

Deutsche
Forschungsgemeinschaft

Rules of Procedure

for Dealing with Scientific Misconduct

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(adopted by the DFG's Joint Committee on 26 October 2001)

These rules of procedure regulate the handling of cases of suspected scientific misconduct by the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) in the case of misconduct on the part of

- applicants, grant recipients, other individuals responsible for the use of DFG funds and DFG-funded staff, as well as
- DFG reviewers and members of DFG committees participating in review and decision-making processes.

The dialogue-based procedure serves to investigate and assess allegations of scientific misconduct.

I. Scientific Misconduct

1. Misconduct on the part of applicants, grant recipients, other individuals responsible for the use of DFG funds and DFG-funded staff

Scientific misconduct by applicants, grant recipients, other individuals responsible for the use of DFG funds (such as non-DFG funded project leaders) and DFG-funded staff is defined as the intentional or grossly negligent statement of falsehoods in a scientific context, the violation of intellectual property rights, or impeding another person's research work. The circumstances of each case shall be considered on an individual basis.

Severe misconduct in this sense includes especially:

a) Misrepresentation

- fabrication of data;
- falsification of data and research findings;
- selective presentation of findings that obscures and distorts the true state of research, in particular
 - ⇒ changing or omitting undesirable findings without appropriate disclosure,
 - ⇒ manipulation of representations or depictions;
- inaccurate information in a grant proposal or as part of the reporting requirements (including false statements regarding the publication outlet and concerning publications in press), in particular
 - ⇒ drawing on data, theories and findings without complete and correct reference to the source.

b) Violation of intellectual property

regarding copyrighted works created by others or significant scientific findings, hypotheses, theories or approaches to research produced by others, including:

- unauthorised use following a claim of authorship (plagiarism),
- exploitation of the research approaches and ideas of others ("theft" of ideas),
- unauthorised disclosure of data, theories and findings to third parties,
- claiming or accepting unjustified authorship or co-authorship of a scientific work,
- falsification of content,
- unauthorised publication and unauthorised enabling of third-party access,
- where the work, findings, hypothesis, teaching or research approach has not yet been published.

- c) Claiming authorship or co-authorship of another person's work without his/her permission
- d) Sabotaging research activities (including damaging, destroying or manipulating experiments, equipment, documents, hardware, software, chemicals, or other items needed by another scientist to conduct research).
- e) Destruction of primary data to the extent that this violates legal provisions or the discipline's accepted principles of scientific work. This also applies to the illegal non-destruction of data.

Shared responsibility for misconduct may result from e.g.

- participation in others' misconduct,
- gross neglect of supervisory responsibilities or
- co-authoring publications which contain falsifications.

2. Misconduct by reviewers and members of committees

Scientific misconduct by reviewers and committee members may also involve

- unauthorised use, for their own scientific purposes, of data, theories and findings of which they have acquired knowledge through their activities;
- violating the confidentiality of the review process through unauthorised disclosure to third parties of proposals or of data, theories and findings included therein.

II. Procedure in Cases of Suspected Scientific Misconduct

The procedure in cases of suspected scientific misconduct is confidential.

1. Preliminary inquiry

a) Within the DFG Head Office

If employees of the Head Office become aware as part of their duties of any specific indications of possible scientific misconduct, they must immediately notify the head of the department in charge of the preliminary inquiry. Once the indications of possible scientific misconduct have been sufficiently substantiated, generally in writing, the individual against whom the allegation is directed (hereinafter referred to as "respondent") shall be notified of the incriminating facts and evidence, and given an opportunity to respond with a written statement.

The time limit for this is four weeks.

The name of the informant or of the injured party is not disclosed to the respondent at this stage without the consent of the party concerned.

After the statement has been reviewed or the deadline has expired, the head of the department in charge of the preliminary inquiry shall make a decision within two weeks as to whether the inquiry should be discontinued for lack of reasonable suspicion of scientific misconduct, informing both parties involved of the reasons, or whether the case is to be referred for formal investigation, which is conducted by the Committee of Inquiry on Allegations of Scientific Misconduct.

This decision shall be communicated to the informant(s) first. In this case, the informants should be advised that the decision is to be kept strictly confidential.

If the informants disagree with the discontinuance of the inquiry, they have the right to remonstrate within two weeks with the DFG Head Office, which shall then review its decision.

The respondent shall be notified of the decision that concludes the initial investigation.

b) by the DFG's German Research Ombudsman

In addition, the DFG's German Research Ombudsman may also refer a case of scientific misconduct directly to the Committee of Inquiry on Allegations of Scientific Misconduct, providing the allegation of scientific misconduct is directed against a person as defined in I and the Ombudsman considers a suspicion to be sufficiently substantiated.

2. Formal investigation

a) Competence

A Committee of Inquiry is in charge of the formal investigation. It consists of four members representing the four major scientific disciplines (humanities and social sciences, natural sciences, life sciences, and engineering sciences). Members are elected by the DFG's Joint Committee for a term of three years. The Committee of Inquiry shall be convened by the Secretary General of the DFG. It is presided over by the Secretary General, who has no vote.

The Committee of Inquiry shall in individual cases appoint up to two experts on the subject matter in question as additional Committee members. The voting members of the Committee have equal voting rights.

b) Procedure

The Committee of Inquiry on Allegations of Scientific Misconduct advises in an oral hearing that is not open to the public.

The researcher accused of misconduct shall be given the opportunity to make a statement in an appropriate manner. He must be heard orally upon his request and may engage a trusted person as counsel in the hearing. This also applies to others to be heard in the case.

The decision of whether to disclose the names of the informants shall be determined individually in each case. They must be disclosed if the respondent cannot otherwise properly defend himself, e.g. because the informants' credibility and motives regarding the allegations of misconduct must be examined.

The Committee shall consider in a free evaluation of evidence whether scientific misconduct has occurred and what sanctions should be imposed as per section II 2 c).

With regard to the statute of limitation, the general statutory provisions shall apply.

If a majority of the Committee of Inquiry finds that misconduct has been proven sufficiently and a sanction is necessary, it shall submit the results of its investigation and a recommendation for action to the DFG's Joint Committee. Otherwise the proceedings shall be discontinued.

c) Sanctions

The Joint Committee may, after a hearing on the recommendation of the Committee of Inquiry on Allegations of Scientific Misconduct, impose one or more of the following sanctions, depending on the nature and severity of the scientific misconduct including:

- issuing a written reprimand to those involved;
- exclusion from the right to apply for DFG funds for a period of one to eight years, depending on the severity of the scientific misconduct;
- revoking funding decisions (complete or partial cancellation of the grant, recalling granted funds, demanding repayment of funds spent);
- demanding that those concerned either retract the discredited publications or correct the falsified data (in particular by publishing an erratum), or appropriately indicate the DFG's retraction of funding in the discredited publications;
- exclusion from acting as a reviewer or from membership in DFG committees;
- denying voting rights and eligibility in elections for DFG bodies and committees.

d) Conclusion of the procedure

The main reasons that led to the discontinuance of the inquiry or the decision of the Joint Committee shall be communicated to the respondent and any informants.

A note concerning the subject and result of the investigation shall be included in the respondent's file.

The Joint Committee's decision marks the end of the DFG's proceedings.

The decision as to whether the Joint Committee's finding should be published shall be considered individually in each case.