



LUDWIG-  
MAXIMILIANS-  
UNIVERSITÄT  
MÜNCHEN



English translations are provided for informational purposes only. For all official documents and forms the legally-binding version is the German one.

## **Regulation of Ludwig-Maximilians-Universität München for Safeguarding Good Scientific Practice\***

**Dated November 17, 2023**

Based on Art. 9 (1) in conjunction with Art. 21 (1) (2) of the Bavarian Higher Education Innovation Act [BayHIG], Ludwig-Maximilians-Universität München hereby enacts the following statutes in order to implement the German Research Foundation's (DFG) "Guidelines for Safeguarding Good Research Practice" from August 2019:

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\* This Regulation also applies mutatis mutandis to academic work as well as to all support activities at the University of Munich Hospital, insofar as these are not already covered by the Regulation.

## **Table of Contents**

### **Preamble**

### **Section I Principles of Good Scientific Practice**

- § 1 Scope of the Regulation
- § 2 Individual Principles of Good Scientific Practice
- § 3 Professional Ethics of Academic Staff
- § 4 Organizational Responsibility of the University Executive Board
- § 5 Responsibility of Heads of Work Units
- § 6 Assessment of Academic Performance
- § 7 Quality Assurance across Multiple Stages
- § 8 Stakeholders, Responsibilities, Roles
- § 9 Research Design
- § 10 Legal and Ethical Frameworks in Research
- § 11 Methods and Standards
- § 12 Documentation
- § 13 Provision of Public Access to Research Results
- § 14 Authorship
- § 15 Publication Media
- § 16 Confidentiality and Neutrality during Assessments and Consultations
- § 17 Archiving

### **Section II Ombuds System**

- § 18 Ombudsperson for Good Scientific Practice
- § 19 Duties of the Ombudsperson

### **Section III Procedure for Handling Academic Misconduct**

- § 20 General Principles for Handling Suspected Cases of Academic Misconduct
- § 21 Offenses of Academic Misconduct
- § 22 Initiation of Preliminary Investigations
- § 23 Preliminary Inquiry
- § 24 University Investigating Commission
- § 25 Course of the Formal Investigation
- § 26 Conclusion of the Formal Investigation
- § 27 Potential Sanctions or Measures
- 28 Procedure When Leaving LMU

### **Section IV Entry into Force; Transitional Provisions**

- § 29 Entry into Force; Transitional Provisions

## **Preamble**

<sup>1</sup>Ludwig-Maximilians-Universität München (LMU) is committed to the principles of academic integrity. <sup>2</sup>It therefore takes accusations of academic misconduct very seriously and shall investigate such claims in accordance with the procedures described in this Regulation. <sup>3</sup>The following regulations implement the German Research Foundation's (DFG) code "Guidelines for Safeguarding Good Research Practice" (version: August 2019). <sup>4</sup>They are legally binding for all academic and support staff working at LMU. <sup>5</sup>This also includes students and persons supporting academic/scientific activities, who are involved in research and teaching at LMU.

## **Section I Principles of Good Scientific Practice**

### **§ 1 Scope of the Regulation**

(1) <sup>1</sup>The principles of good scientific practice that must be complied with in accordance with this Regulation shall be posted on the LMU website for LMU employees. <sup>2</sup>All academic professionals or civil servants employed under labor law shall be sent an e-mail notification following this Regulation entering into force.

(2) All academic and support staff at LMU have a duty and responsibility to follow the rules of good scientific practice in their conduct.

(3) Other rights and obligations under labor law and public service law shall remain unaffected by this Regulation.

### **§ 2 Individual Principles of Good Scientific Practice**

Principles of good scientific practice include in particular,

1. work *lege artis*,
2. maintaining strict honesty with regard to one's own contributions and those of third parties,
3. persistent questioning of all results, and
4. enabling and promoting critical discourse in the academic community.

### **§ 3 Professional Ethics of Academic Staff**

(1) Teaching the fundamentals of good scientific work begins as early as possible in academic training (including teaching) and career development.

(2) Academic staff are committed to the fundamental values of scientific work.

(3) <sup>1</sup>Academic staff are taught about and further trained about good scientific practice on an ongoing basis, taking into account all levels of their careers. <sup>2</sup>They exchange ideas with each other and support one another.

#### **§ 4**

#### **Organizational Responsibility of the University Executive Board**

(1) The University Executive Board has the duty and organizational responsibility to ensure compliance with good scientific practice at LMU.

