Universität der Bundeswehr München

– *OSiGWiP* –

Regulations **for safeguarding good scientific practice** and for handling scientific misconduct at the University of the Bundeswehr Munich (*OSiGWiP*)

November 2023

IMPORTANT NOTE:

This is only the English version of the original regulation to ensure good academic practice and for dealing with academic misconduct at the University of the Bundeswehr Munich. Legally binding are the original German regulations.

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Regulations for safeguarding good scientific practice and for handling scientific misconduct at the University of the Bundeswehr Munich

of 8th November 2023

Foreword

The following regulations are a revised version of the regulations for safeguarding good scientific practice and for handling scientific misconduct at the University of the Bundeswehr Munich (*OSiGWiP*) issued at said university on 1 February 2017.[1]

The University of the Bundeswehr Munich (*UniBw M*) issues the following regulations in accordance with Section 11 (2) No. 5 of the Framework Regulations for the Structure and Organization of the University of the Bundeswehr Munich of 13 August 2020:

[1] Documents contributing to these regulations include the guidelines for safeguarding good scientific practice and for handling scientific misconduct adopted and published by the Max Planck Society (March 2009), the University of Constance (July 1998), the University of Duisburg (July 2004), the University of Applied Sciences of Dortmund (April 2014), the Lower Rhine University of Applied Sciences (July 2002), Hanover Medical University (October 2011), Humboldt University Berlin (June 2014), the University of Hamburg (August 2014), Technical University of Dresden (March 2014), Johannes Gutenberg University Mainz (May 2014), Munich University of Technology (December 2013), Cologne University of Technology (December 2019), and the German Research Foundation (August 2019), and the regulations for safeguarding good scientific practice issued by Georg August University Göttingen (November 2021). The wording of the above-mentioned guidelines has partly been incorporated directly and partly indirectly into these regulations of the University of the Bundeswehr Munich.

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Preamble

Scientific work is aimed at facilitating the quest for new knowledge and communicating new findings. It is governed by the principle of honesty on the part of scientists and researchers towards themselves and others.

At the same time, these basic principles form the ethical basis for the rules of scientific professionalism and scientific integrity. They ensure mutual respect and strengthen the vital trust that society places in science.

The purpose of these regulations is to sustainably safeguard good scientific practice. As part of its legal mandate, the University of the Bundeswehr Munich (including its departments, research centers and research institutes) is responsible for organizing research, teaching, and the promotion of young scientists and researchers. Research is inseparably linked to teaching and the promotion of young scientists and researchers. For the university, it is very important to maintain and promote an atmosphere of openness, creativity and commitment.

Scientific integrity is an essential component of all scientific work. As an expression of scientific self-commitment, this includes the duty to treat people and the world around one with respect. With these regulations, the University of the Bundeswehr Munich takes, as part of its responsibility, precautionary measures to communicate the basic principles and rules of good scientific practice, to safeguard scientific integrity, to ensure structured organization of the ombuds services, and to impose appropriate sanctions for and to prevent scientific misconduct.

These regulations respect the freedom of science (Article 5 (3) of the Basic Law) and take into account the code of conduct "Guidelines for Safeguarding Good Research Practice" of the German Research Foundation as amended in July 2019, the recommendation "Good Scientific Practice at German Universities" of the University Rectors' Conference as amended on 14 May 2013, and the position paper "Recommendations on Scientific Integrity" of the Science Council as amended on 24 April 2015.

As a research and teaching facility, the university has institutional responsibility in this respect. The University of the Bundeswehr Munich is aware of its main responsibility to communicate to students and young scientists and researchers in particular the principles of good scientific practice and to familiarize them with the techniques of scientific work.

Part 1 Applicability

Section 1 Applicability

(1) [1]These regulations apply to all members of the University of the Bundeswehr Munich – including students – with respect to their activities in and for science and research and to all other persons at the University of the Bundeswehr Munich engaged in the fields of science and research (collectively referred to hereinafter as “persons engaged in science and research”). [2]Scientific activity includes peer reviews, membership in scientific advisory and decision-making bodies, and editorial activities. [3]Persons engaged in science and research also include people working for non-scientific personnel, provided they are involved in research support activities. [4]These regulations also apply to the above-mentioned persons if they are no longer working at the University of the Bundeswehr Munich but are the subject of an allegation of scientific misconduct relating to their work at the University of the Bundeswehr Munich.

(2) [1]The University of the Bundeswehr Munich supports the ombudspersons' work is in terms of content and in an appropriate manner. The ombudspersons can request support to relieve their workload. In addition, the officer for quality assurance in research assists the ombudspersons and persons of trust.To improve the effectiveness of the ombuds services available at the University of the Bundeswehr Munich, each department selects additional advisory staff whom young scientists and researchers can contact if required.[2]

(3) [1]All scientists and researchers in Germany are at liberty to approach the research ombudsman of the German Research Foundation (*DFG*) with questions and conflicts relating to good scientific practice or scientific integrity.[3] [2]In such cases, the university's ombudsperson and the Commission for the Investigation of Academic and Scientific Misconduct do not initiate investigations or procedures of their own.

