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Regulations for Safeguarding Good Scientific Practice of TH Köln – University of Applied Sciences

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Information

Please note that in accordance with sect. 12 (5) of the North Rhine-Westphalia Higher Education Act (Hochschulgesetz – HG NRW) a violation of the formal and procedural requirements of the university's rules and self-governing laws cannot be asserted after one year has elapsed since this announcement, unless

- 1) the rules and regulations were not properly announced,
- 2) the executive board had previously objected to the decision of the body adopting the rules and regulations,
- 3) a complaint regarding the violation of the formal or procedural requirement had previously been made and in this complaint, the legal regulation violated was mentioned and the violating circumstances were described, or
- 4) at the time of publication of the rules and regulations, the legal consequences of the preclusion of complaint were not indicated mentioned.

On the basis of Section 2 (4), Section 22 (1) Sentence 1 No. 3 and Section 4 (4) Sentence 3 of the Law on Universities in the State of North Rhine-Westphalia (Hochschulgesetz - HG) of September 16, 2014 (GV. NRW. p. 547) as amended by the Amending Law of July 12, 2019 (GV. NRW. p. 425), the TH Köln – University of Applied Sciences has issued the following Regulations:

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Preface

The following Regulations of the TH Köln are based on the recommendations of the Rectors' Conference on "Good Scientific Practice at German Universities" of May 2013 and the position paper "Recommendations on Scientific Integrity" presented by the Science Council in 2015 as well as on the "Code of Conduct: Guidelines for Safeguarding Good Research Practice" of the German Research Foundation of September 2019.¹ They represent a further development of the "Guidelines for ensuring good scientific practice and handling scientific misconduct" published by the TH Köln in January 2016.²

Preamble

Scientific work is based on fundamental principles which apply equally in all scientific disciplines. The honesty of scientists to themselves and others is of foremost importance. At the same time, these fundamental principles form the ethical foundation of the rules of scientific professionalism and scientific integrity. They ensure respectful interaction and strengthen society's indispensable confidence in science.

These Regulations define the basic principles of the TH Köln to ensure good scientific practice and for handling accusations of scientific misconduct. They apply to all members of the TH Köln involved in research and teaching, all students, doctoral candidates and postdocs and also to members of the non-scientific staff who work in scientific departments. All members of the TH Köln mentioned are obliged to use these Regulations as a basis for their scientific work in order to ensure good scientific practice and to help actively avoid scientific misconduct.

As a site of research and teaching, the university has a responsibility in this regard. The TH Köln is aware of its duty, especially to the students and the early-stage researchers, to communicate the basic principles of good scientific practice and to familiarize them with the techniques of scientific work. The Regulations are handed out to scientific staff during contract signing.

The constant endeavor to expand and improve measures to ensure good scientific practice at the TH Köln is part of the university's internal "Human Resources Strategy for Researchers", for which the TH Köln was awarded the European Commission's seal of approval "HR Excellence in Research" in 2014.

¹ German Research Foundation (Deutsche Forschungsgemeinschaft - DFG): Guidelines for Safeguarding Good Research Practice - Code of Conduct. DFG: Bonn, September 2019.

² These Regulations take into account the adopted and published guidelines of the Max Planck Society (March 2009), the University of Konstanz (July 1998), the University of Duisburg (July 2004), the Fachhochschule Dortmund – University of Applied Sciences and Arts (April 2014), the Hochschule Niederrhein – University of Applied Sciences (July 2002), the Hannover Medical School (October 2011), the Humboldt Universität zu Berlin (June 2014), the Universität Hamburg (August 2014), the Technische Universität Dresden (March 2014), the Johannes Gutenberg University Mainz (May 2014), the Technical University of Munich (December 2013) and the German Research Foundation (August 2019) on this topic. The wording of the texts mentioned is included in the Regulations of the TH Köln directly in some cases, indirectly in other cases.

I Basic principles of good scientific practice

§ 1 Commitment to the general principles, professional ethics

- (1) The members of the TH Köln are obliged to uphold the basic principles of good scientific practice³ in all work-related contexts taking into account the particularities of the relevant academic field and in particular
 - work in accordance with accepted rules (*lege artis*)
 - to always document results
 - to also always evaluate one's own results critically and rigorously question them and to permit and promote critical discourse within the research community
 - to maintain strict honesty with regard to the contributions of involved parties, supervised parties (doctoral students), competitors as well as predecessors
 - to assume responsibility for appropriate support of early-stage researchers
 - to observe the regulations for safeguarding and storing primary data
 - to respect the intellectual property of others
 - to comply with ethical standards when conducting surveys and experiments.
- (2) The TH Köln furthermore expects the researchers working at the university to bear personal responsibility for implementing the fundamental values and standards of scientific work in their actions, to defend them and to take active measures to ensure good scientific practice. This includes education in the principles of good research, which begins at the earliest possible stage in academic teaching and research training. All researchers working at the TH Köln are required to regularly update their knowledge about the standards of good scientific practice and the state of research in their disciplines.⁴