(2) <sup>1</sup>The University Executive Board creates the general conditions for conducting academic work at LMU in compliance with the rules, and does so by establishing an appropriate institutional organizational structure. <sup>2</sup>As such, the University Executive Board creates the conditions for academic staff to be able to comply with legal and ethical standards.

(3) Clear procedures and principles for the selection and development of personnel are laid down in writing at LMU, with particular emphasis placed on ensuring equal opportunities and diversity (LMU University Constitution, LMU Tenure Track Statutes, LMU Gender Equality Plan, LMU Equal Opportunity Concept for Academic Staff).

(4) <sup>1</sup>Appropriate support structures and concepts have been established to promote academics, scholars, researchers, or scientists in the early stages of their careers. <sup>2</sup>The faculties' doctoral degree regulations provide for details. <sup>3</sup>Guidance in this matter, in particular for teaching the rules of good scientific practice within academic studies, is provided by LMU recommendations for the organization of doctoral studies and central qualification and advisory concepts for academics, scholars, researchers, or scientists in an early stage in their career. <sup>4</sup>Qualification programs, professional training measures, and mentoring offers provide additional support.

#### **§ 5**

#### **Responsibility of Heads of Work Units**

(1) The Head of an academic work unit is responsible for the entire unit they manage.

(2) The responsibilities of the Head of an academic work unit expressly include the duty to ensure young academics are provided with individual support which is an integral part of the overall concept of the university, to promote the careers of academic and support staff, and to teach the principles of academic integrity.

(3) Collaboration within the academic work units is designed such that the unit as a whole can perform its tasks, the necessary cooperation and coordination can be achieved, and all members understand their roles, rights, and duties.

(4) Suitable organizational measures are in place at LMU to counteract any abuse of power and exploitation of dependent relationships.

(5) Academic staff are provided with both support and the ability to act on their own initiative and responsibility appropriate to their stage of career.

## **§ 6**

### **Assessment of Academic Performance**

<sup>1</sup>The performance of academic staff is assessed on multiple dimensions. <sup>2</sup>Academic performance makes up an important part of the assessment and is primarily assessed in accordance with qualitative criteria. <sup>3</sup>Quantitative indicators may be incorporated into the overall assessment only with appropriate differentiation and reflection. <sup>4</sup>Other aspects can be taken into consideration in addition to academic performance.

## **§ 7**

### **Quality Assurance across Multiple Stages**

(1) <sup>1</sup>Academic staff carry out each step of the research process *lege artis*. <sup>2</sup>Quality assurance is carried out on an ongoing basis across multiple stages.

(2) The origin of the data, organisms, materials, and software used in the research process is indicated by citing the original sources, and the conditions applicable to subsequent use are documented.

(3) The nature and scope of research data generated during the research process are described.

(4) Enabling academic staff to replicate results or findings is an essential part of quality assurance.

## **§ 8**

### **Stakeholders, Responsibilities, Roles**

(1) The roles and responsibilities of the academic staff participating in a research project must be appropriately defined and clear at each stage of the project.

(2) If necessary, the roles and responsibilities shall be adjusted.

## **§ 9**

### **Research Design**

(1) <sup>1</sup>Academic staff fully take into account and acknowledge the current state of research when planning a project. <sup>2</sup>Careful research into research findings already existing in the public domain is generally required for this.

(2) LMU ensures the general conditions required for this research within the scope of its budgetary capabilities.

(3) Academic staff apply methods to avoid (unconscious) distortions in the interpretation of findings, wherever possible and reasonable.

(4) Academic staff examine whether and to what extent gender and diversity may be significant for the research projects and their results.

## **§ 10**

### **Legal and Ethical Frameworks in Research**

(1) Academic staff adopt a responsible approach to the constitutionally guaranteed freedom of research.

(2) <sup>1</sup>LMU ensures that the actions of its academic staff comply with regulations and promote compliance through suitable organizational structures. <sup>2</sup>Ethics committees are established in the faculties to assess the research projects' ethical and legal aspects (of data protection law).

(3) At the earliest possible date, academic staff shall conclude documented agreements on the rights to use data and results derived from the research project.

(4) In their conduct, academic staff shall observe their rights and obligations, in particular those resulting from legal requirements and from contracts with third parties.

(5) Where necessary, academic staff seek approvals and ethics opinions and submit these to the competent bodies.

(6) <sup>1</sup>Academic staff maintain a continual awareness of the risks associated with the misuse of research results, in particular regarding security-relevant research. <sup>2</sup>The consequences of the research should thus be evaluated in detail, and the ethical implications of research should be assessed.

## **§ 11**

### **Methods and Standards**

(1) Scientifically sound and appropriate methods are used in research.