(4) [1]The procedures governed by these regulations neither replace nor hinder other procedures governed by law or statute (e.g. academic procedures, regulatory procedures, procedures conducted under employment law or civil service law or under civil or criminal law). [2]The responsible authorities or the persons concerned will decide whether to initiate procedures.

Part 2 Basic principles of good scientific practice

Section 2 Commitment to the general principles, professional ethics[4]

(1) The persons referred to in Section 1 (1) are obliged to observe the fundamental principles of good scientific practice, taking into account the distinctive features of their relevant specialist area and, in particular, to

- work in accordance with the standard rules ("lege artis"),
- always document the results,
- always assess their own results, also critically, question them consistently, and allow and promote critical discourse in the scientific community,
- maintain absolute honesty with regard to their own contributions and to those of third parties, in particular contributions made by involved parties and supervised persons (doctoral candidates),
- provide young scientists and researchers with appropriate support (see Section 4),
- comply with the provisions on the backup and storage of primary data,
- respect others' intellectual property at all times, and
- observe ethical standards and legal requirements when conducting surveys and experiments.

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[2] Rules of Procedure of the Commission for the Promotion of Young Scientists and Researchers at the University of the Bundeswehr Munich of 25 January 2023, Section 2 (2).
[3] In accordance with DFG Code, Guideline 18: Informants and the accused, p. 23.
[4] In accordance with DFG Code, Guideline 1: Commitment to the general principles and Guideline 2. Professional ethics, p. 9

(2) [1]The University of the Bundeswehr Munich also expects those involved in scientific activity to bear personal responsibility for implementing the fundamental values and standards of scientific work, to advocate them, and to take active measures to ensure good scientific practice. [2]This includes teaching the fundamentals of good scientific conduct as early on as possible in academic teaching and scientific training. [3]All persons engaged in science and research at the University of the Bundeswehr Munich are obliged to regularly update their knowledge of the standards of good scientific practice and the latest research developments in their disciplines.[5]

Section 3 Responsibility of the directors of scientific facilities and organizational units

(1) [1]To ensure good scientific practice, suitable measures must be provided for in order to prevent scientific misconduct as far as possible. [2]When persons engaged in science and research are taken on, these regulations are handed out with the signing of the contract. [3]The departments send their students a copy of the regulations at the beginning of their course.

(2) [1]Against this background, the University of the Bundeswehr Munich takes responsibility on all levels, most importantly by creating the conditions necessary for scientific work and to ensure compliance with ethical and legal standards. [2]It creates and guarantees structures to communicate – with reference to these regulations – to persons engaged in science and research, in particular students, doctoral candidates and postdoctoral candidates, the principles of scientific work and good scientific practice, to urge them to be honest and responsible in their scientific work, and to make them aware of the dangers and consequences of scientific misconduct.[6] [3]The directors of the University of the Bundeswehr Munich, of the departments, and of the scientific facilities and organizational units guarantee the conditions necessary to ensure that persons engaged in science and research can observe legal and ethical standards. [4]These conditions include:

- clear procedures and principles, laid down in writing, for personnel selection and development, taking into account equal opportunities and diversity,
- established support structures and concepts for the promotion of young scientists and researchers,
- appropriate career support for scientific and research support staff,
- the use of various methods to ensure transparency of the research activities at the University of the Bundeswehr Munich (research database, webpage, social networks, open access etc.) and
- Provision of the conditions necessary for researching publicly accessible research outputs that are required for scientific work.

(3) [1]The director of a scientific facility or organizational unit bears responsibility for the entire facility or unit. [2]By organizing their area of activity accordingly, they must ensure clear allocation of their tasks, support, supervision, conflict settlement, and quality assurance and that those working in the facility or unit are regularly informed in this respect. [3]In addition, the director of a scientific facility and organizational unit must ensure that the

[5] In accordance with DFG Code, Guideline 2: Professional ethics, p. 9.
[6] In accordance with DFG Code, Guideline 3: Organizational responsibility on the part of the directors of scientific facilities, p. 10.

tasks are actually performed. [4]They ensure that those working in the facility and organizational unit are aware of their roles, rights and duties. [5]The director also ensures that young scientists and researchers receive appropriate individual support and that research support staff have access to career advancement options. [6]In this context, it is important to choose an adapted ratio between support and self-responsibility with increasing independence, guaranteeing rights of participation in the organizational unit.

(4) Both for the University of the Bundeswehr Munich and on the level of individual scientific organizational units, suitable organizational measures must be taken and further developed in order to avoid abuse of authority and abuse of dependence relations.[7]

Section 4 Supervision and promotion of young scientists and researchers

(1) [1]The aim of the Commission for the Promotion of Young Scientists and Researchers is to provide impetus and to formulate concepts. [2]The tasks of the commission are laid down in Section 1, second sentence of the Rules of Procedure of the Commission for the Promotion of Young Scientists and Researchers at the University of the Bundeswehr Munich.

(2) [1]When it comes to observing the rules of good scientific practice, the training of young scientists and researchers deserves special attention. [2]The supervisors of young scientists and researchers teach them the principles designed to ensure good scientific practice at the University of the Bundeswehr Munich. [3]To safeguard this task, each doctorate candidate has at least one main contact person. [4]As part of the doctoral degree process, this contact person is also the candidate's supervisor.

