so, they take particular account of the aspects associated with safety-relevant research (dual use).

4. Publication of Research Results

- (1) Research results shall be made known to the public in the form of publications. The publications of EES researchers adhere to the usual requirements in the respective discipline. In publishing their work, the researchers expose themselves to critical discussion in the scientific community. Authors of a scientific publication shall share responsibility for its content.
- (2) As a matter of principle, researchers contribute all their results to the scientific discourse. In individual cases, there may be reasons not to make results publicly available (in the narrower sense in the form of publications, but also in the broader sense via other communication channels). Researchers decide on their own responsibility, considering the practices of the discipline concerned, whether, how and where they wish to publish their results.
- (3) If a decision has been made to make results publicly available, the researchers shall describe them fully and comprehensibly. This includes making the research data, materials and information on which the results are based available in accordance with the FAIR principles ("Findable, Accessible, Interoperable, Re-Usable"), provided that no confidentiality rights of third parties are violated. Researchers shall provide complete and correct evidence of their own and others' preliminary work.
- (4) EBS researchers follow the principle of transparency in their publication activities. They cite their results which have already been made publicly available.
- (5) Authors choose the publication medium carefully, considering its quality and visibility in the respective field of discourse. Editors shall carefully consider the publication organs for which they undertake this task.

5. Authorship

- (1) An author is a person who has made a genuine, comprehensible contribution to the content of a research text, data or software publication. All authors agree on the final version of the work to be published. They hold joint responsibility for the publication, unless explicitly stated otherwise. Authors ensure that their research contributions are identified by the publishers or infrastructure providers in such a way that they can be correctly quoted by users.
- (2) In principle, each person who has made a genuine and comprehensible contribution to the scientific content must always be named as author.
- (3) If a contribution is not sufficient to justify authorship, this support may be appropriately acknowledged in footnotes, in the preface or in the acknowledgements. Honorary authorship is not permitted. A management or supervisory function does not in itself justify co-authorship.

- (4) The authors agree on the ()order based on explicable criteria, taking the conventions of each specialised field into account. The required consent to the publication of results may not be withheld without sufficient reason.

6. Documentation

- (1) Researchers document all information relevant to the achievement of a research result as comprehensibly as necessary and appropriate in the specialised field concerned, in order to be able to review and evaluate the result. In principle, they therefore also document individual results that do not support the research hypothesis. A selection of results must be avoided in this context. If specific professional recommendations exist for the review and evaluation, the researchers shall provide the documentation according to the respective requirements.
- (2) Should the documentation not fulfil these requirements, the limitations and the reasons for these must be explained in a comprehensible manner. Documentation and research results must not be manipulated; they must be protected against manipulation as far as this is possible.

7. Archiving

- (1) EBS researchers shall save published research data or research results as well as key materials on which they are based and, if applicable, the research software used. As a rule, the underlying research data shall be archived for a period of ten years in an accessible and traceable manner by the researchers.
- (2) If there are explicable reasons for not retaining certain data, the researchers will explain this in the publication.

8. Quality assurance in the research process

- (1) Whenever research findings are made publicly available, the applied quality assurance mechanisms should always be explained. This applies in particular if new methods are developed.
- (2) Continuous, research-related quality assurance refers in particular to compliance with subject-specific standards and established methods, the collection, processing and analysis of research data, the selection and use of research software as well as its development and programming.
- (3) If researchers have made findings publicly available and subsequently discover discrepancies or errors, they must correct them. If the discrepancies or errors are the reason for the retraction of a publication, the researchers shall work with the relevant

publisher or infrastructure provider as quickly as possible to ensure that the correction or retraction is made and marked accordingly. The same applies if the researchers are informed of such discrepancies or errors by third parties.

- (4) The origin of data, organisms, materials and software used in the research process shall be identified and the subsequent use documented; the original sources shall be cited. The type and scope of research data gained in the research process shall be described. The source code of publicly accessible software must be persistent, citable and documented. The fact that results or findings can be replicated or confirmed by other scientists is an essential component of quality assurance.