(2) When developing and applying new methods, academic staff attach particular importance to quality assurance and the establishment of standards.

## **§ 12**

### **Documentation**

(1) <sup>1</sup>Academic staff document all information relevant to the production of 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 assessed and to enable replication. <sup>2</sup>Where subject-specific recommendations exist for review and assessment, academic staff create documentation in accordance with the relevant requirements. <sup>3</sup>Where research software is developed, its source code is documented, wherever possible and reasonable.

(2) <sup>1</sup>Individual results that do not support one's own research hypothesis should also be documented in general. <sup>2</sup>A selection of results is impermissible.

(3) If the documentation does not satisfy the requirements outlined in paragraphs 1 and 2, the constraints and reasons for them shall be clearly explained.

(4) Documentation and research results must not be manipulated. They must be protected as effectively as possible against manipulation.

### **§ 13**

#### **Provision of Public Access to Research Results**

(1) As a rule, academic staff make all their results available as part of academic/scientific discourse.

(2) <sup>1</sup>In specific cases, however, there may be reasons not to make results publicly available. <sup>2</sup>The decision to make results publicly available must never depend on third parties; instead academic staff generally decide autonomously—with due regard for the conventions of the relevant subject area—whether, how, and where to make their results publicly available. <sup>3</sup>Exceptions are permitted, in particular, where the rights of third parties are affected, patent applications are pending, contract research or security-related research is involved.

(3) <sup>1</sup>If results are made publicly accessible, they shall be described in full and in a comprehensible manner. <sup>2</sup>This also includes disclosing the research data, materials, and information on which the results are based, the methods applied, and the software used, wherever possible and reasonable. <sup>3</sup>This is carried out in accordance with the so-called FAIR principles: Findable, Accessible, Interoperable, Re-Usable. <sup>4</sup>Exceptions are permitted in the context of patent applications.

(4) <sup>1</sup>Self-programmed software is to be made available, specifying its source code, wherever possible and reasonable. <sup>2</sup>Licensing is provided if necessary. <sup>3</sup>Work processes are described in detail.

(5) <sup>1</sup>Preliminary work completed by academic staff themselves and by others must be accurately demonstrated in full, unless this is not required in exceptional discipline-specific cases where one's own results have already been made publicly available.

### **§ 14**

#### **Authorship**

(1) <sup>1</sup>An author is an individual who has made a genuine, identifiable contribution to the content of a scientific text, data, or software publication. <sup>2</sup>Whether a genuine, identifiable contribution exists depends on the subject-specific principles of scientific work and is to be assessed on a case-by-case basis.

(2) <sup>1</sup>If a contribution is not sufficient to justify authorship, the individual's support may be properly acknowledged in footnotes, a foreword, or an acknowledgment.

<sup>2</sup>Honorary authorship where no such contribution was made is not permissible, as is the inference of authorship solely on the basis of a managerial or supervisory function.

(3) <sup>1</sup>All authors must agree on the final version of the work to be published; unless explicitly stated otherwise, they share responsibility for the publication. <sup>2</sup>Consent to publication may not be refused without sufficient grounds. <sup>3</sup>Refusal of consent must be justified with verifiable criticism of data, methods, or results or their presentation.

(4) <sup>1</sup>Academic staff shall reach an agreement on who the authors of the research results are in good time, generally no later than when the manuscript is drafted. <sup>2</sup>The agreement shall be based on clear criteria and shall consider the practices within the relevant subject area.

### **§ 15 Publication Media**

(1) The academic quality of a paper doesn't only depend on the publication medium in which it is made publicly available.

(2) <sup>1</sup>Authors select the publication medium carefully, with due regard for its quality and visibility in the relevant field of discourse. <sup>2</sup>A new publication medium shall be assessed for integrity.

(3) Anyone who assumes the role of editor carefully checks for which publication medium this is done.

### **§ 16 Confidentiality and Neutrality during Assessments and Consultations**

(1) The legitimacy of a judgment-making process is based on honest conduct.

(2) <sup>1</sup>Academic staff who evaluate submitted manuscripts, funding proposals, or personal qualifications, in particular, are obliged to maintain strict confidentiality with regard to this process. <sup>2</sup>They shall immediately disclose to the competent authority all facts that could give rise to a concern about a conflict of interest.

(3) Confidentiality includes material to which one gains access within the scope of their role and precludes its sharing with third parties or exploitation for personal use.

(4) Paragraphs 1 and 3 apply mutatis mutandis to members of academic advisory and decision-making bodies.