(3) [1]A supervision agreement that is consistent with the principles of good scientific practice is concluded between the supervisor and the doctoral candidate. [2]Supervision of the doctoral candidates is to be organized in such a way that the supervisor helps their candidates to structure the doctoral procedure, to create an academic network, and to identify career options, and has an overview of ongoing research activities and the essential development stages of the work being carried out. [3]This includes regular supervisory talks and keeping an eye on the progress of the doctoral candidates' work in order to help and enable them to obtain their doctorate within a reasonable timeframe.

(4) [1]The supervision agreement serves as a basis for organizing the doctoral phase at the University of the Bundeswehr Munich and as a guide to keeping cooperation between the supervisor and the doctoral candidate transparent and results-oriented by providing indications of what all those involved may expect from each other. [2]This ensures that doctoral candidates at the University of the Bundeswehr Munich receive high-quality supervision.

(5) [1]Experienced professionals engaged in science and research and young scientists and researchers support each other in the course of their continuous learning and further training process and are in regular dialogue with each other. [2]Supervisors are expected to give doctoral candidates the opportunity for regular talks to clarify questions regarding the standards of good scientific practice.

[7] In accordance with DFG Code, Guideline 4: Responsibility of directors of organizational units, p. 11.

Section 5 Performance dimensions and assessment criteria

(1) [1]Quality and originality must be given priority over quantity at all times when it comes to evaluating scientific performance in examinations, assessments, promotions, employments, appointments, and appropriation of funds.[8] [2]Quantitative indicators should only be reflected in the overall assessment and, most importantly, must be evaluated on a discipline-specific basis.

(2) [1]In addition to scientific performance in research, further aspects can be taken into account when assessing the performance of persons engaged in science and research, e.g. involvement in teaching, academic self-administration or public relations activity, contributions that are in the interest of society as a whole, and contributions to the transfer of ideas, knowledge and technology. [2]The assessment can also take into account the researcher's scientific approach, e.g. openness to new insights and their willingness to take risks. [3]Where provided voluntarily, individual circumstances stated in résumés – as well the General Equal Treatment Act – can also be taken into account. [4]Such circumstances include periods of absence for personal, family-related or health-related reasons, or alternative career paths.

Section 6 Confidentiality and neutrality in assessments and consultations

[1]The obligation to ensure scientific integrity encompasses absolute confidentiality and neutrality in the assessment – in particular – of manuscripts, grant requests, or individual competence (e.g. as part of appeals procedures). [2]Confidential content accessed as part of the assessment must not be disclosed to third parties or used for own purposes. [3]The assessing scientists or researchers immediately notify the responsible authorities of any facts that could constitute grounds for bias. [4]The duty to ensure confidentiality and neutrality also applies to members of advisory and decision-making bodies.[9]

Part 3 Good scientific practice in the research process

Section 7 Responsibilities and roles

[1]Everybody involved in a research project must be aware of their role and responsibility. [2]The scientists and researchers involved in a research project ensure peer cooperation in scientific workgroups. [3]They make sure that their responsibilities and duties as well as those of the research support staff are clearly defined at all stages of a research project. [4]This requires regular dialogue between those involved. [5]If necessary, the duties and responsibilities have to be adjusted to be in keeping with the development of the research project. [6]All those involved must be informed of such adjustments. If the project is being funded by a third party, this party must also to be notified.[10]

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[8] In accordance with DFG Code, Guideline 5: Performance dimensions and assessment criteria, p. 12.
[9] In accordance with DFG Code, Guideline 16: Confidentiality and neutrality in assessments and consultations, p. 21.
[10] In accordance with DFG Code, Guideline 8: Players, responsibilities and roles, p. 15.

Section 8 Quality assurance in all project phases

(1) Continuous quality assurance is a crucial component of the research process.[11]

(2) [1]Good scientific practice requires great care when it comes to choosing specialist methods, tools and processes and acquiring and analyzing data. [2]The aim is to enable research questions to be answered on the basis of scientifically sound and logical methods. [3]Know-how in these methods can also be acquired through cooperation efforts, with particular attention given to the establishment of standards when developing new methods and applications, collecting research data, and describing research results.[12]

(3) [1]Even during the conceptualization phase of a research project, the scientists and researchers thoroughly investigate the current status of research and of established standards and applications from current practice, and build on the established information to identify relevant and appropriate research questions. [2]When findings are interpreted, methods are to be used to avoid unintentional distortions. [3]The significance of gender and diversity is assessed with regard to the entire research process.[13]

(4) [1]Scientists and researchers compile a clear and logical documentation containing all the information that is relevant to the acquisition of the research results. [2]Results are not selected. [3]Negative results are also documented. [4]If available, technical recommendations for reviewing and evaluating results must be used. [5]In the event of non-observance of these requirements, the reasons will be specified in the documentation. [6]Documentations and research results are to be protected as well as possible against manipulation. [7]Openness to criticism and skepticism regarding one's own results as well as the need to ensure that one's own results can be replicated by other scientists and researchers are essential components of quality assurance.[14]

Section 9 Scientific publications and other communication channels

(1) [1]As a general rule, research results achieved with public funds must be published and form part of scientific discourse. [2]Insofar as is possible, third parties must be guaranteed access to all the relevant information that is necessary for a potential replication. [3]In individual cases, there may be reasons not to publish the results. These reasons must be documented. [4]The scientists and researchers decide for themselves whether and how their results are going to be published; with publicly funded research projects, the decision must not be made dependent on third parties.

