



**Hochschule
für nachhaltige Entwicklung
Eberswalde**

The Senate of the University for Sustainable Development (HNEE) resolves on 23.03.2022, taking into account the Code "Guidelines for Ensuring Good Scientific Practice" of 3 July 2019, the following

**Statutes for the safeguarding of good scientific practice
and for the prevention of scientific misconduct
and for dealing with violations at the
University for Sustainable Development Eberswalde (HNEE)**

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Preamble

The constitutionally guaranteed freedom of science is inseparably linked to a corresponding responsibility. It is the primary task of every scientist at the Eberswalde University of Applied Sciences (HNEE) and its scientific institutions to take this responsibility fully into account and to anchor it as a guideline for their own actions.

Research is an integral part of the scientific tasks of the HNEE and is closely interwoven with the tasks of studying, teaching, further education and transfer in terms of content and people. A culture of scientific integrity and acting according to the rules of good scientific practice is a self-image and guideline in all areas of responsibility at the university.

The Code of Conduct of the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) is intended to enable scientists and university administrations to align their internal structures, processes and actions with the guidelines for good scientific practice. Scientific integrity forms the basis of trustworthy science and is a form of scientific self-obligation that includes respectful treatment of each other, study participants, animals, cultural assets and the environment. Furthermore, the indispensable trust of society in science should be strengthened and promoted.

In accordance with its research strategy, the HNEE aims to achieve a high reputation and impact in the field of application-oriented research for sustainable development by 2030. Research at HNEE is fundamentally open; scientists are free to choose the content, theoretical and methodological approaches. The members and staff of the HNEE work independently in research, committed to science and without external influence. They act according to the principles of good scientific practice and actively contribute to the prevention of scientific misconduct. The activities of members of the university are driven by ethical conduct as well as their responsibility for sustainability with regard to the environment, the economy and in the social sphere. Application-oriented research is a key to a top position in the German higher education landscape, which is to be maintained and expanded through groundbreaking research foci.

The HNEE bears the institutional responsibility for this. It ensures the necessary framework conditions for working according to the principles of good scientific practice and ensures that the principles are communicated to the scientific staff of the HNEE on an institutional level.

The guidelines for safeguarding good scientific practice at the HNEE define the principles for safeguarding good scientific practice and regulate the handling of scientific misconduct. It applies to all members and affiliates of the HNEE who are active in teaching and research as well as those who support the scientific field through their work.

Part 1 Good scientific practice

§ 1 Basic principles of good scientific practice

- (1) All academic staff at the university are committed to the principles of good academic practice and live a culture of academic integrity. This includes in particular:
 - to work according to the recognised rules of the discipline ("lege artis"),
 - document the results in a comprehensible, verifiable and complete manner and secure primary data,
 - consistently challenge all results themselves and allow and promote critical discourse,
 - to maintain unconditional honesty with regard to one's own and other people's contributions,
 - adhere to ethical standards when conducting surveys and studies and throughout the research process,
 - to conduct and promote a critical debate in the scientific community.
- (2) All those working in science have a responsibility to realise the fundamental values and standards of scientific work in their actions and to actively stand up for them.

§ 2 Management responsibility and cooperation

- (1) The HNEE university management bears the responsibility for an appropriate institutional organisational structure and creates the framework conditions for academic work. Without prejudice to the responsibility of the university management, each department and other academic institution is responsible for an appropriate organisational structure that ensures that all academically active members are aware of their roles, rights and duties and that the application and dissemination of the principles of good academic practice in teaching and research with their discipline-specific characteristics are ensured. If necessary, the roles and responsibilities are adjusted.
- (2) The university management of the HNEE ensures the framework conditions and prerequisites for ensuring that legal and ethical standards in research and teaching can be met. It ensures that the respective responsible persons in the departments receive the necessary support to ensure corresponding conditions in the departments.
- (3) The HNEE Presidium is responsible for ensuring that the design of the organisation is adequately enabled. This includes a clear allocation of tasks, supervision, quality assurance and conflict regulation to a manageable extent. The Presidium ensures that all members and affiliates who are academically active are aware of their functions and tasks as well as rights and duties. It develops binding principles for research ethics and procedures for the corresponding assessment of research projects as well as principles and procedures for staff selection, staff development and the promotion of young academics and equal opportunities. In concrete terms, this means that gender equality and diversity are taken into account in the context of