### **§ 17 Archiving**

(1) <sup>1</sup>Academics, scholars, researchers, or scientists back up research data and research results made publicly available, as well as the central materials on which they are based and, if necessary, the research software used, by adequate means



according to standards of the relevant subject area, and retain them for an appropriate period of time, usually ten years. <sup>2</sup>Data protection requirements regarding the erasure of personal data remain unaffected.

(2) Where justifiable reasons exist for not retaining specific data, academics, scholars, researchers, or scientists shall explain these reasons.

(3) LMU and its academic work units shall ensure that the necessary infrastructure is provided for to enable archiving.

## **Section II Ombuds System**

### **§ 18 Ombudsperson for Good Scientific Practice**

(1) The Board of University Representatives shall appoint a full-time professor (Art. 19 (1) (1) of the Bavarian Higher Education Innovation Act [BayHIG]) as the ombudsperson for good scientific practice and at least one deputy.

(2) <sup>1</sup>Academics, scholars, researchers, or scientists with integrity may be appointed to the position of the ombudsperson. <sup>2</sup>The disciplines represented at LMU must also be taken into consideration when making the appointment. <sup>3</sup>During their term of office, ombudspersons and their deputies may not serve as members on the University Investigating Commission. <sup>4</sup>Exercising the office of ombudsperson is also incompatible with work as a member of the University Executive Board or the University Hospital Executive Board and as dean.

(3) The ombudsperson's or deputy ombudsperson's term of office lasts four years; re-election is permissible.

(4) <sup>1</sup>LMU management provides ombudspersons and their deputies with the support and approval necessary to perform their tasks. <sup>2</sup>In order to improve the ombuds system's ability to operate, measures should be taken to otherwise lighten the workload of acting ombudspersons and deputies.

(5) <sup>1</sup>Art. 21 of the Bavarian Administrative Procedure Act [BayVwVfG] applies for concerns about a conflict of interest. <sup>2</sup>A decision regarding a corresponding claim made by the complainant or the respondent shall be made by the Chair of the University Investigating Commission.

### **§ 19 Duties of the Ombudsperson**

(1) <sup>1</sup>The ombudsperson and their deputies perform the duties of ombudsperson independently, in particular independently of any instructions or informal case-related interference by the University Executive Board and other university bodies. <sup>2</sup>The ombudsperson performs their duties on a confidential basis, i.e., by maintaining the duty of confidentiality.

(2) <sup>1</sup>As a neutral and qualified contact person, the ombudspersons offer advice in matters related to good scientific practice and in regard to suspected cases of academic misconduct. <sup>2</sup>Where possible, they help to resolve conflicts in a solution-oriented manner.

(3) <sup>1</sup>All LMU academic staff may contact the ombudspersons regarding matters related to good scientific practice, but also regarding suspected cases of academic misconduct. <sup>2</sup>Alternatively, they can contact the nationally active Ombuds Committee for Scientific Integrity in Germany (Ombudsgremium für die wissenschaftliche Integrität in Deutschland).

(4) <sup>1</sup>LMU shall make sure to announce who the ombudsperson and their deputies are. <sup>2</sup>The identity and contact details of the persons in office are announced on the LMU website.

### **Section III Procedure for Handling Academic Misconduct**

#### **§ 20 General Principles for Handling Suspected Cases of Academic Misconduct**

(1) <sup>1</sup>All LMU bodies examining suspected cases of academic misconduct within the scope of their responsibilities take appropriate measures to protect both the complainant and the respondent (the accused). <sup>2</sup>The competent bodies are aware that the conduct of a procedure and the final, possible imposition of sanctions can represent considerable interference in the legal interests of the respondent.

(2) <sup>1</sup>The investigation of allegations of academic misconduct must always be done in line with the rule of law, in a fair manner, and under the presumption of innocence. <sup>2</sup>The investigation is also carried out confidentially. <sup>3</sup>Investigations shall be conducted without regard to the person, and decisions shall be made without regard to the person.

(3) <sup>1</sup>The information disclosed by the complainant must be provided in good faith. <sup>2</sup>The complainant must have objective reasons for suspecting that an infringement of the standards of good scientific practice may have occurred. <sup>3</sup>If the complainant is unable to verify the facts personally, or if there is uncertainty with regard to the interpretation of the guidelines on good scientific practice in accordance to Section I in relation to an observed set of circumstances, the complainant should consult the ombudsperson in accordance with § 18 to clarify the suspicion.