(2) [1]Scientific studies have to be verifiable. [2]For this reason, their scientific publication must contain a precise description – comprehensible for scientists and researchers in their field – of how the hypotheses, methods and analysis stages came about, of the quality assurance methods used, and of the results, if applicable with reference to further literature. [3]This is particularly necessary when developing new methods. [4]Essential findings that support or cast doubt on the author's results and hypotheses must also be disclosed. [5]The author's own preparatory work and that of others, as well as relevant

[11] In accordance with DFG Code, Guideline 7: Quality assurance in all project phases, p. 14.
[12] In accordance with DFG Code, Guideline 11: Methods and standards, p. 17.
[13] In accordance with DFG Code, Guideline 9: Research design, p. 15.
[14] In accordance with DFG Code, Guideline 8: Players, responsibilities and roles, p. 15.

publications by other authors on which the study immediately builds on, must be specified in full and correctly.[15]

(3) When disclosing scientific findings via communication channels other than traditional professional publications in books or specialist magazines, the quality assurance mechanisms used must also be specified in keeping with the needs of the respective audience.[16]

(4) [1]The following must also be observed when publishing a study:

- The publication may only contain personal data, i.e. information that refers to identified or identifiable natural persons, if those concerned have given their explicit consent.
- [2]If the scientific findings have been obtained using third-party data, organisms, material or software, their origin must be indicated, specifying the original sources.
- [3]Inappropriately detailed publications or excessive self-reference are to be avoided.
- [4]Taking account of quality and visibility in their discipline, the authors choose a suitable publication medium. [5]The scientific quality of an individual contribution does not depend on the medium chosen for publication.[17] [6]For editorial activities too, careful consideration must be given to the publication medium for which this task is being undertaken.
- [7]To help reproducibility, the scientists and researchers leave research data that form a basis for their publications in preferably recognized (specialist) repositories or archives in accordance with the FAIR principles (findable, accessible, interoperable, reusable). [8]This applies in particular to research data from publicly funded research which is also compiled and published via the research database of the University of the Bundeswehr Munich.
- [9]For publicly accessible software, the source code must be persistent, quotable and documented, and a suitable license has to be chosen.[18]
- [10]A public account is to be given of falsified hypotheses or errors and mistakes or discrepancies. [11]In the case of scientific publications, the authors either make the necessary corrections or withdraw the publication.

Section 10 Authorship

(1) [1]All and only those scientists and researchers who have made a genuine and identifiable contribution to the content of a scientific text, data or software publication have the right to (co) authorship. [2]A genuine and identifiable contribution is deemed to exist particularly in instances in which a scientist or researcher has made at least one of the following scientifically relevant contributions:

- development and conceptual design of the research project,
- gathering, collection, acquisition or provision of data, software or sources,
- evaluation of the data and sources,

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[15] In accordance with DFG Code, Guideline 12: Documentation, p. 17.
[16] In accordance with DFG Code, Guideline 7: Quality assurance in all project phases, p. 14.
[17] In accordance with DFG Code, Guideline 15: Publication medium, p. 21.
[18] In accordance with DFG Code, Guideline 13: Provision of public access to research results, p. 18.

- interpretation of the results,
- drafting of the manuscript, or
- formulation of hypotheses and theories.

[3]An editorial report as such does not justify co-authorship.

(2) [1]As a rule, several authors agree on the order in which authors are named and on corresponding authorship no later than when the manuscript is drafted. [2]All authors approve the final version of the study and share responsibility for its publication unless expressed differently in the publication. [3]Scientists and researchers may not refuse to give their consent to publication of the results without an objective reason.

(3) "Honorary authorship" (i.e. where none of the contributions specified in paragraph 1 were made) is not permissible, and, most importantly, a leadership or supervisory function or the provision of research funds does not itself constitute co-authorship.

(4) If, in addition to the authors involved, other persons or establishments belonging to the university have to give their consent to publication, paragraph 2, third sentence applies accordingly.[19]

(5) It is a violation of the rules of good scientific practice to discontinue cooperation on a publication without sufficient reason or to hinder or refuse publication of the results without a plausible reason.

Section 11 Legal and ethical frameworks and usage rights

(1) The persons engaged in science and research at the University of the Bundeswehr Munich are obliged to adopt a responsible approach to the constitutionally guaranteed freedom of research.[20]

(2) [1]Above all, rights and obligations arising from legal requirements and agreements or contracts with third parties must be complied with. [2]Agreements on the use of research data or research results also constitute research project frameworks, as do notices of grant, including the secondary regulations of funding authorities.

(3) [1]Written agreements on the rights regarding the use of research data and results (including software) must be made as soon as possible. [2]This applies in particular if several establishments are involved in a research project or if it is foreseeable that persons engaged in science and research are going to change research establishments and wish to continue using the data they have generated for (their own) research purposes. [3]Persons engaged in science and research are entitled to use, in particular, research data that they collect themselves or that they have collected for them by employees. [4]As far as is legally and factually possible, persons no longer engaged in science and research at the university should, for research and documentation purposes, be allowed access to research data and materials in whose development they were involved, provided these are kept available by the university. [5]As part of ongoing or completed research projects, persons with user rights decide whether third parties are to receive access to the data or whether they should be allowed to reuse it.