§ 2 Responsibility of the management of scientific institutions and research work units

- (1) The Executive Board of the TH Köln creates the framework conditions for scientific work. It is responsible for ensuring adherence to and the promotion of good scientific practice, and for appropriate career support for all researchers.⁵ The management of TH Köln, the faculties and the research work units guarantee the necessary conditions to enable researchers to comply with legal and ethical standards. The framework conditions include:
 - clear written policies and procedures for staff selection and development as well as for early career support and equal opportunity
 - established supervisory structures and policies for early-stage researchers
 - appropriate career support for all researchers and research support staff.
- (2) The head of a research work unit is responsible for the entire unit. All persons responsible for a research work unit must ensure, through appropriate organization of their work area, that the tasks of leadership, supervision, conflict management and quality assurance are clearly allocated. They must also ensure that the tasks are actually carried out. They ensure that the members of the research work unit are aware of their roles, rights and responsibilities. This responsibility also includes ensuring appropriate individual support for early-stage researchers and career advancement for researchers and research support staff. A balance of support and personal responsibility with increasing independence, adapted to the career level, should be sought and the associated participation rights in the work unit should be granted.
- (3) Suitable organizational measures must be developed both for the TH Köln as an institution and at the level of individual scientific working units to prevent the abuse of power and the exploitation of dependencies.⁶

³ According to DFG Code of Conduct Guideline 1: Commitment to the general principles, p. 9

⁴ According to DFG Code of Conduct Guideline 2: Professional ethics, p. 9.

⁵ According to DFG Code of Conduct Guideline 3: Organisational responsibility of heads of research institutions, p. 10.

⁶ According to DFG Code of Conduct Guideline 4: Responsibility of the heads of research work units, p. 11.

§ 3 Supporting early-stage researchers

- (1) In compliance with the rules of good scientific practice, particular attention must be paid to the training and promotion of early-stage researchers (students, doctoral candidates, postdocs). Early-stage researchers are made aware of compliance with these Regulations by the lecturers of the TH Köln within the framework of teaching and research. For every student, doctoral candidate and postdoc involved in an academic work unit, there must be a primary contact person who teaches him or her the principles for ensuring good scientific practice at the TH Köln.
- (2) As part of the supervision provided by the Graduate Center of the TH Köln, all doctoral students are introduced to the Regulations as well as the "Guidelines for the good supervision of doctorates". In addition, the supervisory agreement concluded between the supervisory person and the doctoral candidate is consistent with the basic principles of good scientific practice.
- (3) The supervision of doctoral candidates is set up such that the supervisory person supports his or her doctoral candidates in structuring the doctoral training process, in developing an academic network and in identifying career options and has an overview of the ongoing research activities and the important development steps of the work. This includes regular supervisory meetings and the monitoring of the progress of the work so that the completion of the work by junior scientists is supported within an appropriate time frame. The supervision should also include measures to support further career planning and ensure integration in the academic community. In this way, high-quality supervision and support of early-stage researchers is ensured at the TH Köln.

§ 4 Dimensions of performance and assessment criteria

- (1) In the scientific performance evaluation for examinations, the awarding of academic degrees, promotions, employment, appointments and funding, quality and originality should always have precedence over quantity.⁷ Quantitative indicators should only be included in the overall assessment in a reflected manner and should be assessed in a discipline-specific manner.
- (2) In addition to academic performance, other aspects can also be taken into account when assessing the performance of researchers, such as involvement in teaching or academic self-administration, public relations, contributions for the benefit of society as a whole and the transfer of ideas, knowledge and technology. Furthermore, the academic attitude of the researcher, such as open-mindedness and willingness to take risks, can be included in an evaluation. In compliance with the General Equal Treatment Act, individual particularities in a person's life that are voluntarily indicated can also be included. These include personal, family or health-related absences or alternative career paths.

§ 5 Confidentiality and neutrality of review processes and discussions

When reviewing and assessing submitted manuscripts, funding applications or the eligibility of persons, and when working in advisory and decision-making bodies, researchers are bound to act with integrity. They maintain strict confidentiality, which among other things excludes the disclosure to third parties and the own use of external content. In addition, they must immediately report any facts that may indicate bias or conflict of interest to the competent authority.⁸

⁷ According to DFG Code of Conduct Guideline 5: Dimensions of performance and assessment criteria, p. 11.

