



LUDWIG-
MAXIMILIANS-
UNIVERSITÄT
MÜNCHEN



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Code of Conduct of Ludwig-Maximilians-Universität in Munich for Self-Regulation in Science

in the version dated May 16, 2002

amended by decision of the Board of University Representatives of June 22, 2006, February 11, 2010, and September 30, 2014

At its meeting on May 16, 2002, the Board of University Representatives of Ludwig-Maximilians-Universität in Munich adopted the following guidelines for the implementation of Recommendations 1 to 8 of the Commission on "Professional Self-Regulation in Science" of the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation):

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Preamble

(1) ¹As part of its legal mandate, Ludwig-Maximilians-Universität is responsible for the organization of:

- Research
- Teaching
- Promotion of young academics

²Teaching and the promotion of young academics are inextricably linked with research at the university. ³It is therefore of particular importance for the university to maintain and further promote an atmosphere of openness, creativity, and commitment. ⁴In exercising its responsibility in research, the university must take precautions against academic misconduct.

(2) ¹Ludwig-Maximilians-Universität shall therefore follow up on any concrete suspicion of academic misconduct. ²Should the suspicion of misconduct be confirmed after the facts have been established, appropriate measures shall be taken in each individual case in accordance with the legal options available.

(3) ¹Originality and quality should always take precedence over quantity in examinations, the award of academic degrees, hiring, and appointments. ²This is also a priority for the allocation of resources in research on the basis of performance and workload.

Section I General Principles

§ 1

Rules of Good Scientific Practice

(1) ¹For academic work at Ludwig-Maximilians-Universität, the rules of good scientific practice must be respected by its members engaged in research. ²They comprise

1. the general principles of academic work, such as
 - a. work *lege artis*,
 - b. documentation of the results,
 - c. persistent questioning of all results,
 - d. maintaining strict honesty with regard to contributions from partners, competitors, and predecessors,
 - e. shared responsibility of the authors and inadmissibility of “honorary authorship”, as well as
2. respecting special regulations for individual disciplines.

(2) Original data which serves as the basis for publications shall be archived in the academic entity (department, institute, clinic) in which they were generated for ten years on durable and secure data storage media where this is necessary for the purpose of review.

(3) Irrespective of the responsibility of the University Executive Board, each faculty, department or institute, and clinical facility shall in its field bear responsibility for maintaining the appropriate organization to ensure that

1. the tasks of management, supervision, quality assurance, and conflict resolution
 - a. are clearly assigned and
 - b. actually performed,
2. young academics are instructed and supervised according to the respective training level (§ 3).

§ 2

Commitment of Academic Staff to Respect the Rules of Good Scientific Practice

1Members of full-time academic staff (Article 2 Paragraph 1 BayHSchLG [Bavarian Law on Teachers in Higher Education]) must be informed of these regulations by being issued them when they are hired or employed. 2Those working part-time as academics at the university (Article 2 Paragraph 2 BayHSchLG) must be expressly informed of these regulations. 3It is binding for all academic members of the university.

§ 3

Supervision of Young Academics

(1) 1Young academics begin to work academically with their master's, diploma, exam, and doctoral theses. 2In addition to technical skills, the university must teach them a basic ethical attitude in academic work, in the responsible handling of results, and in cooperation with other academics.

(2) Young academics are entitled to regular academic supervision, advice, and support from supervisors or working group leaders.

(3) Young academics are required to provide complete documentation. They should report regularly on the progress of their research work and participate in internal seminars.

§ 4

Academic Misconduct

(1) Academic misconduct occurs when

1. in an academic context
2. intentionally or through gross negligence
 - a. misrepresentations are made,
 - b. the intellectual property of others is misappropriated, or
 - c. their research activities are otherwise adversely affected.

(2) In particular, the conduct listed in Annex 1 shall be regarded as academic misconduct.

§ 5

Contact Person When Academic Misconduct Is Suspected and for Other Cases of Conflict

(1) When academic misconduct is suspected,

1. anyone can contact
 - a. the ombudsperson for Self-Regulation in Science (§ 7), or directly
 - b. the vice-president responsible for research and young academics, or
2. in the case of other conflicts in the context of carrying out research projects or in connection with academic publications, the vice-president responsible for research and young academics.

(2) If the person suspected of academic misconduct is no longer a member of the university, the ombudsperson or the vice-president shall refer the information to the institution to which the person in question belongs; the subsequent procedure in this case shall be determined in accordance with § 11 Paragraph 1.

Section II

Procedure When Academic Misconduct Is Suspected

§ 6

Duty to Provide Clarification, Disciplinary Actions

(1) Ludwig-Maximilians-Universität shall follow up on any concrete suspicion of academic misconduct (§ 4) without regard to the person.

