

**ATTENTION: Only the rules and regulations in their German form are legally binding.**

## Codes of Practice for the Assurance of Academic Quality and Practice at the University of Duisburg-Essen

(in accordance with the resolution of the University Senate of the 16th of July 2004)\*

(*Gazette*, p. 187), last amended by the Regulations of the 2<sup>nd</sup> of February 2007

(*Gazette*, Vol. 5, 2007 p. 73)

### § 1 Guiding Principles

(1) The University of Duisburg-Essen regards the assurance of academic quality and practice, especially probity and exactitude in research, as one of the central duties of its members and affiliates. It therefore urges them in their university activities to rigorously apply the academic standards described in these codes. In the education of students and young academics, in particular, these standards acquire an added significance.

(2) In addition to measures designed to ascertain and punish academic malfeasance, appropriate steps should either be instituted or those already in place strengthened to prevent academic misconduct in the first place. As a site for research, teaching and fostering coming academic generations, the University in this respect has a special institutional obligation.

(3) Every head of an academic group active in the University is obligated to behave in a responsible manner. Students and junior academics also must in the interests of their own futures be on guard against possible misconduct in their own surroundings.

(4) In their teaching curricula the University Faculties are urged to emphasise the various facets of academic misconduct and to inform students and junior academics about the codes of practice in operation at the University of Duisburg-Essen.

### § 2 General Rules

Although specialised, and in some cases slightly differing, academic codes of conduct apply to each of the various academic disciplines represented at the University of Duisburg-Essen, the following general points can nevertheless be deemed common touchstones relevant for all disciplines:

- In research the relevant rules must be strictly observed.
- Academic research must be documented so that the results, if necessary, can be checked by independent review bodies.
- Every academic member of staff is obligated, before publication, to dispel or discuss any remaining uncertainties in research results and the sources of these uncertainties.
- With respect to contributions from partners, peers/competitors, and predecessors, absolute honesty must be practiced. Specifically, in publishing the results of academic research, scholars must clearly document the use of research by others in the field.
- In addition, the rules of conduct stipulated in §§ 3 to 7 must be observed.

**§ 3**  
**Cooperation and the Responsibility  
of Working Group Supervisors**

The supervisors of working groups are responsible for an adequate organisation assuring that the duties of management, supervision, conflict resolution and quality assurance are clearly assigned and actually performed.

**§ 4**  
**Supervision of Junior Academics**

A supervisor of a working group is responsible for assuring the adequate guidance of undergraduates, graduates and doctoral candidates. For each of the members of these groups there must be a central figure within the working group capable of providing him or her with the academic codes of practice currently in effect at the University of Duisburg-Essen.

**§ 5**  
**Performance/Evaluation Criteria**

For the purposes of evaluating examinations, granting academic degrees, determining job promotions, hiring academic staff and allocating research funds, originality and quality are criteria that should always be preferred to quantity.

**§ 6**  
**Safeguarding and Preservation of  
Primary Data**

Primary data that serve the basis for publications must be preserved for a period of ten years in durable and secured media in the institute in which they were developed. Whenever possible, preparations (e.g. compounds or specimens) from which primary data were derived should also be preserved for the same period of time.

**§ 7**  
**Academic Publications**

Only those authors who jointly share in the preparation of academic publications will be credited for this work. So-called 'honorary authorships' are strictly forbidden.

**§ 8**  
**Academic Misconduct**

(1) Academic misconduct shall be considered to exist if in the course of academic or scholarly activity incorrect statements are deliberately or negligently made, another scholar's intellectual property rights are violated or the research activities of other scholars are impaired in any other manner.

(2) Intentional or seriously negligent misconduct will receive special attention in the following circumstances:

- a) Incorrect statements
  - in the form of fabrication and misrepresentation of data;
  - in the form of incorrect information in a job or research grant application.
- b) Violation of intellectual property rights
  - in another scholar's work protected by copyright or another's basic scholarly findings, hypotheses, ideas or research methods by means of
  - the unauthorised use of another's work (plagiarism);
  - the use of scholarly methods and ideas of another scholar, especially as a reviewer or referee (idea theft);
  - the claim to, or the unjustified assumption of, academic authorship or joint authorship;
  - the falsification of content or
  - the unauthorised publication and disclosure to a third party of another's work as long as the work and its insights, hypotheses, ideas and research methods have not been published or
  - by means of the claim to joint authorship with another person without his or her consent.
- c) The impairment of another scholar's research activities by sabotage.
- d) The disposal of primary data when such an action violates legal regulations or recognised principles of academic work in a given discipline.

(3) Complicity results from active participation in misconduct by others or from gross negligence in a supervisory capacity. In addition, complicity can derive from the shared knowledge of fraudulence by oth-

ers or from joint authorship of fraudulent publications.

### **§ 9 Prosecution of Academic Misconduct**

(1) The University of Duisburg-Essen will investigate each alleged case of academic misconduct in the University. In the course of dealing with accusations of academic misconduct, absolute confidentiality is to be preserved. For the investigation of accusations of academic misconduct the University of Duisburg-Essen will appoint an official representative to head a committee whose responsibility will be to investigate the charges. It will at the same time protect the personal rights of everyone involved in the proceedings. Should in a given case intentional or grossly negligent violations of academic standards that constitute a case of academic misconduct be demonstrated, the committee will open the appropriate proceedings against those responsible for the misconduct as well as protect those who are inadvertently involved.

(2) The proceedings before the investigation committee are not designed to replace other legally or statutorily regulated procedures (for example, those involving academic, industrial, civil or criminal law). These proceedings, where applicable, will be instituted by the appropriate bodies.