⁸ According to DFG Code of Conduct Guideline 16: Confidentiality and neutrality of review processes and discussions, p. 19.

II Good scientific practice in the research process

§ 6 Responsibilities and roles

All persons involved in a research project, researchers and research-support staff, must be aware of their role and responsibilities. Necessary adjustments, e.g. due to changes in the focus of work or financing of participants, are communicated transparently.⁹

§ 7 Cross-phase quality assurance

- (1) The research process must be marked by continuous quality assurance.¹⁰
- (2) Good scientific practice requires strict care in the selection of subject-specific methods, tools and processes as well as in the collection and evaluation of data. Research questions should be answered using scientifically sound and comprehensible methods. Methodological expertise can also be acquired through cooperation. Particular attention should be paid to establishing standards in the development of new methods and applications, the collection of research data and the description of research results.¹¹
- (3) As early as the research design stage, researchers thoroughly investigate the current state of research as well as established standards and practical applications in order to identify relevant and suitable research questions. The interpretation of findings must be based on methods that avoid partially unconscious distortions. The significance of gender and diversity is reviewed with a view to the entire research process.¹²
- (4) Researchers create clear and comprehensible documentation with all information relevant to the emergence of the research results. There is no selection of results. Negative results are also documented. Where applicable, existing technical recommendations for the review and assessment of results must be applied and, in the case of corresponding restrictions, a comprehensible justification must be documented. Documentation and research results must be protected against manipulation in the best possible way. Openness to criticism and doubts of one's own results as well as the reproducibility of one's own results by other researchers are essential components of quality assurance.¹³

§ 8 Scientific publications and other communication channels

- (1) In principle, research results obtained using public funds must be published and brought into the scientific discourse. Wherever possible, third parties should be given access to all relevant information necessary for possible replication. In individual cases there may be reasons against publication, which must be documented. The decision to publish and the way in which their research results are published is up to the researchers themselves; in the case of publicly funded research projects, this decision may not be dependent on third parties.
- (2) Scientific investigations must be verifiable. Accordingly, their publication in scientific publications must contain a precise description of the development of the hypotheses, the methods and analytical steps as well as the applied quality assurance and the results, which is comprehensible for experts in the field - if appropriate with reference to further literature. This is particularly necessary when developing new methods. Important findings which support or call into question the author's results and hypotheses must also be communicated. One's own preliminary work and that performed by others as well as relevant publications by other authors on which the work is directly based must be listed as completely and correctly as possible.¹⁴

⁹ According to DFG Code of Conduct Guideline 8: Stakeholders, responsibilities and roles, p. 14.

¹⁰ According to DFG Code of Conduct Guideline 7: Cross-phase quality assurance, p. 13.

¹¹ According to DFG Code of Conduct Guideline 11: Methods and standards, p. 16.

¹² According to DFG Code of Conduct Guideline 9: Research design, p. 14.

¹³ According to DFG Code of Conduct Guideline 8: Stakeholders, responsibilities and roles, p. 14.

¹⁴ According to DFG Code of Conduct Guideline 12: Documentation, p. 16.

- (3) The mechanisms for quality assurance must also be presented in a manner appropriate to the recipient when communicating scientific findings via communication channels other than classical specialist publications in books or journals.¹⁵
- (4) Furthermore, the following must also be observed when publishing:
- If the publication is to contain personal data – detailed information on personal or material relationships of an identified or identifiable natural person – this is only permissible if the persons affected by this have provided express consent.
 - If the research findings were obtained using data, organisms, materials or software from third parties, their origin must be stated, indicating the original sources.
 - Inappropriately small-scale publications or self-referencing that goes beyond what is necessary should be avoided.
 - The authors select the appropriate publication medium, taking into account quality and visibility in their discipline. The scientific quality of an individual contribution does not depend on the publication medium chosen for publication.¹⁶ If they act as editors, they must also carefully consider for which publication medium they are assuming this task.
 - In order to facilitate traceability, researchers deposit the research data on which their publications are based in preferably recognized (specialist) repositories or archives according to the FAIR principles ("Findable, Accessible, Interoperable, Re-Useable"). This applies in particular to research data from publicly funded research.
 - For publicly available software, the source code must be persistent, citable and documented and an appropriate license must be chosen.¹⁷
- (5) Disproven hypotheses or errors as well as mistakes or inconsistencies must be publicly reported. In the case of scientific publications, the authors will work towards a correction or withdrawal.