(2) Should the suspicion of academic misconduct be confirmed after the facts have been established, appropriate measures shall be taken in each individual case in accordance with the legal options available (cf. Annex 2).

§ 7

Ombudsperson for Self-Regulation in Science

(1) The Board of University Representatives shall appoint a professor as the ombudsperson for Self-Regulation in Science and at least one representative who may not at the same time be members of the Standing Committee for Research and Young Academics.

(2) As a person of trust, the ombudsperson shall advise those who inform him/her about a concrete suspicion of academic misconduct and shall of his/her own accord gather any concrete relevant information of which he/she may become aware through third parties.

(3) The ombudsperson shall assess the allegations from the point of view of plausibility with regard to specificity and significance, to possible motives, and with regard to options for resolving the allegations.

§ 8

Preliminary Inquiry

(1) ¹Any concrete suspicion of academic misconduct shall be immediately reported to

1. the ombudsperson for Self-Regulation in Science, or
2. the direction of the Department/institute/clinic, which in turn shall immediately inform the ombudsperson in accordance with number 1.

²Information on suspected academic misconduct shall be provided in writing; in the case of verbal information, a written note shall be prepared by the ombudsperson or the direction of the Department/ institute/clinic.

(2) ¹The person under suspicion of misconduct shall be given the opportunity by the ombudsperson to submit his/her statement, stating the incriminating facts and evidence; Paragraph 1 Sentence 2 shall apply mutatis mutandis. ²The deadline for this is two weeks.

³At this stage, without his/her consent, the name of the informant shall not be disclosed to the person concerned.

(3) ¹After receipt of the statement of the person concerned or after expiry of the deadline, the ombudsperson, after consulting the direction of the academic institution at which the person concerned works and the responsible dean, shall make a decision on the matter within a period of two weeks if possible,

1. as to whether the preliminary inquiry should be dropped because the suspicion has not been sufficiently confirmed or has been shown to be completely unfounded; the reasons should be communicated to the person concerned and to the informant;
2. as to whether a formal investigation (§ 9) should be opened; the ombudsperson shall forward the documents together with his/her statement to the University Executive Board of the Investigation Committee.

2The Rectorate and the direction of the academic institution where the person concerned works shall be informed of the decision; this may be waived if the inquiry is closed, which shall be noted in writing.

(4) 1If the informant does not agree with the closure of the preliminary inquiry procedure, he/she may, within two weeks of notification of the reasons pursuant to Paragraph 3, Sentence 1, Number 1, submit a written appeal to the Chairperson of the Investigation Committee stating the reasons. 2The Investigation Committee shall decide whether closure of the preliminary inquiry procedure shall be maintained or whether a formal investigation shall be opened; Paragraphs 2 and 3 and § 10 paragraph 2, Sentence 2 shall apply mutatis mutandis.

§ 9

Formal Investigation

(1) 1The formal investigation shall be carried out by the Investigation Committee, which shall include, in an advisory capacity, the ombudsperson for Self-Regulation in Science 2The Investigation Committee shall not meet in public (Article 49 Paragraph 2 Sentence 1 BayHSchG [Bavarian Higher Education Act]). 3Articles 48, 50, and 51 BayHSchG shall apply to the procedure before the Investigation Committee.

(2) 1The Investigation Committee shall assess the allegation by taking all evidence into consideration. 2It shall be entitled to take all steps necessary to establish the facts of the matter. 3To this end, it may obtain all necessary information and statements and, in individual cases, call in experts in the field of the scientific facts being assessed as well as experts for dealing with such cases as additional members in an advisory capacity.

(3) 1The person concerned shall be informed of the incriminating facts and of any evidence where appropriate. 2Both the person concerned and the informant shall be given the opportunity to make a verbal statement if they so wish; they may be assisted by a person of their choice.

(4) If the identity of the informant is not known to the person concerned, the identity shall be disclosed to him/her if this information is necessary for the proper defense, in particular if the credibility of the informant is essential for establishing academic misconduct.

§ 10

Conclusion of the Formal Investigation

(1) 1If the Investigation Committee finds that academic misconduct has not been substantiated, the proceedings shall be closed. 2If it finds academic misconduct to be sufficiently substantiated, it shall discuss the options for further action, in particular the possible consequences (Annex 2), and shall submit a final report and a recommendation for further action to the University Executive Board.

(2) 1The Chairperson of the Investigation Committee shall immediately inform the person concerned and the informant in writing of the main reasons which led to the closure of the proceedings or to their being referred to the University Executive Board. 2No internal complaint procedure against the Committee's decision shall take place.