personnel selection and development (for example, with the involvement of the HNEE Equal Opportunities Officer and on the basis of the HNEE Equal Opportunities Concept and the Diversity Concept). The corresponding processes are transparent and avoid as far as possible non-knowing influences ("unconscious bias"). Abuse of power and the exploitation of dependencies are to be prevented.

- (4) The head of scientific work units bears responsibility for the entire scientific work unit. Their tasks include, in particular, the career promotion of the academic and academic-accessory staff, whereby the aspects of personal responsibility, autonomy and participation rights must also be taken into account.

§ 3 Obligation to the Articles of Association and Informing the Staff

- (1) All persons working at the HNEE in an academic or academic support capacity, young academics and all students are obliged to comply with these statutes.
- (2) The Statute of Good Scientific Practice is a binding component of academic teaching.
- (3) All scientific staff at all career levels of the HNEE as well as all doctoral candidates are obliged to attend offered events on the topic of good scientific practice, to regularly update their knowledge on the standards of good scientific practice and on the state of research.
- (4) The HNEE creates structures to ensure good scientific practice and to prevent scientific misconduct, which are continuously developed.
- (5) On this basis, the departments may each draw up department-specific principles of academic work and announce them or agree to the existing statutes.

§ 4 Supervision of young academics

- (1) The rules of good scientific practice as a basic ethical principle are taught in all degree programmes of the HNEE as well as in the context of the supervision of young scientists.
- (2) Ensure that supervisors are able to communicate the principles for ensuring good scientific practice.
- (3) Supervision ensures a balance between support and promotion of academic independence. The supervision tasks also include appropriate career support (including sincere advice on one's own career and further career paths with the involvement of the Human Resources Department and/or the Career Service of the HNEE) as well as support for the independent scientific profile building of the junior researcher, for example by enabling participation in scientific events and taking advantage of offers, e.g. of the Research Training Group, as well as in publication activities. Abuse of power and the exploitation of dependencies by supervisors must be prevented.

§ 5 Performance and Assessment Criteria

- (1) A multidimensional approach is necessary as performance and evaluation criteria for academics. Criteria such as originality as well as quality in examinations, for awarding

academic degrees, promotions, recruitment, appointments and resource allocations have priority over quantity.

- (2) Other performance dimensions are commitment to teaching, academic self-administration, public relations, knowledge and technology transfer; contributions in the interest of society as a whole can also be recognised. The academic attitude of the scientist, such as openness to knowledge and willingness to take risks, is also included. However, personal, family or health-related absences or resulting longer periods of training or qualification, alternative career paths or comparable circumstances are also given appropriate consideration at the HNEE.

§ 6 Preservation of neutrality in care and assessment activities

- (1) In the case of supervision and assessment activities, existing reasons for bias must be disclosed. Even a possible bias must be immediately reported to the responsible committee. This applies to all supervisory, examination and reviewer activities. Further details are regulated by the respective statutes and regulations of the HNEE.
- (2) Those who assess submitted manuscripts, funding applications or the credentials of persons are obliged to maintain strict confidentiality in this regard. The confidentiality of third-party content to which reviewers or committee members gain access precludes disclosure to third parties and their own use. The obligation to maintain confidentiality and to disclose facts that could give rise to concerns of bias also applies to members of scientific advisory and decision-making bodies.