(3) In cooperation with the Office of the President the faculty of the University of Duisburg-Essen must determine whether and to what extent other members of the academy (earlier and possible partners, co-authors), academic departments, academic journals and publishers, scholarship and academic funding organisations, professional organisations, ministries and the public should be informed of a proven case of academic misconduct.

### **§ 10 Ombudsperson**

(1) The Office of the President, acting upon the recommendation of the University Senate, shall appoint two experienced scholars as contact persons for the members and affiliates of the Univer-

sity of Duisburg-Essen who are obligated to bring charges of academic misconduct. The contact persons can act as alternates for each other in the case of a conflict of interest or other obstacles requiring disqualification. Every member of the University can report an allegation of academic misconduct to one of the contact persons. In addition, the contact person(s) may act independently (in some cases with the input of a third party) upon indications of malfeasance acquired on their own. On the basis of the inherent plausibility of the allegations, the contact persons shall ascertain their certainty and gravity and advise those who have sought their counsel.

(2) The contact person in question, in consultation with the accused and the person alleging the malfeasance, shall determine whether an actual case of academic misconduct should be dealt with by the Investigations Commission. If all three parties agree that the allegation lacks substance, then no further action will be taken. Should this not be the case, the information necessary for the weighing of the allegations of academic misconduct will, in strict observance of the confidentiality necessary to protect the identity of the accused and the reporting parties, be turned over to the Commission, which will then examine the matter.

(3) At the conclusion of an official hearing, the contact persons will also confer with those parties who are or were involved in the case. They shall counsel the persons (especially the young academic personnel and students) who were inadvertently involved in the acts of academic misconduct with regard to safeguarding their personal and academic integrity

### **§ 11 Investigations Commission**

(1) The President's Office, acting on nominations provided by the University Senate, shall appoint three experienced academic members of the University of Duisburg-Essen for a period of three years to the Investigations Commission and three experienced academic members of the University of Duisburg-Essen who will serve as alternates for the three standing mem-

bers. All six appointees must be members of the University of Duisburg-Essen.

(2) The Investigations Commission shall elect one of its members as the Head of the Commission.

(3) The Investigations Commission can enlist the services of scholars especially experienced in cases of academic misconduct, who will be granted an advisory vote.

(4) The Head of the Commission shall inform the Office of the President on the status of ongoing cases before the Commission.

## **§ 12**

### **General Procedural Regulations**

(1) The Investigations Commission's deliberations are not open to the public.

(2) The Investigations Commission's rulings shall be reached by majority vote, as long as no other provisions are stipulated.

(3) The Investigations Commission is authorised to undertake all the steps necessary to clarify the circumstances of the case. Where applicable, it can, by drawing on the legal support of the University, obtain all the necessary information and statements relevant to the case and in specific instances secure the support of scholars in the field of the alleged misconduct.

(4) The individual under investigation must be given access to the alleged facts of the case and any incriminating evidence.

(5) The accused as well as the person making the allegations must be given an opportunity to testify in person. The accused must be given access to official documents pertaining to the case.

(6) Should any employees who are part of the proceedings be represented by the pertinent Staff Council (*Personalrat*), it must, if so desired by the employee(s), be involved in the investigation.

(7) The anonymity of the person(s) alleging the malfeasance is to be preserved. In exceptional cases, however, if this in-

formation appears to be necessary for the proper defence of the individual under investigation, the identity of these individuals can be disclosed.

(8) Should a member of the Investigations Commission or any individual who is part of the investigation question a Commission member's impartiality as defined by § 21 of the Administrative Procedure Act, this allegation must be reported to the Head of the Commission. The Investigations Commission shall decide by a majority vote upon the disqualification of the member without any input from the accused.

(9) All significant matters dealt with, and the results arrived at, during the proceedings are to be recorded in the minutes thereto.

## **§ 13**

### **Report of the Investigations Commission**

Normally within six months after the conclusion of the hearing the Investigations Commission shall issue a report on the proceedings to be made available to the accused. If the Commission decides that the malfeasance has not been proven, the procedure shall be discontinued. If the Commission, however, establishes misconduct, the report will be presented to the Office of the President together with a recommendation for the appropriate measures to be taken. At this point, in addition to issues relevant in employment law and public-sector labour law, academic, civil or criminal aspects may also come into consideration.

## **§ 14**

### **The Decision of the President's Office**

(1) On the basis of the report and recommendation of the Investigations Commission, the Office of the President shall decide on further measures. The proceedings in the Office of the President will be supported by the input of the Commission.

(2) The accused and the individual originally bringing the allegations must be in-

formed of the decision taken by the Office of the President and the reasons for this decision. The contact person, as well as the Commission, must likewise be informed.

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The above mentioned Codes of Practice for the Assurance of Academic Quality and Practice at the University of Duisburg-Essen are hereby officially published by the University. They shall come into force on the day after they are announced in the *Gazette* of the University of Duisburg-Essen.

At the same time the Codes of Practice for the Assurance of Academic Quality and Practice at the University of Duisburg-Essen as formulated in the University Senate resolution of the 19<sup>th</sup> of October 1999 (*Gazette*, p. 249) and Codes of Practice for the Assurance of Academic Quality and Practice at the Gerhard Mercator University Duisburg as formulated in the University Senate resolution of the 28<sup>th</sup> of June 2002 (*Official Bulletin* 15/2002 of the 11<sup>th</sup> of July 2002) shall herewith expire.

Duisburg and Essen, the 5<sup>th</sup> of August 2004

The Founding President  
the University of Duisburg-Essen  
Univ.-Prof. Dr. Lothar Zechlin

\*) § 9 para. 1 amended by the regulation of the 2<sup>nd</sup> of February 2007 (*Gazette* No. 9/2007), in effect on the day of their publication  
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