(4) <sup>1</sup>The disclosure should not disadvantage the academic or professional career prospects of either the complainant or the respondent. <sup>2</sup>For the respondent, this shall apply until misconduct has been proven and established. <sup>3</sup>For persons in the early stages of their career, the disclosure should preferably not lead to delays in their qualification. <sup>4</sup>No disadvantage should arise to the drafting of final dissertations or doctoral theses. <sup>5</sup>The same applies for work conditions and possible contract renewals.

(5) <sup>1</sup>Should misconduct not be substantiated during the proceedings, the complainant must continue to be protected. <sup>2</sup>This shall not apply if the allegation was made against better judgment.

(6) <sup>1</sup>All bodies involved in the procedure shall do their utmost to ensure that the entire procedure is conducted as promptly as possible. <sup>2</sup>They take the steps necessary to complete each stage of the procedure within an appropriate time frame.

(7) A report of suspicious activity (anonymous complaint) made by a complainant, who does not disclose their identity, shall be investigated if the complainant provides solid and sufficiently concrete facts, which enable verification with reasonable effort.

(8) <sup>1</sup>If the complainant's identity is known, the competent body shall keep the identity confidential and not share it with third parties without the complainant's consent. <sup>2</sup>Consent shall be provided in text form. <sup>3</sup>Disclosure without consent may take place if there is a corresponding legal obligation. <sup>4</sup>As an exception, disclosure may also take place if the respondent cannot otherwise properly defend themselves because the case concerns the identity of the complainant. <sup>5</sup>Before the identity of the complainant is disclosed, they shall be notified of the planned disclosure. <sup>6</sup>They can then decide if they want to retract their report of suspicious activity. <sup>7</sup>If the report is retracted, the identity shall not be disclosed unless there is a legal obligation to do so. <sup>8</sup>The investigative procedure may nevertheless be continued if a balancing of interests demonstrates that this is necessary in the interests of scientific integrity in Germany or in the legitimate interest of LMU.

(9) <sup>1</sup>The confidentiality of the procedure is limited if the complainant makes their suspicion public. <sup>2</sup>The body in charge of carrying out the procedure shall, at its due discretion, decide on a case-by-case basis how to handle the breach of confidentiality by the complainant.

## **§ 21**

### **Offenses of Academic Misconduct**

(1) <sup>1</sup>Academic misconduct occurs when an academic professional working at LMU makes misrepresentations in a scientific context, either intentionally or through gross negligence, misappropriates the intellectual property of others without authorization, or adversely affects the research activities of others. <sup>2</sup>The special circumstances outlined in paragraphs 5 to 8 remain unaffected.

(2) False statements include:

- a) The fabrication of scientifically relevant data or research results,
- b) The falsification of scientifically relevant data or research results, in particular by suppressing or eliminating data or results obtained during the research process without making this public, or by falsifying a representation or depiction,
- c) Discrepant representation of images and corresponding statements,
- d) Provision of inaccurate scientific-related information in an application for funding or within the scope of a reporting obligation,

e) The claim of authorship or co-authorship of another person without their consent.

(3) An inadmissible appropriation of third-party academic achievements applies in the following cases:

a) Unattributed copying of third-party content without the required citing of sources ("plagiarism"),

b) Unauthorized use of research methods, research results, and academic ideas ("theft of ideas"),

c) Unauthorized disclosure of scientific data, theories, and findings to third parties,

d) Presumption or unfounded assumption of authorship or co-authorship of an academic publication, especially if no genuine, comprehensible contribution was made to the publication's academic content,

e) Falsification of academic content,

f) Unauthorized publication and unauthorized disclosure to third parties prior to the publication of scientific work, finding, hypothesis, teaching, or the research method.

(4) The research activities of others is adversely affected in the following cases:

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 others for research purposes),

b) Falsification or unauthorized elimination of research data or research documents,

c) Falsification or unauthorized destruction of research data documentation,

(5) In the case of intent or gross negligence, academic misconduct of LMU academic staff also occurs if:

a) The co-authorship of a publication contains false information or third-party academic achievements appropriated without authorization,

b) Supervisory duties are neglected, if another person has objectively committed academic misconduct as defined in paragraphs 1 to 4, and this would have been prevented or substantially impeded with reasonable and proper supervision.

(6) Academic misconduct also occurs when one willfully participates in the intentional misconduct of others (in terms of aiding or abetting), which constitutes an offense of misconduct in line with this Regulation.