§ 7 Research processes

- (1) All academically active persons at the HNEE carry out any activities in the research process *lege artis*. Scientific findings that are made publicly available (in the narrower sense in the form of publications, but also in the broader sense via other communication channels) are always subject to the applied mechanisms of quality assurance. This applies in particular when new methods are developed in research or research projects. Continuous quality assurance accompanying research should be emphasised here, which relates 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) Scientists are aware of the risk of misuse of research results at every stage of their work. This is not only reduced to compliance with legal requirements, but 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 pay particular attention to the aspects and ethical principles associated with safety-relevant research (dual use). If they have identified risks, they must report them to the Vice President for Research and Transfer. After examining the facts, the Vice-President shall arrange for the matter to be referred to the relevant committees.
- (3) All information relevant to the achievement of research results must be documented. This means that scientists must document all information relevant to the generation of a research result as comprehensibly as is necessary and appropriate in the field concerned in order to be able to verify and evaluate the result. In principle, scientists therefore also

document individual results that do not support the research hypothesis, without making a selection of results in this context.

Furthermore, the research data, materials and information on which the results are based, the methods applied and the software used shall be made available as far as reasonable and all work processes shall be described. If research software developed in-house is made available to third parties, it must be appropriately licensed. Own and third-party preparatory work must be fully and correctly accounted for. In the development of research software, the source code shall be documented.

If concrete professional recommendations exist for the review and evaluation, the scientists will carry out the documentation according to the respective requirements. If the documentation does not meet these requirements, the limitations and the reasons for them are explained in a comprehensible manner. Documentation and research results must not be manipulated; they must be protected against manipulation as best as possible.

- (4) Primary data that was required for publications shall be kept on durable and secure data carriers. The HNEE ensures that the necessary infrastructure and support services are available for this purpose. Primary data include measurement results, collections, study surveys, material samples, archaeological finds, questionnaires, sound and film recordings. In principle, these must remain accessible for ten years. For primary data that cannot be stored on durable and secure data carriers, shortened retention periods may be specified in individual cases, whereby corresponding reasons for shortened retention periods must be described in a comprehensible manner. The start of the retention period is the date on which public access was established. Original documents shall remain at the place of creation; however, duplicates may be made or other rights established. Research data shall be kept at the place where it was created.
- (5) Insofar as personal data are contained in primary data, such characteristics with the help of which a personal reference can be established shall be stored separately. These characteristics shall be deleted as soon as the purpose of the research permits.
- (6) Researchers involved in research projects shall agree, as far as possible and reasonable, at the earliest possible point in time who is entitled to which rights of access to and use of the research data and shall document this agreement. This also applies to the rights of third parties, for which it must be clarified in advance whether and to what extent they will be made accessible. As a general rule, the actual use of research data is (at least also) due to those who collected it.
- (7) For the purpose of traceability, connectivity and re-usability, researchers shall, as a matter of principle, deposit all underlying research data and central materials in a suitable manner. The subsequent use of research data and materials used in the research process must be documented. In the case of publicly accessible software, the source code must (if possible and reasonable) be persistent, citable and documented.
- (8) Scientists are responsible for assessing the respective ethical aspects and a thorough evaluation of the research consequences. They take into account rights and obligations resulting from legal requirements and contracts with third parties, and obtain necessary approvals and ethics votes. The legal framework of a research project also includes documented agreements on the rights of use of research data and research results arising from it.

- (9) An essential component of quality assurance - depending on the subject area concerned - is that results or findings can be replicated or confirmed by other researchers within or outside the HNEE (for example, by means of a detailed description of materials and methods).

§ 8 Research design

- (1) When planning a research project, researchers take the current state of research fully into account and recognise it. The identification of relevant and suitable research questions requires careful research into research achievements that have already been made publicly available. The support structures already in place at the HNEE (for example, through the university's internal service unit InnoSupport Forschung | Gründung | Transfer) or IT-supported systems can be used for this purpose. The university management ensures the necessary framework conditions for this. As far as possible, methods are used to avoid (unconscious) bias in the interpretation of findings.
- (2) Researchers check whether and, if so, to what extent gender and diversity can be significant for the research project (with regard to the methods, the work programme, the goals, etc.) and take this into account in the respective framework conditions.