(3) 1If academic misconduct has been established, the University Executive Board shall review, on the basis of the final report and the recommendation of the Investigation Committee, which measures should be taken in order to safeguard both the university's academic standards and the rights of all those directly and indirectly affected. 2In cooperation with the University Executive Board, the faculties must review whether and to what extent other academics (former or potential cooperation partners, co-authors), academic units, academic journals or publishers (in the case of publications), funding agencies and academic organizations, professional organizations, ministries, and the public should or must be informed.

(4) The relevant competent bodies shall, taking into account the circumstances of the individual case, initiate the necessary measures under public service, labor, civil, criminal, or regulatory law with the appropriate procedures.

(5) The ombudsperson for Self-Regulation in Science shall be informed in writing by the University Executive Board of the conclusion of the formal investigation and of the measures taken.

§ 11

Procedure When There Is a Change of Institution

(1) 1The provisions of Articles 8 and 9 shall apply mutatis mutandis in cases in which the person concerned by the suspicion of academic misconduct has left the university and the institution to which the person concerned now belongs requests the university to conduct the proceedings. 2The direction of the institution of which the person concerned is now a member shall take the place of the University Executive Board.

(2) If, at the time of the suspected violation of the rules of good scientific practice, the person concerned was still a member of another institution, the university shall regularly ask that institution for a preliminary inquiry and, if necessary, a formal investigation.

§ 12

Supplementary Measures; Storage of Files

(1) 1Upon conclusion of the formal investigation, the ombudsperson for Self-Regulation in Science shall identify all members of the university whose legitimate interests are affected by the substantiated academic misconduct. 2He/she shall advise those members of the university, in particular young academics and students involved in academic misconduct through no fault of their own, with regard to safeguarding their personal and academic integrity.

(2) 1The files of the formal investigation shall be kept for 30 years. 2The members of the university named in connection with a case of proven academic misconduct shall, upon request, receive from the responsible ombudsperson for self-regulation in science a certificate for the duration of the retention period in accordance with Sentence 1 in order to relieve them of their burden.

Section III: Final Provisions

§ 13

Entry into Force

These regulations shall enter into force on the day following their adoption by the Board of University Representatives.

Annex 1
CATALOG OF CONDUCT TO BE REGARDED AS MISCONDUCT

I. Academic Misconduct

Academic misconduct occurs when, in an academic context, misrepresentations are made intentionally or through gross negligence, the intellectual property of others is misappropriated, or their research activities are otherwise adversely affected. The final decision is based on the circumstances of each individual case.

Academic misconduct can be considered in particular:

1. Misstatement, including

- a. Fabrication of data;
- b. Falsification of data, for example
 - aa. by selection and rejection of unwanted results without disclosing this,
 - bb. by manipulation of representations or depictions;
- c. incorrect information in an application for employment or for funding (including incorrect information forms of publication and forthcoming publications);

Note: When presenting publications in applications for third-party funds (e.g. DFG applications), it is recommended not to mention papers that have been submitted but are not finally accepted for publication; in case this recommendation is not followed for field-specific reasons, the respective spokesperson of the research application in question must bear the risk of an incorrect application.

2. Infringement of Intellectual Property:

- a. In connection with any copyrighted work created by someone else or any substantial scientific finding, hypothesis, teaching, or research approaches originating from others:
 - aa. unauthorized use under the pretense of authorship (plagiarism),
 - bb. exploitation of research approaches and ideas, particularly as an expert (stealing ideas),
 - cc. the pretense or unfounded appropriation of academic authorship or co-authorship,
 - dd. the falsification of contents, or
 - ee. the unauthorized publication and disclosure to a third party prior to the publication of the work, finding, hypothesis, teaching, or the research approach;
- b. the claim of (co-)authorship of another person without his/her consent;

3. Adversely Affecting the Research Activities of Others:

- a. The sabotage of research activities (including the damaging, destroying, or manipulating of experimental designs, equipment, documents, hardware, software, chemicals, or other items required by another person to carry out an experiment)
- b. The removal of original data, if this would violate legal provisions or discipline-related recognized principles of academic work.

II. Joint Responsibility May Result, Among Other Things, From

1. active involvement in the misconduct of others,
2. joint knowledge of falsifications by others,
3. co-authorship of publications based on falsified data,
4. gross neglect of supervisory duties.

Annex 2
CATALOG OF POSSIBLE SANCTIONS OR
DISCIPLINARY ACTIONS FOR ACADEMIC MISCONDUCT

The following catalog of possible sanctions or disciplinary actions for academic misconduct should be seen (with no claim to being exhaustive) as an initial aid to orientation. Since each case is likely to be different and the seriousness of the academic misconduct involved plays a role, there is no uniform guideline of adequate responses; rather, they depend on the circumstances of each individual case. University administration, in particular its main "Legal Affairs, Human Resources" divisions, is available for advice.