(7) In the case of intent or gross negligence, academic misconduct of LMU assessors/reviewers or commission members occurs if they:

- a) make unauthorized use of unauthorized scientific data, theories, or findings, which they have become aware of during their work as experts or commission members, for their own scientific purposes,
- b) in their capacity as assessors/reviewers or commission members, share data, theories, or findings with third parties without authorization and in breach of confidentiality of the procedure,
- c) in their capacity as assessors/reviewers or commission members, fail to disclose to the competent body facts or circumstances that could give rise to a concern about a conflict of interest.

(8) Scientific misconduct shall also be deemed to have occurred if, in the course of their work and with the intention of gaining an advantage for themselves or another person, an LMU assessor/reviewer or commission member fails to disclose facts against their better judgment, from which academic misconduct of the other person within the meaning of paragraphs 1 to 5 can be inferred.

(9) <sup>1</sup>Academic misconduct can also occur in addition to or at the same time misconduct under examination law. <sup>2</sup>The investigation into possible misconduct under examination law is carried out by the responsible commissions of the faculty concerned in accordance with the examination regulations.

## **§ 22**

### **Initiation of Preliminary Investigations**

(1) <sup>1</sup>Complainants should contact the ombudsperson or a deputy in accordance with § 18 with a specific report of suspicious activity. <sup>2</sup>A suspicious activity report shall be made in text form. <sup>3</sup>If a complainant directly contacts a member of the University Investigating Commission with their report of suspicious activity, the member shall forward the suspicious activity report to the competent ombudsperson.

(2) <sup>1</sup>Contrary to § 18 para. 5 of this Regulation, §§ 22 et seq. of the Criminal Code of Procedure [StPO] shall apply mutatis mutandis to concerns about conflicts of interest of the ombudsperson in their role as outlined in Section III. <sup>2</sup>The University Investigating Commission shall decide in accordance with § 24 of this Regulation.

(3) <sup>1</sup>The competent ombudsperson or deputy shall confidentially review whether there are sufficiently concrete indications that an LMU academic member of staff has committed an offense pursuant to § 21 in an actionable manner. <sup>2</sup>The ombudsperson may conduct preliminary investigations to this end; § 23 (2) therefore applies mutatis mutandis.

(4) If the ombudsperson concludes that there are sufficiently concrete grounds for suspicion in accordance with paragraph 3, they shall initiate a preliminary inquiry.

## **§ 23**

### **Preliminary Inquiry**

(1) <sup>1</sup>During the preliminary inquiry, the ombudsperson shall request the respondent to submit a written statement without delay in response to the allegation. <sup>2</sup>In doing this, the ombudsperson shall state the incriminating facts and evidence. <sup>3</sup>A deadline must be set for the submission of a statement; four weeks is usually set as the deadline.

<sup>4</sup>The deadline can be extended. <sup>5</sup>The statement should be made in written or text form. <sup>6</sup>Respondents are not obligated to incriminate themselves.

(2) <sup>1</sup>During the preliminary inquiry, the ombudsperson can conduct the investigations required to clarify the facts, to the extent that these are permissible under superseding law. <sup>2</sup>For example, they can request, obtain, and view documents; obtain and gather other evidence; obtain statements or, if necessary, seek external expertise.

<sup>3</sup>All persons involved must be asked to handle the request confidentially.

(3) The documents shall indicate the steps taken to clarify the facts.

(4) <sup>1</sup>After completing the relevant investigations and evaluating all relevant evidence, including the respondent's statement, the competent ombudsperson shall immediately decide on the next stage of the procedure. <sup>2</sup>The decision is based on the whether the University Investigating Commission is more likely to ascertain academic misconduct than to close the procedure (reasonable suspicion) by taking the factual situation into consideration. <sup>3</sup>If there is no reasonable suspicion of actionable academic misconduct, the ombudsperson shall close the procedure. <sup>4</sup>If reasonable suspicion exists, the ombudsperson shall refer the preliminary inquiry to a formal investigation, which will be conducted by the University Investigating Commission.

(5) <sup>1</sup>The complainant and the respondent shall be immediately notified of result of the preliminary inquiry in writing or in text form. <sup>2</sup>The main underlying reasons for the decision must be stated.

(6) <sup>1</sup>If the complainant does not agree with the closure of the preliminary inquiry procedure, they may, within two weeks of the notification of reasons pursuant to paragraph 5, submit a written objection to the Chair of the University Investigating Commission stating their reasons. <sup>2</sup>The University Investigating Commission shall decide whether closure of the preliminary inquiry procedure shall be maintained or whether a formal investigation shall be opened. <sup>3</sup>Paragraph 5 applies mutatis mutandis. <sup>4</sup>The complainant has no right of access to the procedural files.