§ 9 Methods and standards

- (1) Scientists use scientifically sound and comprehensible methods to answer research questions. When developing and applying new methods, they attach particular importance to quality assurance and the establishment of standards, which requires specific competences (if necessary, to be covered by corresponding cooperations).
- (2) The establishment of standards for methods, the use of software, the collection of research data and the description of research results is an essential prerequisite for the comparability and transferability of research results.

§ 10 Establishing public access to research results (especially scientific publications)

- (1) Research results are contributed by scientists to the scientific discourse. Researchers decide on their own responsibility, taking into account the practices of the discipline concerned, whether, how and where they make their research results publicly available. In individual cases, however, there may be reasons not to make results publicly accessible (in the narrower sense in the form of publications, but also in the broader sense via other communication channels); this decision must not depend on third parties. If discrepancies or errors are subsequently discovered in relation to published findings, these will be corrected. For reasons of traceability, connectivity of research and reusability, researchers deposit the research data and central materials on which the publication is based in recognised archives and repositories whenever possible, following the FAIR principles ("Findable, Accessible, Interoperable, ReUsable"). Self-programmed software is made publicly available (as far as possible and reasonable) with the source code. In addition, inappropriately small publications (with the purpose of artificially increasing the key figures) are to be avoided and self-citations are to be kept to a minimum.
- (2) An author of a publication is someone who has made a genuine, traceable contribution to the content of a scientific text, data or software publication and has consented to its publication.

- (3) When this is the case must be examined in each individual case depending on the subject area concerned. A corresponding contribution is deemed to exist in particular if a scientist contributes in a scientifically relevant manner to
- the development and conception of the research project or
 - the development, collection, procurement, provision of the data, software, sources or
 - the analysis/evaluation or interpretation of the data, sources and the conclusions drawn therefrom; or
 - significantly involved in the development of scientific results or
 - participated in the writing of the manuscript.
- (4) A management or supervisory function does not in itself constitute authorship. Honorary authorship is not permitted.
- (5) If a contribution does not suffice to justify authorship, support may be appropriately acknowledged in footnotes, in the preface or in the acknowledgements.
- (6) Several scientists involved in a publication agree on who is to be the author of the research results or who is the author according to paragraph 1. If necessary, the authors agree on criteria that determine the order of authorship. An agreement on the order of authorship is reached in good time, usually at the latest when the manuscript is being formulated. All authors are jointly responsible for the publication, unless explicitly stated otherwise. All authors must agree to the final version of the work to be published.
- (7) It is a violation of the rules of good scientific practice if the collaboration on a publication is terminated without sufficient reason or the required consent as co-author of a publication is prevented without sufficient important reason. A refusal to publish must be justified with written, verifiable criticism of data, methods or results.
- (8) Publications that are intended as reports on new scientific results must explain the methods and the results in a comprehensible way and, if necessary, with reference to further literature.
- (9) In scientific publications, all significant findings that support the results and hypotheses, but also those that contradict them, must be reported. Both the author's own and other people's preliminary work and relevant publications by other authors, on which the work is directly based, must be named completely and correctly.
- (10) Own results that have already been made publicly available must be cited, unless the discipline-specific self-image allows this to be dispensed with in exceptional cases. Original sources are cited.
- (11) The publication of personal data (e.g. information on the personal or factual circumstances of an identified or identifiable natural person) is only permissible if the persons concerned have consented or if this is indispensable for the presentation of research results on events in contemporary history and does not conflict with overriding interests of the persons concerned which are worthy of protection.

- (12) Authors should carefully select the publication medium, taking into account its quality and visibility in the respective field of discourse. In addition to publications in books and journals, specialist repositories, data and software repositories as well as blogs are also possible, whereby new or unknown publication bodies should be checked for their seriousness and whether the establishment of their own guidelines for good scientific practice has become established. Scientists who take on the function of editors should carefully check for which publication organs they take on this task. The scientific quality of an article does not depend on the publication medium in which it is made publicly available.