§ 9 Authorship

- (1) Authors are all researchers who have made substantial and comprehensible contributions to the scientific content of the publication. These are in particular scientific contributions for
- the development and conceptual design of the research project, or
 - the gathering, collection, acquisition or provision of data, software or sources, or
 - the analysis, evaluation or interpretation of the data, the sources and the resulting conclusions, and
 - drafting the manuscript.

In the course of this, the contributions of predecessors, competitors and employees must be properly recognized and taken into consideration as a matter of course.

- (2) Co-authorship is not justified by:
- the procurement of funds
 - the provision of standard investigation materials
 - the instruction of employees in standard methods
 - solely technical collaboration in data collection
 - solely technical support (for example, the mere provision of equipment)
 - the mere transfer of data
 - merely reading the manuscript without substantially contributing to the content, or

¹⁵ According to DFG Code of Conduct Guideline 7: Cross-phase quality assurance, p. 13.

¹⁶ According to DFG Code of Conduct Guideline 15: Publication medium, p. 19.

¹⁷ According to DFG Code of Conduct Guideline 13: Providing public access to research results, p. 17.

- a line manager role or the leadership of the department or work group in which the publication originated.

Likewise, relationships related to labor law or civil service law between the parties involved are not relevant for the justification of a (co-)authorship. Persons with smaller contributions are mentioned in a statement of acknowledgment. "Honorary authorship" is not permitted.

- (3) Authors of a text, data or software publication jointly bear the responsibility for its contents. All authors agree on the order in which the authors are named at the latest when the manuscript is drafted and agree to the final version of the work to be published. This agreement may only be refused on reasonable grounds, such as verifiable criticism of data, methods, results or unclear rights of use.¹⁸
- (4) It is a violation of the rules of good scientific practice to end collaboration on a publication without sufficient reason or to prevent the publication of results as co-authors without a compelling reason.

§ 10 Legal and ethical frameworks, usage rights

- (1) Researchers at the TH Köln are required to adopt a responsible approach to the constitutionally guaranteed freedom of research.¹⁹ Particular attention must be paid to rights and obligations arising from legal requirements and from agreements or contracts with third parties. Agreements on the exploitation of research data or research results are also framework conditions of a research project, as are grant decisions including the ancillary provisions of the funding agencies.
- (2) Agreements or contracts regulating usage rights need to be concluded in particular at the outset of a research project if a research project is carried out with third parties or if it is clear at an early stage that a person involved will leave the TH Köln.
- (3) Researchers are required to identify, assess and evaluate the consequences and risks of their research projects, taking into account their knowledge, experience and skills. They are aware of the risk of misuse of research results, including in the context of security-related research. Where specific approvals or an ethics vote are required to carry out a research project, these must be obtained.
- (4) The TH Köln is developing binding principles for research ethics and procedures for the appropriate assessment of research projects.

§ 11 Archiving of research results and research data

Publicly accessible research data and research results, including the materials on which they are based, original data and any research software used, must be archived in an adequate manner and in a subject-specific standard for a period of ten years from the date on which they were made publicly accessible.²⁰ Archiving must be on durable and secure media at the institution where the data originated or in recognized repositories. If co-authors leave the institution before the end of the intended retention period, the responsibility for retention must be regulated with the supervisor(s). Shortened retention periods or the retention of only a part of the data are permissible subject to documentation of comprehensible, possibly legally prescribed, reasons. If multiple institutions are involved in the data collection process, the question of storage as well as access rights is to be contractually regulated.

¹⁸ According to DFG Code of Conduct Guideline 14: Authorship, p. 18.

¹⁹ According to DFG Code of Conduct Guideline 10: Legal and ethical frameworks, usage rights, p. 15.

²⁰ According to DFG Code of Conduct Guideline 17: Archiving, p. 20.

III Non-compliance with good scientific practice

§ 12 Protection of informants and accused persons, presumption of innocence

All persons involved in a procedure to investigate scientific misconduct at the TH Köln are committed to protecting the informants and the accused in an appropriate manner and maintain strict confidentiality. The principle of the presumption of innocence applies. Neither the informant nor the accused, the latter at least until the discovery of scientific misconduct, should suffer disadvantages for their own professional and academic advancement, e.g. through delays during ongoing qualification procedures. Sections 186 and 187 of the Criminal Code (StGB) (slander and libel) remain unaffected.