## **§ 24**

### **University Investigating Commission**

(1) <sup>1</sup>LMU has a permanent University Investigating Commission to conduct formal investigations. <sup>2</sup>The composition of the commission, the appointment of its members and alternate members, the possibility of their reappointment, their terms of office, and potential incompatibility with other offices are governed by § 30 (2) of LMU's University Constitution. <sup>2</sup>The disciplines represented at LMU must also be taken into consideration when making appointments.

(2) <sup>1</sup>§§ 22 et seq. of the Criminal Code of Procedure [StPO] shall apply mutatis mutandis for concerns about a conflict of interest. <sup>2</sup>Concerns about conflicts of interest can be raised by all voting members of the commission, LMU ombudspersons, or respondents. <sup>3</sup>The University Investigating Commission shall reach its decision by excluding the person against whom the complaint about a conflict of interest has been lodged. <sup>4</sup>Procedural actions that cannot be postponed may still be taken.

(3) <sup>1</sup>Actions are governed by § 69 (4) (1) and (7) of LMU's University Constitution. <sup>2</sup>Secret ballots and the transfer of voting rights are not permitted.

(4) <sup>1</sup>The members of the University Investigating Commission perform their duties independently, in particular independently of any instructions or informal case-related interference by the University Executive Board and other university bodies. <sup>2</sup>Duties are performed on a confidential basis, i.e., by maintaining the duty of confidentiality.

(5) The University Investigating Commission shall work and meet confidentially and not in public.

(6) <sup>1</sup>§ 19 (4) applies mutatis mutandis for the Chair of the University Investigating Commission, from whom the current composition of the University Investigating Commission can be obtained.<sup>2</sup>

## **§ 25**

### **Course of the Formal Investigation**

(1) <sup>1</sup>The University Investigating Commission schedules a session in good time. <sup>2</sup>The respondent shall be given the opportunity to make an oral or written statement in response to the allegation to the University Investigating Commission (hearing) well in advance of the session. <sup>3</sup>§ 23 (1) (6) applies mutatis mutandis. <sup>4</sup>The complainant shall also be given the opportunity to once again make a statement. <sup>5</sup>If the respondent refrains from making a further statement, this alone must not be taken into account to their disadvantage. <sup>6</sup>A decision must then be made based on the facts on record.

(2) <sup>1</sup>The Commission may obtain further statements which it, at its due discretion, deems useful for the procedure. <sup>2</sup>The provisions of the Criminal Code of Procedure [StPo] shall apply mutatis mutandis to potential rights to refuse to testify.

(3) <sup>1</sup>Any person testifying before the Commission may seek the counsel of a person they trust. <sup>2</sup>The Commission must be informed in due time.

(4) <sup>1</sup>Taking all evidence into unbiased consideration, the University Investigating Commission assesses whether it believes academic misconduct has occurred. <sup>2</sup>Academic misconduct can only be determined if a majority decision in this regard has been reached within the University Investigating Commission. <sup>3</sup>Deliberations are subject to the secrecy of judicial proceedings. <sup>4</sup>An appeal on the part of the complainant shall not take place if proceedings are closed.

(5) <sup>1</sup>§ 20 (8) and (9) shall apply mutatis mutandis to any disclosure of the complainant's identity.

## § 26

### Conclusion of the Formal Investigation and the Proceedings

(1) <sup>1</sup>If the University Investigating Commission finds that academic misconduct has not been substantiated, the proceedings shall be closed. <sup>2</sup>If it finds academic misconduct to be sufficiently substantiated, it shall discuss the options for further action, in particular the possible consequences (§ 27), and shall submit a final report and a recommendation for further action to the University Executive Board.

(2) <sup>1</sup>The Chair of the University Investigating Commission shall immediately inform the respondent, the complainant, and the ombudsperson in writing of the main reasons which led to the closure of the proceedings or to their being referred to the University Executive Board. <sup>2</sup>No internal complaint procedure against the University Investigating Commission's decision shall take place.

(3) If academic misconduct has been determined, the University Executive Board shall review and decide, on the basis of the final report and the recommendation of the University Investigating Commission, which sanctions and measures should be taken in order to safeguard both the university's academic standards and the rights of all those directly and indirectly affected.

(4) <sup>1</sup>The complainant and respondent shall be notified in writing of the decision and the main reasons for it. <sup>2</sup>Paragraph 2 sentence 2 shall apply mutatis mutandis.

(5) <sup>1</sup>In addition, affected scientific organizations and third parties who have a legitimate interest in the decision shall be notified of the decision. <sup>2</sup>It also determines whether and how the public should be informed.