Part 2 Scientific misconduct

§ 11 Definition and forms of academic misconduct

- (1) Scientific misconduct occurs when ethical standards are violated intentionally or through gross negligence in a scientific context, in particular when false statements are made, the intellectual property of other persons is violated or the research activities of other persons are impaired.
- (2) False statements are in particular
- incorrect information provided by the author (ghostwriting),
 - the invention of data,
 - falsifying data and sources (e.g. incomplete use of data and sources, manipulation of sources, representations or illustrations),
 - the misrepresentation of illustrations and associated statements,
 - incorrect information in a letter of application or a funding application or in the context of the reporting obligation,
 - incorrect information on the academic performance of applicants in selection and review committees.
- (3) Scientific misconduct against the intellectual property of other persons shall be deemed to have occurred in particular if, with regard to a copyrighted work created by another person or essential scientific findings, hypotheses, doctrines or research approaches originating from other persons
- these are used without authorisation and with presumption of authorship (plagiarism),
 - The authorship or co-authorship of scientific works may not be arrogated to them,
 - these are distorted in terms of content,
 - data, theories and findings are passed on to third parties without their consent,
 - these are published without authorisation,

- these are made accessible to third parties without authorisation, although the work, finding, hypothesis, teaching or research approach has not yet been published,
 - The authorship and co-authorship of another person is claimed without that person's consent,
 - the publication of a scientific work is arbitrarily delayed or refused, especially as an editor, reviewer or co-author.
- (4) Interference with the research activities of others is deemed to have occurred in the event of gross negligence or wilful misconduct.
- Sabotaging the research projects of others (e.g. damaging, destroying or tampering
 - with literature, records, hardware, software, chemicals or other items needed by
 - another person to carry out a research project),
 - Falsification or unauthorised removal of documentation of research data,
 - Theft of books, archival documents, manuscripts or data sets,
 - Making scientifically relevant information carriers unusable,
 - Disposal of primary data, insofar as this violates legal provisions or subject-specific
 - recognised principles of scientific work,
 - public expression of false suspicion of academic misconduct.
- (5) Persons who participate in scientific selection, advisory, review and decision-making bodies shall be deemed to have committed scientific misconduct if they intentionally or with gross negligence
- unauthorisedly exploit for its own scientific purposes data, theories or findings of which it has become aware in the course of its activities,
 - in the course of their activities, unauthorisedly disclose documents or data, theories or findings contained therein to third parties in breach of the confidentiality of the proceedings,
 - pass on confidential written and/or oral contents from the committees without authorisation in the course of their work.

§ 12 Instigation of and aiding and abetting scientific misconduct

Joint responsibility for scientific misconduct usually results from instigating or aiding and abetting the scientific misconduct of others, but also from co-authorship if falsified publications are included and known. In the case of gross neglect of a supervisory duty, co-responsibility exists in principle.

Part 3 Competent bodies

§ 13 Ombudsperson

- (1) On the proposal of the Presidential Board, the Senate appoints an ombudsperson and his/her deputy from among the university teachers for a period of four years in the event that the ombudsperson is prevented from attending or is biased. Reappointment is permitted for a maximum of one further term of office.
- (2) Academics whose personal integrity and leadership experience can be assumed are appointed as ombudspersons and their deputies. They perform this task in an honorary capacity, independently and without instructions and are subject to official secrecy. For reasons of avoiding conflicts of interest, they may not hold a university management position at the HNEE. The ombudsperson receives the necessary support and acceptance from the university management in the performance of their duties and is supported by the relevant units of the administration as required. The ombudsperson always contributes - as far as possible - to solution-oriented conflict mediation.
- (3) The ombudsperson is explicitly announced by the HNEE. The ombudsperson can be contacted by the academic staff in questions of good academic practice and in questions of suspected academic misconduct.
- (4) The ombudsperson shall report annually to the Senate on his/her activities. The report may include advice and recommendations on how to deal with academic misconduct.
- (5) The ombudsperson is to be supported in her work by all committees and bodies and is in regular exchange with the departmental councils, the investigation commission for academic misconduct and, if necessary, with other counselling services of the HNEE (e.g. legal department, staff council, health management of the HNEE, socio-psychological counselling, etc.).
- (6) Every member and all members of the HNEE have the right to speak to the ombudsperson as promptly as possible.
- (7) The inquirer has the right to choose whether to contact the local ombudsperson(s) at the HNEE or the supra-regional body "Ombudsman for Science".