II. Organisation of scientific responsibility

9. Management responsibility

- (1) The management of EBS University and the EBS Schools shall be responsible for an appropriate institutional organisational structure. This ensures that, depending on the size of the individual research working units, the tasks of management, supervision, quality assurance and conflict resolution are clearly assigned and appropriately communicated to the respective members and affiliates. They create the basic conditions for research work and shall be responsible for compliance with and communication of good research practice as well as for appropriate career support for all researchers.
- (2) The roles and responsibilities of the researchers involved in a research project shall be clear at all times during the research project.
- (3) University management and dean's offices shall ensure that the conditions are in place to enable researchers to comply with legal and ethical standards. The parameters shall include clear and written procedures and principles for the selection and development of personnel (e.g. appointment regulations and tenure track policy) as well as for the promotion of young researchers and equal opportunities.

10. Promoting young academics and diversity

- (1) The management task shall include, in particular, ensuring appropriate individual guidance and supervision of young researchers - embedded in the overall concept of the respective institution - as well as career promotion of academic and non-academic staff.
- (2) Gender equality and diversity shall be considered in the selection and development of staff. The corresponding processes shall be transparent and avoid, as far as possible, unconscious bias. Appropriate supervision structures and concepts are established

for junior researchers. Wholehearted career guidance and further career paths are offered, as well as further training opportunities and mentoring for academic and support staff.

- (3) Researchers enjoy a balance of support and autonomy appropriate to their status, with corresponding rights of participation. They are empowered to shape their careers through increasing autonomy.

11. Performance dimensions and evaluation criteria

- (1) High-quality research is guided by discipline-specific criteria. A multi-dimensional approach is required to evaluate the performance of researchers. In addition to scientific performance, other aspects are considered, such as engagement in teaching, academic self-administration or knowledge and technology transfer. The evaluation of performance follows primarily according to qualitative benchmarks, whereby quantitative indicators can only be included in the overall evaluation in a differentiated and reflected way.
- (2) If voluntarily stated, individual characteristics in CVs - in addition to the categories of the general principle of equal treatment - shall also be included when forming judgement. Personal, family or health-related periods of absence or training, or qualification periods extended as a result, alternative career paths or comparable circumstances shall be given due consideration.

12. Ombudsperson

- (1) EBS Universität für Wirtschaft und Recht shall appoint an independent Ombudsperson and a deputy Ombudsperson to whom EBS members and affiliates may turn in matters of good academic practice and in matters of suspected academic misconduct. The Ombudsperson acts as a neutral and qualified contact person in questions of good research practice and in suspected cases of academic misconduct. The Ombudsperson offers to mediate between the parties involved in a conflict. The Ombudsperson accepts enquiries while maintaining confidentiality and forwards suspected cases of academic misconduct to the investigative commission if necessary. This person shall examine every suspicion of violation of the rules of good research practice brought to her for plausibility, concreteness and significance.
- (2) The Ombudsperson and her deputy shall be elected by the Senate for a term of three years. The Ombudsperson and the deputy Ombudsperson shall belong to different faculties (schools) and shall act in particular in cases of bias and prevention. Reappointment of Ombudspersons and deputies is possible.

- (3) The Ombudspersons shall advise the Presidential Board on questions of ensuring good research practice. The Presidential Board shall ensure that the Ombudsperson and his/her deputy are sufficiently known in EBS.

13. Ethics Commission (according to § 13 of the EBS Constitution)

- (1) Upon request, the Ethics Commission advises the research members of EBS Universität on questions of research ethics and has established procedures for the ethical evaluation of research projects. The ethical responsibility of the responsible researcher remains unaffected. The Ethics Committee and its members are independent in the performance of their duties and are not bound by instructions. They are bound only by their conscience.
- (2) The Ethics Committee is responsible for the independent assessment of the ethical admissibility of research projects involving humans and animals. The object of the assessment is, in particular, investigations and experiments, taking samples and research involving personal data.
- (3) The Commission consists of five members of the University, three of whom must belong to the group of full-time professors. The Senate elects the members of the Ethics Commission. The election takes effect upon confirmation by the President. Membership of the Ethics Commission is limited to three years. Re-election is permissible.
- (4) The Commission elects a chairperson and adopts rules of procedure. The chairperson reports regularly to the Senate on the work of the Commission.

III. Non-compliance with good research practice

14. Academic misconduct

(1) Scientific misconduct shall be deemed to have occurred if members of EBS Universität intentionally or grossly negligently make false statements in their research activities, unjustifiably adopt other people's research achievements as their own or impair the research activities of others. In particular, the following is considered to be academic misconduct

1. Making false statements by:

- inventing data and/or research results,
- falsifying data and/or research results, e.g. by suppressing and/or eliminating data and/or results obtained in the research process without disclosing this,
- manipulating a representation or image,
- incongruently presenting an image and its associated statement,
- providing incorrect research-related information in a funding application or in the context of a reporting obligation,
- claiming the (co-)authorship of another person without their consent.