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[19] In accordance with DGF Code, Guideline 14: Authorship, p. 19.
[20] In accordance with DGF Code, Guideline 10: Legal and ethical frameworks, usage rights, p. 16.

(4) These regulations do not release those concerned from the obligation to observe the legal guidelines on the protection of personal data as specified in particular in the EU General Data Protection Regulation and in federal data protection legislation.

(5) [1]Taking into account their knowledge, their experience and their abilities, persons engaged in science and research at the University of the Bundeswehr Munich have the duty to know, estimate and assess the consequences and risks of their research project. [2]This makes them aware of the risk of research results being misused, e.g. in the context of security-relevant research. [3]If special permissions or a decision by the Ethics Committee or Ethics Committees for Security-Relevant Research are needed to conduct a research project, these must be sought.

(6) The principles of the Ethics Committee and the Ethics Committee for Security-Relevant Research at the University of the Bundeswehr Munich, which have been declared binding, must be observed.

Section 12 Securing and archiving of research results and data

(1) [1]Persons engaged in science and research document all information relevant to producing a research result as clearly as is required by and is appropriate for the relevant subject area to allow the result to be reviewed and replicated by third parties. [2]This includes documenting individual results that do not support the research hypothesis; it is not permitted to select results or to manipulate research data.

(2) [1]The origin of the data, organisms, material and software used in the research process must be indicated, original sources quoted, and reuse documented. [2]The nature and scope of the data acquired during the research process must be specified. [3]If specific technical recommendations exist, persons engaged in science and research document the information in accordance with the respective guidelines. [4]If the documentation does not meet these requirements, the restrictions and reasons must be clearly shown.

(3) [1]Research data and research results that have been made publicly available, including underlying materials, original data, and any research software that may have been used, must be archived appropriately – using a subject-specific standard – for a duration of ten years from the date on which they were made publicly available.[21] [2]The University of the Bundeswehr Munich provides the necessary infrastructure for this purpose. [3]The data and results are archived on durable and secured media at the establishment at which the data came into being or in recognized repositories. [4]If co-authors leave the establishment before the intended archiving period expires, responsibility for archiving is to be regulated with the technical superior. [5]Shorter archiving periods or archiving of only some of the data is permitted provided this is plausible and – if applicable – legally stipulated reasons are documented. [6]If there are several institutions involved in the data collection process, the issue of archiving and access rights must be regulated by contract.

[21] In accordance with DFG Code, Guideline 17: Archiving, p. 22.

Part 4 Failure to observe the rules of good scientific practice

Section 13 Protection of informants and the accused, presumption of innocence

[1]The informant's report must be made in good faith. [2]Everybody involved in procedures to investigate a case of scientific misconduct at the University of the Bundeswehr Munich must act appropriately to protect the informants and the accused and to maintain strict confidentiality. [3]Unless specified otherwise, this confidentiality must also be maintained after a procedure has been concluded. [4]The ombudsperson or the chairman of the Commission for the Investigation of Academic and Scientific Misconduct must inform those involved in the procedure of this obligation separately. [5]Presumption of innocence applies in every stage of the procedure. [6]Neither the informants nor the accused are to suffer any disadvantages with regard to their own scientific or professional advancement as a result of the allegations. [7]Informants must also be protected in the case of unproven scientific misconduct provided the allegations were not reported against their better judgement.

Section 14 Scientific misconduct[22]

(1) [1]In particular, scientific misconduct includes deliberate or grossly negligent

1. misrepresentations:

a. fabrication of data and/or research results,

b. falsification of data, sources and/or research results, e.g.:

(1) by selecting desired results or rejecting unwanted results but failing to disclose this,

(2) by manipulating data and/or research results, sources, figures or diagrams,

(3) by distorting data, research results and/or statistical and other analyses, e.g. through improper division and interpretation of data, and

(4) by hiding and/or removing relevant sources, data, proof, or texts and deliberately failing to take measures to clarify dishonest handling of data and texts,

c. false information in a letter of application or a funding application, including misrepresentations regarding the publishing body and the status of a forthcoming publication,

d. false information as a member of a selection or expert committee on an applicant's scientific performance and hiding facts or circumstances that clearly constitute a conflict of interests or fear of prejudice,

e. deceiving third-party funders about points relevant to their decision (including disregarding an existing ban on double funding), and

f. claiming another person's (co)authorship without their consent.

[22]DFG form 80.01-08/19, DFG Rules of Procedure for Handling Scientific Misconduct (*VerfOwF*) II 1.

[2]2. violation of intellectual property rights with regard to a legally protected work created by another party or to another party's substantial scientific findings, hypotheses, teachings or research approaches by:

a. utilizing third-party content without indicating the source (plagiarism),

b. exploiting research approaches and ideas without consent, in particular as reviewer (theft of ideas),

c. using patents, prototypes or software without permission,

d. claiming scientific authorship or co-authorship without making a genuine and logical contribution to the scientific content of the publication or refusing others' entitlement to co-authorship based on genuine contributions,

e. falsifying the content, e.g. by randomly leaving out or adding results and/or information relevant to the topic of the publication,

f. passing on, without permission, unpublished research results, data, hypotheses, theories and findings to third parties or, without permission, making them accessible to third parties, and

g. deliberately failing to specify others' significant and relevant preliminary work.