§ 14 Commission of Inquiry

- (1) The ombudsperson shall inform the President in justified cases of suspected academic misconduct.
- (2) If the concrete suspicion of scientific misconduct is substantiated, documents are submitted to the investigative commission.
- (3) This commission is appointed by the President for a period of 4 years after a hearing by the Senate and consists of two professors and one academic staff member. The ombudsperson assists the commission in an advisory capacity. The commission elects one of its members as chairperson by simple majority.
- (4) The members of the group of professors should be from different departments of the HNEE.

- (5) The investigative commission is entitled to consult internal or external persons with special expertise in the field of a scientific issue to be assessed and/or persons with experience in dealing with procedural issues at any time. Persons with special expertise are obliged to maintain confidentiality.
- (6) The investigative commission does not meet in public and is subject to confidentiality. Prior to the start of the commission's activities, the appointed members shall make written declarations on possible grounds for bias in each individual case. The President shall appoint substitutes for biased members. The persons affected by the allegations may also claim bias.
- (7) Decisions of the investigative commission shall be taken by simple majority. The investigative commission shall make its decisions on the basis of the facts established and the evidence gathered, according to its own free conviction.

Part 4 Procedure in cases of suspected scientific misconduct

§ 15 Suspicion and suspicious activity report

- (1) In the event of a suspected case of academic misconduct, the ombudsperson must be informed. The information must be given in good faith that the suspicion is correct. The person providing the information is given the opportunity to comment at every stage of the procedure (including before the investigative commission).
- (2) If the information is presented to another body, the latter is obliged to submit it to the ombudsperson.
- (3) Information about a suspicion must be given in writing, stating the facts and evidence.
- (4) A report made anonymously can only be reviewed in proceedings if the person making the report provides the authority reviewing the suspicion with reliable and sufficiently concrete facts.
- (5) All persons of the HNEE involved in the procedure shall do their utmost to protect all actors, i.e. the person providing the information and the person affected by the allegations. The person affected by the allegations shall be given the opportunity to comment before the ombudsperson.
- (6) For students of the HNEE, the examination of whether the principles of good scientific practice have been violated in a homework or seminar paper, in a Bachelor's or Master's thesis is the responsibility of the respective persons authorised to examine and the responsible examination committees. Violations of scientifically recognised rules are punished according to the provisions of the examination regulations.

§ 16 Participation and protection of persons affected by the proceedings

- (1) The person concerned shall be informed by the investigating commission of the incriminating facts and, if applicable, evidence.
- (2) The person concerned shall be given the opportunity to comment within a period of 2 weeks.

- (3) The persons providing the information must not suffer any disadvantage for their own academic or professional advancement. Likewise, the person affected by the allegations should not suffer any disadvantage to his or her own academic or professional career as long as misconduct has not been formally established by the competent bodies.
- (4) Both the ombudsperson and the members of the investigative commission and the audit committees are obliged to maintain confidentiality about the identity of the persons involved and about circumstances that allow conclusions to be drawn about these persons, unless the person concerned has released them from the obligation to maintain confidentiality in writing.
- (5) Prejudgements of the person concerned must be avoided at all costs. The basic principle of the presumption of innocence applies and must be observed at every stage of the procedure for reviewing scientific misconduct.
- (6) The person concerned and the informing person shall be informed of the decision. In particular, the person concerned shall be informed of the main reasons for the decision.
- (7) The proceedings shall be discontinued if the investigating commission considers scientific misconduct to be unproven. Discontinuation of the proceedings shall also be considered on grounds of insignificance if a minor case of scientific misconduct has been established. The decision shall take into account whether the person affected by allegations has contributed significantly to the clarification, offers a measure such as the publication of an erratum himself or herself, or if measures have already been taken to remedy damage that has occurred.
- (8) In the case of unproven scientific misconduct, the informant must be protected unless it can be shown that the reporting of the allegations was made against better knowledge.
- (9) All persons who have been involved in such cases through no fault of their own are to be protected even after the proceedings have ended.
- (10) (Substantiated) anonymous reports are also investigated.