2. 2. Unauthorised attribution of another's scientific achievement by

- unmarked adoption of third-party content without the required citation of the source (plagiarism),
- exploitation of research methods and ideas of others, e.g. as a reviewer (theft of ideas),
- unauthorised disclosure of data, theories and findings to third parties,
- presumption or unfounded assumption of authorship or co-authorship, especially if no genuine, traceable contribution to the scientific content of the publication has been made,
- falsifying the content,
- the unauthorised publication and making accessible to third parties as long as the work, findings, hypothesis, teaching or research methods have not yet been published,

3. interfering with the research activities of others, in particular by

- sabotaging research activities (including damaging, destroying or manipulating experimental set-ups, equipment, records, hardware, software, chemicals or other items required by others for research purposes),
- falsifying or unauthorised disposal of research data or documents,
- falsifying or unauthorised disposal of documentation of research data.

(2) In the event of intent or gross negligence, academic misconduct shall also arise from

- co-authorship of a publication containing false statements or unauthorised

appropriation of third-party research work,

- neglect of supervisory duties, if another person or persons have objectively committed the offence of academic misconduct and this would have been prevented or made considerably more difficult by the necessary and reasonable supervision.

(3) Academic misconduct further results from intentional participation in the sense of instigating or aiding and abetting the intentional misconduct of others.

15. Commission of Enquiry

(1) EBS Universität shall establish a commission to investigate cases of suspected academic misconduct. The Commission of Enquiry shall act to clarify allegations and suspicions of which it is informed by the Ombudsperson, committees or members of EBS or by third parties. If there are sufficiently concrete grounds for suspicion, the Commission of Enquiry shall initiate an investigation.

(2) The members of the Commission of Enquiry are:

- one professor from each faculty
- one representative of the academic staff of each faculty
- the Vice-Dean for Research of each faculty
- one member of the Ethics Commission
- the Ombudsperson

(3) The Presidential Board appoints the members after they have been elected by the Senate unless they are members of the Commission of Enquiry by virtue of their office. The term of office is three years. Re-election is possible. A deputy shall be elected or appointed for each member to replace him or her in the event of partiality or inability to attend.

(4) The commission's members elect a chairperson from among these members. The Commission of Enquiry can call in other persons in an advisory capacity.

16. Informants and persons affected by allegations

(1) The bodies responsible for investigating and clearing up suspicions of academic misconduct, as a rule the Ombudsperson and the Commission of Enquiry, shall take appropriate measures to protect both informants and those affected by allegations. When investigating allegations of academic misconduct, strict confidentiality and the presumption of innocence must be observed. The informant's report must be made in good faith. Deliberately false or wilfully raised allegations may themselves constitute academic misconduct. Neither the informant nor the person affected by

the accusation should suffer disadvantages for his/her own academic or professional advancement as a result of the report.

- (2) The "legal" right of the persons concerned to be heard shall be safeguarded. They may demand to be heard in person in the same way as informants.
- (3) If possible, the report should not lead to delays during the informant's qualification - especially in the case of junior researchers - and the preparation of theses and doctorates should not be disadvantaged; this also applies to working conditions and possible contract extensions.
- (4) The Ombudspersons and the Commission of Enquiry shall decide on their own responsibility whether they will also investigate such reports where the informant does not give his/her name (anonymous report). An anonymous report can only be examined in proceedings if reliable and sufficiently concrete facts become known. If informants are known by name, the investigating body will treat the name confidentially and will not disclose it to third parties without appropriate consent. Something else only applies if there is a legal obligation to do so or if the persons affected by the allegations cannot otherwise defend themselves properly, because the identity of the informant is exceptionally important for this. Before the name of the informant is disclosed, he or she shall be informed immediately; the informant may decide whether to withdraw the complaint if the name is likely to be disclosed.
- (5) The confidentiality of the proceedings shall be restricted if the informants turn to the public with their suspicions. The investigating body shall decide on a case-by-case basis how to deal with a breach of confidentiality by the informant. Informants shall also be protected in the case of unproven academic misconduct, unless it can be proven that reporting the allegations was made against better knowledge.