[3]3. impairment of the research activities of others, in particularly by:

a. sabotaging their research activity (including damaging, destroying, removing or manipulating research setups, equipment, documents, hardware, software, chemicals, materials or any other items required by another party for research purposes),

b. removing research documents, research data or biomaterial if this violates legal or internal regulations or recognized discipline-related principles relating to scientific work,

c. deliberately misplacing or stealing scientific materials, e.g. books, archival materials, manuscripts or datasets,

d. deliberately rendering scientifically relevant information carriers unusable,

e. destroying or passing on research material without permission (the disappearance of original data from a laboratory constitutes a violation of the fundamental rules of scientific diligence and justifies prima facie suspicion of grossly negligent and dishonest conduct),

f. preventing, as co-author, the publication of research results, including refusing to consent to the publication of research results in breach of good faith,

g. indiscriminately delaying the publication of a scientific work, in particularly as publisher, reviewer, or co-author, and

h. inappropriately delaying the review of a thesis or other grossly negligent violation of duties as the reviewer of a thesis.

[4]4. violation of the recognized rules of authorship

see also Section 10

[5]5. other violations of rules, violation of the duty of supervision:

a. breach of confidentiality in a complaints or investigation procedure, and

b. careless handling of allegations of scientific misconduct, in particularly gathering knowingly incorrect or unchecked facts about the allegations or without having sufficient knowledge of these facts.

(2) If there is intent or gross negligence, scientific misconduct also exists in the event of

1. co-authorship of a publication that contains incorrect information or others' scientific achievements of which ownership has been claimed without permission,

2. neglect of supervisory duties if another person has objectively fulfilled the elements of scientific misconduct and if this would have been prevented or hampered considerably had the required and appropriate supervision been provided.

(3) Scientific misconduct as specified in paragraph 1 also exists in the event of deliberate participation (in terms of incitement or assistance) in the deliberate misconduct of others and of tolerance of established falsifications.

(4) Knowingly untrue or malicious allegations can per se constitute a case of scientific misconduct.

Part 5 Ombudsperson, Commission for the Investigation of Academic and Scientific Misconduct, procedures

Section 15 Ombudspersons

(1) Taking into account the proposal put forward by the Extended University Management, the Management Committee appoints an ombudsperson (person of trust) and a deputy ombudsperson from the circle of professors, primarily from the university's professorial staff. They are points of contact for allegations of scientific misconduct and for allegations of serious violations of the duty to provide support to young scientists and researchers as specified in Section 4. [3]Their term of office is two years. [4]They can be reappointed for a maximum of two further terms.

(2) The deputy ombudsperson primarily becomes active in cases where the ombudsperson is biased or not available; the deputy ombudsperson may also be contacted without the need to give reasons.

(3) The function of the ombudsperson or a deputy ombudsperson is incompatible with the office of president, vice president, dean and senator.

(4) All members of the university are to be made aware of the name, function and reachability of the ombudsperson.

Section 16 Duties and accessibility of the ombudsperson

(1) [1]The ombudsperson is responsible for providing confidential advice to those involved in a case of scientific misconduct. [2]They give advice to the persons who inform them of suspected scientific misconduct on the part of a third party (the informants). [3]If requested, they also give advice to the persons accused of scientific misconduct (the accused). [4]As a neutral and qualified person of trust, the ombudsperson provides general advice on issues relating to good scientific practice and, in particular, in cases

where they are informed of a case of suspected scientific misconduct. [5]They also give advice to those members of the University of the Bundeswehr Munich who have been involved in a case of scientific misconduct through no fault of their own on how to maintain or restore their scientific and personal reputation.

(2) [1]The ombudsperson promptly investigates any concrete suspicion of scientific misconduct brought to the attention of the University of the Bundeswehr Munich.[23] [2]Anyone can appeal to the ombudsperson or their deputy to report a case of suspected scientific misconduct at the University of the Bundeswehr Munich. [3]Anonymous allegations can only be investigated if reliable facts are presented relating to a potential case of misconduct.

(3) [1]The ombudsperson verifies the extent to which the grounds for suspicion appear plausible and can constitute a case of misconduct. [2]For this purpose, they listen to the accused and the informants separately and as soon as is possible.

(4) [1]The ombudsperson is not bound by instructions and is obliged to maintain confidentiality, fairness and impartiality. [2]Priority is given to protecting everyone concerned.

(5) In the event of suspected or alleged serious violation of the duty to provide support to young scientists and researchers as laid down in Section 4, paragraphs 1 to 4 apply accordingly.

Section 17 Procedure in the event of suspected misconduct (ombuds process)

(1) [1]If the ombudsperson receives information about scientific misconduct, they review the significance of the facts according to their best judgment, taking exonerating circumstances into account. [2]In doing so, they maintain confidentiality in order to protect the informants and the accused.