(6) <sup>1</sup>The University Executive Board shall involve the competent bodies so that they can, taking into account the circumstances of the individual case, initiate or arrange for the necessary measures required under public service, labor, civil, criminal, or regulatory, academic, or other law. <sup>2</sup> If the withdrawal of an academic degree is considered as a measure, the relevant LMU faculty shall make a decision in this regard. <sup>3</sup>§ 28 remains unaffected.

(7) The University Executive Board shall notify the Ombudsperson for Good Scientific Practice and the Chair of the University Investigating Commission of the closure of the proceedings.

## § 27

### Potential Sanctions and Measures

(1) If the University Executive Board considers academic misconduct to be substantiated, it may, within the bounds of proportionality, impose the following sanctions and/or take the following measures alternatively or cumulatively:

- a) Have the University Executive Board issue a written statement that academic misconduct is considered to have been sufficiently substantiated, and a disapproval of the misconduct,



- b) Request the respondent to retract or correct incriminated publications or to refrain from publishing incriminated manuscripts,
- c) Withdraw funding decisions or rescind funding contracts, if the decision was made by LMU or the contract was entered into by LMU, including, if appropriate, a recoupment of funds,
- d) Exclude them from serving as an LMU assessor/reviewer or commission member for a specific period of time.
- e) Take action against employees of LMU: warning under labor law, ordinary termination, termination of contract, extraordinary termination,
- f) Take action against civil servants of LMU: initiation of disciplinary proceedings under civil service law with the measures provided for therein, including interim measures,
- g) File a criminal complaint with the police or the public prosecutor's office if it is suspected that academic misconduct also constitutes an offense under the Criminal Code [StGB] or other criminal norms,
- g) File a complaint of an administrative offense with the competent authority if it is suspected that academic misconduct also constitutes an administrative offense,
- i) Assert claims under civil law—also by way of interim legal protection—in particular damages for personal injuries, property damage, or the like, for restitution, for cease and desist and removal, or for reclamation,
- j) Assert any claims under public law, also by way of interim legal protection,
- k) Make a suggestion to the relevant faculty to initiate proceedings to withdraw an academic degree if the academic misconduct was related to the acquisition of the academic qualifications; particular consideration shall be given to the withdrawal of the doctoral degree and the withdrawal of the assessment of teaching qualifications.

(2) Sanctions and measures other than those referred to in paragraph 1 may be imposed only if they are proportionate to the legal and legitimate interests of the respondent.

(3) Measures described in paragraph 1 are therefore not excluded or unlawful because they were not included in University Investigation Commission's recommendation pursuant to § 26 (3).

## **§ 28**

### **Procedure in the Case of a Change of Institution**

(1) <sup>1</sup>An offense shall be prosecuted in accordance with the procedural rules set out in Section III of this Regulation if the respondent no longer works for LMU in an academic capacity, but did so at the time the offense was committed. <sup>2</sup>After proceedings

have been conducted, the University Executive Board shall decide at its due discretion whether the institution to which the respondent now belongs shall be notified of the findings so that it may initiate possible sanctions and measures there in accordance with § 27.

(2) <sup>1</sup>Paragraph 1 shall apply mutatis mutandis where another institution notifies the LMU about the findings of proceedings concerning academic misconduct by a person who is now a member of LMU. <sup>2</sup>The University Executive Board shall be free to obtain further statements or recommendations, including from bodies provided for in this Regulation, so that it can make a decision about possible sanctions and measures.

## **Section IV Entry into Force of this Regulation; Transitional Provisions**

### **§ 29 Entry into Force; Transitional Provisions**

(1) This Regulation shall enter into force on August 1, 2023.

(2) <sup>1</sup>The procedural rules described in Section III of this Regulation only apply to information first received after this Regulation enters into force. <sup>2</sup>Preliminary investigations, preliminary inquiries, and investigation proceedings already in progress when this Regulation come into force shall be completed in accordance with LMU Guidelines for Self-Regulation in Science dated May 16, 2002, last amended by resolution of the Board of University Representatives on September 30, 2014.

(3) The ombudspersons and members of the University Investigating Commission in office when this Regulation enters into force will continue to hold office until the end of the term of office for which they were appointed or elected before this Regulation became effective.

Issued based on the decision of the Board of University Representatives of Ludwig-Maximilians-Universität München on November 16, 2023 and the approval of the President of Ludwig-Maximilians-Universität München on November 17, 2023, no. I-341.31.31380000.3.

Munich, November 17, 2023

Signed by

Prof. Dr. Dr. h.c. Bernd Huber  
President

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