17. Preliminary examination in cases of suspected academic misconduct

- (1) As soon as the Commission of Enquiry learns of concrete suspicions of scientific misconduct, it shall give the person concerned the opportunity to comment on the suspicion within two weeks. The incriminating and exculpating facts and evidence shall be documented in writing.
- (2) After receipt of the statement of the person concerned or after expiry of the deadline, the Commission of Enquiry shall decide within two weeks whether the preliminary examination procedure shall be terminated by informing the person concerned and the informant of the reasons, because the suspicion is not sufficiently confirmed, or whether a transfer to the formal investigation procedure shall take place.

18. Formal investigation

- (1) The chairperson of the Commission of Enquiry shall inform the Presidential Board about the opening of the formal investigation procedure.
- (2) The Commission of Enquiry shall meet in a non-public session, with at least four members present. A member of the Commission of Enquiry may claim bias by himself/herself or by other parties involved.
- (3) The Commission of Enquiry may request statements from academics and call in other parties for oral deliberation.
- (4) Incriminating facts and, if applicable, evidence shall be brought to the attention of the persons concerned. They have the right to examine the files, unless overriding rights of third parties, in particular of the informant, or public interests conflict with this. They shall be given the opportunity to comment on the allegations. In the case of a personal hearing, the person concerned or the informant as well as possible witnesses may call in a person of their confidence who is not affected by the proceedings to support them.
- (5) The Commission of Enquiry shall make a decision based on the established facts and the evidence collected. The Commission shall prepare a report on the deliberations and the result, in which the reasons for the decision shall be stated and communicated to the persons concerned and informants before the proceedings are closed. They may comment on the report. The files concerning the formal investigation are to be kept for 30 years.
- (6) If the Commission of Enquiry finds that academic misconduct has not been proven, the proceedings will be discontinued. The persons concerned and the informants shall be informed immediately of the discontinuation of the proceedings.
- (7) If the commission considers academic misconduct to be proven, it shall forward the investigation report with the investigation files and all statements to the Presidential Board. In this case, the report shall also contain recommendations on how to proceed, in particular with regard to the academic consequences for the persons concerned.
- (8) Third parties concerned and representatives of the academic public shall be informed in an appropriate manner about the outcome of the investigation procedure, insofar as the protection of third parties, their scientific reputation, the preservation of confidence in academic honesty or the prevention of consequential damage requires it.
- (9) At the conclusion of the formal proceedings, the commission shall ensure that the academic and personal integrity of persons who have become involved in the proceedings through no fault of their own does not suffer any further damage. To this end, the following measures may be arranged:

- Counselling of the persons concerned, informants or third parties by the Ombudsperson or a member of the Commission of Enquiry;
- Written and, if necessary, public declaration by the chairperson of the Commission that the person concerned is not guilty of academic misconduct;
- In the same way, informants are to be protected from disadvantage.

19. Decisions in cases of academic misconduct

- (1) The Presidential Board of EBS Universität shall decide on the consequences of academic misconduct for the person concerned on the basis of the report and the recommendations of the Commission.
- (2) The consequences of academic misconduct by students are regulated in the General Regulations for Study and Examination Procedures at EBS Universität.
- (3) For employees of EBS Universität, academic misconduct may result in the following consequences under labour law:
 - written warning
 - extraordinary termination of contract
 - dissolution of contract
- (4) The Presidential Board shall decide whether and to what extent criminal charges are to be brought by EBS Universität. Criminal consequences are to be expected in particular in the case of
 - copyright infringements
 - forgery of documents including the falsification of technical records
 - damage to property, including data alteration
 - physical injury, e.g. of test persons as a result of false data.
- (5) In addition, civil law consequences are possible, e.g.
 - claims for removal and injunctive relief under copyright law, personal rights law, patent law and competition law
 - claims for repayment, e.g. of scholarships or third-party funds
 - claims for damages by EBS Universität
- (6) Possible academic consequences are:
 - revocation of academic degrees;
 - revocation of authorisation to teach;
 - informing non-university institutions and associations, e.g. funding organisation, in which the persons concerned hold a position.
- (7) Withdrawal and revocation of academic publications

- scientific publications which show deficiencies due to academic misconduct shall be withdrawn or corrected.
- works already published are to be revoked. The persons concerned are obliged to seek the consent of co-authors to a retraction.
- The persons concerned shall inform the chairperson of the Commission of Enquiry within 4 weeks of the measures taken to withdraw the work.