I. Disciplinary Actions under Public Service and Labor Law

Since in cases of academic misconduct at Ludwig-Maximilians-Universität it is for the most part to be expected that the person concerned is also be an employee of the Free State of Bavaria or of the University, the disciplinary actions under public service and labor law will always have to be assessed first.

1. Disciplinary actions under public service law for civil servants:

Conduct disciplinary proceedings with the imposition of the following disciplinary measures:

- Reprimand
- Fine
- Reduction in salary
- Transfer to a post in the same career with lower final salary
- Removal from the post
- Reduction of pension
- Loss of entitlement to pension

2. Disciplinary actions under labor law for employees:

a. Warning

The written warning to be included in the personnel file is a preliminary step to termination, and is therefore only considered in cases of minor academic misconduct in which termination is not yet to take place.

b. Termination of employment contract

Termination requires that, due to the circumstances of the individual case and weighing the interests of both contractual parties, continuation of the employment relationship can no longer be reasonably expected. In serious cases of academic misconduct, this should normally be the case. In such a case, the Human Resources division must be contacted immediately.

c. Contract termination

In addition to terminating the employment relationship by termination, efforts should be made to terminate the employment relationship by amicable termination of contract.

II. Academic Disciplinary Actions

Academic disciplinary actions in the form of revocation of academic degrees can be taken by Ludwig-Maximilians-Universität in Munich only if the academic degree was conferred on the person concerned by the University itself. If the academic degree was conferred by another university, it must be informed of serious academic misconduct if such misconduct is related to the acquisition of an academic qualification.

In particular, the following may be considered:

1. Revocation of the doctoral degree, or
2. Revocation of the authorization to teach.

III. Disciplinary Actions under Civil Law

The following disciplinary actions under civil law may have to be considered:

1. Imposition of a ban on entering the premises;
2. Claims for replevin against the person concerned, e.g. for the return of stolen academic material;
3. Removal and injunctive relief claims under copyright law, personal rights, patent law, and competition law;
4. Claims for repayment, such as scholarships, third-party funding, or the like;
5. Claims for damages by the Free State of Bavaria, Ludwig-Maximilians-Universität, or third parties for personal injury, property damage, or the like.

IV. Criminal Disciplinary Actions

Criminal disciplinary actions always come into consideration if it is suspected that academic misconduct also constitutes an offense under the Criminal Code (StGB) or other criminal norms or administrative offenses. The involvement of investigating authorities must always be coordinated with the Rectorate.

Possible offenses include, but are not limited to:

1. Violation of privacy
Section 202a StGB: Data espionage
Section 204 StGB: Exploitation of the secrets of another
2. Offenses against life and against the person
Section 222 StGB: Negligent manslaughter
Sections 223, 229 StGB: Willful or negligent bodily harm
3. Offenses against property
Section 242 StGB: Theft
Section 246 StGB: Unlawful appropriation
Section 263 StGB: Fraud
Section 264 StGB: Subsidy fraud
Section 266 StGB: Embezzlement and abuse of trust
4. Forgery
Section 267 StGB: Forgery
Section 268 StGB: Forgery of technical records
5. Criminal damage
Section 303 StGB: Criminal damage
Section 303a StGB: Data tampering
6. Copyright infringements
Section 106 Act on Copyright (Urheberrechtsgesetz, UrhG): Unlawful exploitation of copyrighted works

V. Revocation of Academic Publications/Information to the Public/Press

Academic publications which contain errors due to academic misconduct must be withdrawn if they have not yet been published and corrected if they have been published (retracted); cooperation partners must be informed, if necessary, in an appropriate form. In principle, the author(s) and publishers involved are under obligation to do so; if they do not take action, Ludwig-Maximilians-Universität shall initiate the appropriate measures

available to it.

In cases of serious academic misconduct, Ludwig-Maximilians-Universität shall notify other research institutions or academic organizations concerned. In justified cases, it may also be appropriate to inform professional associations.

For the protection of third parties, Ludwig-Maximilians-Universität may be under obligation to inform affected third parties and the public to maintain confidence in academic integrity, to restore its academic reputation, to prevent consequential damage and in the general public interest.

The guidelines were adopted by the Board of University Representatives of Ludwig-Maximilians-Universität in Munich at its meeting on May 16, 2002. In accordance with § 12 of the original version, they entered into force on May 17, 2002.

§ 5 Paragraph 1 was amended and Paragraph 2 added and § 11 newly incorporated by resolution of the Board of University Representatives of June 22, 2006.

In addition to editorial changes, in particular the use of gender-neutral wording, a note was added to item I.1.c. in Annex 1 by resolution of the Board of University Representatives of February 11, 2010.

§ 7 Paragraph 1 was amended by resolution of the Board of University Representatives of September 30, 2014.