(2) [1]If the investigation conducted in accordance with paragraph 1 reveals that there is a definite suspected case, the ombudsperson calls on the accused person to comment on the matter promptly and gives them an appropriate deadline to this end, taking careful consideration of the protective rights of both the accused and the informants. [2]The identity of the informants must be treated confidentially. [3]In exceptional cases, it may be necessary to disclose the informant's identity to the accused if the latter cannot otherwise defend themselves properly.

(3) [1]After the accused has stated their position or if no response has been received by the deadline specified in paragraph 2, the ombudsperson decides within a reasonable period whether the ombuds procedure is to be discontinued on grounds of insufficient evidence to corroborate the suspected misconduct or because an alleged case of misconduct has been fully resolved, or whether the case must undergo a formal investigation procedure. [2]The reasons behind the decision are to be specified in writing and communicated to the informant. [3]If absolutely necessary to protect the rights of the accused, the reasons are not to be communicated to the informant.

(4) [1]If the informant disagrees with the decision to discontinue the ombuds procedure, they may, within a period of two weeks, exercise their right to be heard by the ombudsperson,

[23] In accordance with DFG Code, Guideline 19: Procedure in suspected cases of scientific misconduct, p. 25.

who will subsequently review their decision. [2]If the ombudsperson chooses to uphold their decision, they will notify the informant accordingly and inform them of the possibility to appeal to the Commission for the Investigation of Academic and Scientific Misconduct in accordance with Section 20.

(5) [1]The ombudsperson endeavors at all times to mediate between the parties to the procedure. [2]In cases where mediation between the parties to the procedure leads to mutual settlement of the allegations, the procedure is discontinued and documented by the ombudsperson. [3]In such cases, it is no longer necessary to present the allegations to the aforementioned commission.

(6) [1]If the procedure is not discontinued in accordance with paragraph 3, the case undergoes a formal investigation. [2]To open the formal investigation procedure, the ombudsman forwards all the relevant documents, including their statement, to the Commission for the Investigation of Academic and Scientific Misconduct in accordance with Section 18 and notifies the accused and the informant of this measure. [3]Where there is reason to suspect serious scientific misconduct that poses a risk of severe damage to the University of the Bundeswehr Munich, its members or third parties, the ombudsperson also informs the president and the dean of the department concerned.

(7) [1]For the ombuds process, the principles of fair trial and the rule of law (see Section 20(5)) apply mutatis mutandis. [2]In particular, the presumption of innocence and the principle of expedited procedures must be taken into account.

(8) In the event of suspected or alleged serious violation of the duty to provide support to young scientists and researchers as laid down in Section 4, paragraphs 1 to 7 apply accordingly.

Section 18 Commission for the Investigation of Academic and Scientific Misconduct

(1) [1]Taking into account the proposal put forward by the Extended University Management, the Management Committee appoints a Commission for the Investigation of Academic and Scientific Misconduct (referred to hereinafter as the Commission); the Extended University Management's proposal regarding the representative of the non-professorial academic staff is based on the proposal put forward by the Council of Research Associates. [2]The Commission consists of five members of the professorial staff of the University of the Bundeswehr Munich, of whom at least one must be qualified to hold judicial office, and of a research associates representative. [3]The ombudsperson and their deputy are advisory members of the Commission. [4]The Commission members have a term of office of two years. [5]The Commission members can be reappointed. [6]The Commission adopts rules of procedure.

(2) [1]The Commission may also include as advisory members other persons with particular expertise in the field to which the alleged academic misconduct to be judged pertains or persons with experience of similar procedures. [2]If the case to be judged is a student, a student representative elected by the Student Advisory Council is consulted.

(3) [1]In the case of a conflict of interests on the part of a Commission member, the Administrative Proceedings Act applies accordingly. [2]Details are specified in the rules of procedure.

(4) Sections 15 (3 and 4) apply accordingly.

Section 19 Duties of the Commission for the Investigation of Academic and Scientific Misconduct

(1) [1]The Commission investigates allegations of scientific misconduct against the persons specified in Section 1(1). [2]It initiates a formal investigation procedure at the request of the ombudsperson or their deputy in accordance with Section 17 (6). [3]In cases where alleged academic misconduct is brought to the attention of the Commission in some other way, it notifies the ombudsperson without delay and in the first instance refers the matter to them.

(2) [1]All persons involved in the proceedings and all notified persons are sworn to secrecy in accordance with Section 13. [2]The identity of the informant and the accused must be treated confidentially.

(3) In the event of suspected or alleged serious violation of the duty to provide support to young scientists and researchers as laid down in Section 4, paragraphs 1 to 2 apply accordingly.

Section 20 Formal investigation procedure

(1) [1]The Commission informs the president and the dean of the department concerned that a formal investigation procedure is to be initiated. [2]The president notifies the Commissioner for the Universities of the Federal Ministry of Defense that a formal investigation procedure is to be initiated and subsequently informs them about the Commission's decision and of any action taken. [3]At the request of the president, the Commission reports in general terms about the status of the procedure.