§ 17 Preliminary examination

- (1) As soon as the ombudsperson learns of a concrete suspicion of scientific misconduct, a preliminary examination procedure must be initiated. The ombudsperson shall obtain the information and opinions necessary to clarify the facts of the case, taking into account all interests of the persons concerned that are worthy of protection, and shall forward the documents in the case of a justified suspicion of scientific misconduct pursuant to § 14 para. 2.
- (2) All incriminating and exculpatory facts and evidence shall be documented in writing.
- (3) If the person concerned has made use of the opportunity to make a statement or if the time limit pursuant to § 16 par. 2 has expired, the investigation committee shall decide within four weeks whether the proceedings shall be terminated because the suspicion has not been confirmed or whether a transfer to the formal investigation proceedings shall take place.

- (4) Insofar as the informant does not agree with the discontinuation of the proceedings, he/she may present his/her objections in writing to the investigating commission within two weeks. The investigative commission shall deliberate and decide on these objections within a further period of 2 weeks.

§ 18 Formal investigation procedure

- (1) The opening of a formal investigation procedure is communicated to the President and the Ombudsperson by the Chairperson of the Investigation Commission.
- (2) The investigative commission shall deliberate in a non-public session and examine in free consideration of evidence whether scientific misconduct has occurred. The person concerned must be heard at his/her request. If necessary, he or she may consult a person of trust or an advisor.
- (3) The investigating commission shall document the proceedings and prepare a report on the result of the investigation containing the supporting facts and reasons.
- (4) If the investigating commission considers scientific misconduct to be proven, the report, together with the file and a recommendation as well as the consequences to which the recommendation would lead, shall be submitted to the President for further action.

§ 19 Duration of proceedings and duty to preserve records

- (1) In principle, the procedure should not last longer than six months.
- (2) The files of the procedure are to be kept for 30 years. The files are taken over and archived by the archivist of the HNEE. Digital documents are also digitally archived accordingly.

Part 5 Possible decisions and sanctions in cases of academic misconduct

§ 20 Decisions and measures

- (1) Every case of scientific misconduct is different; the severity of the detected scientific misconduct also plays a central role in the respective decision. In this respect, there are no uniform adequate consequences. Each decision is a case-by-case decision.
- (2) The following measures can be considered:
 - in the least serious case, a reprimand by the President of the HNEE,
 - official instruction to correct or withdraw publications that are not written correctly,
 - Exclusion from internal university research funding procedures (e.g. research professorship, start-up fund) on a temporary or permanent basis,
 - Measures under labour law: e.g. warning, extraordinary or ordinary dismissal, removal from service,

- Civil law measures: e.g. claims for restitution, claims for injunctive relief under copyright, personal rights, patent law, competition law, house ban, claims for restitution.
 - Academic measures: Withdrawal of teaching authorisation, information of directly affected facilities and institutions (e.g. in the case of cooperations).
 - criminal law measures in the event of the realisation of a criminal offence through the scientific misconduct
- (3) In the case of third-party funded scientific work, the third-party funding body will be informed in the event of a proven violation of the principles of good scientific practice.
- (4) The decision on whether to file criminal charges shall be left to the due discretion of the President.
- (5) The regulations of the other statutes and regulations of the HNEE remain unaffected.

§ 21 Entry into force/expiry

These bylaws for the safeguarding of good scientific practice as well as for the avoidance of scientific misconduct and for dealing with violations come into force after publication in the official announcements of the HNEE. At the same time, the statutes for ensuring good scientific practice at the University of Applied Sciences Eberswalde (FHE) of 04.06.2002 shall expire.

Senate resolution: 23.02.2022

Approval of the President:

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Prof. Dr. Matthias Barth

Präsident

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