(2) [1]The Commission establishes the facts and, on the basis of free consideration of evidence, investigates whether a case of scientific misconduct actually exists. [2]If necessary, it can obtain expert reports and opinions and invite expert witnesses to an oral hearing. [3]The Commission gives informants the opportunity to submit a written statement and/or to attend the oral hearing. [4]Any persons appearing before an oral hearing have the right to call in a legal adviser. [5]A record must be compiled of the hearing. This is to be signed by the chairperson, the person in charge of the minutes, and the person being heard.

(3) [1]The Commission gives the accused the opportunity to provide a statement. [2]They are to be provided with details of the incriminating facts and evidence. [3]At their request, the accused will be heard at an oral hearing. [4]Section 17(2), second and third sentences, apply accordingly.

(4) In the event of suspected or alleged serious violation of the duty to provide support to young scientists and researchers as laid down in Section 4, paragraphs 1 to 3 apply accordingly.

(5) [1]The basic principles for a fair and constitutional procedure must always be observed. [2]In particular, this includes:

- the right to be heard (includes specifying concrete accusations and looking into the accused persons' motions to take evidence),
- the right to state their position and, as a rule, to have full access to files,
- the investigation of the circumstances, including exonerating circumstances,

- the requirement to conduct the procedure quickly,
- presumption of innocence (no reversal of the burden of proof), and
- the fact that, in doubt, allegations are deemed unproven or unsubstantiated.

(6) The president's right to take disciplinary action against accused persons or to take measures relating to labor law remains unaffected.

Section 21 Conclusion of the formal inquiry procedure

(1) [1]If the Commission considers the allegation of scientific misconduct unproven or refuted, it discontinues the procedure. [2]It provides both the accused and the informant as well as the president and the dean of the department concerned with written confirmation that the procedure has been discontinued, stating the reasons. [3]Section 17 (3), third sentence applies accordingly.

(2) [1]If the Commission considers the allegation of scientific misconduct proven, it submits a written report to the president and the dean of the faculty concerned. [2]The report contains the Commission's substantiated investigation result. [3]In addition, the Commission makes a substantiated recommendation as to what steps are to be taken next, also with regard to protecting the rights of third parties. [4]It notifies the accused immediately of the outcome of its inquiry, stating the reasons in writing. [5]It also notifies the informant of the outcome, provided this does not conflict with the protection of the rights of the accused. [6]If the Commission establishes that the allegation of academic misconduct can lead to an academic award being declared invalid or withdrawn, to the termination of postdoctoral studies, or to the revocation of the qualification/authorization to teach at university level, it informs the accused immediately that the department responsible for them will make that final decision.

(3) It is not permitted to appeal against the Commission's decision.

(4) In the event of suspected or alleged serious violation of the duty to provide support to young scientists and researchers as laid down in Section 4, paragraphs 1 to 3 apply accordingly.

Section 22 Consequences of scientific misconduct

(1) [1]The president submits the Commission's report to the Management Committee. [2]In cases where Section 21(2) applies, the Management Committee decides on the need for further action which, if appropriate, it initiates. [3]Consideration is given to both academic and civil/labor law measures as well as referral to the public prosecutor.

(2) [1]The responsible department considers the need for academic consequences in accordance with Section 21(2), sixth sentence, and, where this is the case, initiates the appropriate procedure. [2]In consultation with the Commission, the department decides whether this procedure should be suspended until the Commission has concluded its formal investigation procedure. [3]The department is not bound by the Commission's decision or by the recommendation contained in its report.

(3) In individual cases where it appears appropriate, the Management Committee may, in cooperation with the department concerned, consider whether individual scientists or researchers, scientific establishments, scientific journals or publishing houses (in the

event of publications), funding bodies, scientific organizations, professional associations, the professional public, and the public in general should or must be informed.

(4) In the event of serious violation of the duty to provide support to young scientists and researchers as laid down in Section 4, paragraphs 1 to 3 apply accordingly.

Part 6 Final provisions

Section 23 Interpretation

When interpreting the provisions of these regulations, the latest versions of the *DFG* guidelines on good scientific practice, the procedural regulations issued for this purpose, and the *DFG* procedural guidelines are to be used.

Section 24 Entry into force

[1]These regulations enter into force on 15th November 2023. [2]At the same time, the *OSiGWiP* of the University of the Bundeswehr Munich of 2nd June 2023 ceases to be in force.

Prepared on the basis of the decisions of the Senate of the University of the Bundeswehr Munich of 15 February 2023 and of 14th September 2023 and of the declarations of agreement of the Federal Ministry of Defense by letter P I 5 - ref. 38-01-00 of 19 May 2023 and of 6th October 2023.

Neubiberg, 8th November 2023

University of the Bundeswehr Munich
Prof. Dr. mont. Dr.-Ing., habil. Eva-Maria Kern, MBA
President

The statute was laid down at the University of the Bundeswehr Munich on 8th November 2023. This was announced on the bulletin board of the University of the Bundeswehr Munich on 15th November 2023. The day of public announcement at the university was 15th November 2023.

Annex: List of abbreviations

DFG	German Research Foundation
Dr.	Doctor
e.g.	for example
EU	European Union
No.	Number
OSiGWiP	Regulations for safeguarding good scientific practice and for handling scientific misconduct at the University of the Bundeswehr Munich
p.	page
ref.	reference number
UniBw M	University of the Bundeswehr Munich
VerfOwF	Rules of Procedure for Handling Scientific Misconduct