§ 13 Scientific misconduct

- (1) Scientific misconduct occurs if, in the case of scientific work, false declarations are made knowingly or through gross negligence, if the intellectual property of others is violated or if research activities of others are sabotaged. A violation of the rules of good scientific practice include, for example:
 - fabrication, falsification and suppression of data, false information in research proposals
 - improper safeguarding or insufficient documentation of original data
 - false information in a grant application (including false information on publications and in publications in print)
 - plagiarism
 - failure to cite others' results and findings
 - fraudulently obtained authorship in publications
 - exclusion of justified authorships
 - knowingly false (libel) or malicious (slander) accusations regarding good scientific practice
 - breach of trust as a reviewer or supervisor
 - arbitrarily delaying publications while serving as a reviewer
- (2) Joint responsibility for misconduct can result, among other things, from the involvement in the misconduct of others, through co-authorship in publications with falsified information, gross negligence in supervisory duties in research projects as well as a failure to instruct persons involved in the research with regard to the rules of good scientific practice or other gross violation of the supervisory obligation in the case of students, doctoral candidates as well as postdocs.

§ 14 Ombudsperson

- (1) As contact person for members of the TH Köln who have questions regarding good scientific practice or suspect scientific misconduct, the Executive Board appoints a person experienced in research as ombudsperson. Due to possible bias, a deputy is also appointed. The ombudsperson and his or her representative may not be members of a central management body during his or her term of office. The ombudsperson's term of office is limited to five years, a further term of office is possible. Researchers who are persons of integrity and who have management experience are selected as ombudspersons.²¹ The Executive Board submits an appointment proposal to the Senate for this purpose. If there is no objection by the Senate, the Executive Board ratifies the appointment and sends a letter of appointment to the designated person.
- (2) As a neutral and qualified person in a position of trust, the ombudsperson advises both generally on questions of good scientific practice and specifically in cases in which he or she gains knowledge of suspected scientific misconduct. Moreover, he or she advises those members of the TH Köln, especially early-stage researchers as well as students who are involved, through no fault of their own, in a case of scientific misconduct as to how they can protect or restore their scientific and personal reputation.

²¹ According to DFG Code of Conduct Guideline 6: Ombudspersons, p. 12.

- (3) The basic principles for serving as an ombudsperson are confidentiality and fairness. The ombudsperson is not bound by instructions and is obliged to maintain confidentiality and multipartiality.

§ 15 Procedure in the case of suspected misconduct

- (1) Members of the TH Köln who have objective indications of scientific misconduct may choose to contact the ombudsperson of the TH Köln directly, or refer to the German Research Ombudsman.²² As an independent body, the German Research Ombudsman assists all researchers in Germany with questions and conflicts in the context of good scientific practice or scientific integrity.²³ This also applies if a person is unsure whether observed behavior constitutes scientific misconduct or if he or she is unable to verify the facts on his or her own.
- (2) The TH Köln will pursue every specific suspicion of scientific misconduct that is brought to the attention of the ombudspersons.²⁴ An anonymous allegation is also checked if reliable facts are presented. The allegations will be checked using plausibility considerations for certainty and significance. The ombudsperson assesses separately with the respondents and complainants whether a complaint must be investigated. If all three parties agree that the suspicion is not justified, proceedings will be avoided. Otherwise the information will be forwarded to the Executive Board with due regard for confidentiality.
- (3) If it is decided that an allegation should be investigated, the Executive Board appoints an investigation committee, consisting of one professor each from the three fields of humanities, natural sciences and engineering, to investigate the matter. A representative is appointed for each member. In order to keep time delays to a minimum, representation is called in if a member is absent. Any possible conflicts of interest must be taken into account when appointing the members of the investigation committee.
- (4) The investigation committee appoints one of its members to be the chairperson. The members take office in each case for the duration of the investigation. When appointing the members of the investigation committee, attention should be paid to a balanced gender representation. The investigation committee can call upon additional persons for consultation, if needed.
- (5) The following applies to the complainants in the further procedure:
- The name of the person will not be disclosed to third parties without his or her consent. Exceptions to this rule apply only if there is a legal obligation or if the respondent cannot properly defend himself or herself because the case concerns the identity of the complainant.
 - The complainant must be informed before his or her name is disclosed to the accused or to persons not assigned to the investigation. He or she can then decide whether the allegation should be withdrawn.
 - The identity of the informant is public if the informant himself or herself opts to make the allegation public. In this case, the following procedure determines how to handle this breach of confidentiality.
- (6) For students of the TH Köln, the assessment of whether the principles of good scientific practice have been violated in an assignment or student research project, in a bachelor's or master's thesis, is the responsibility of the respective examiners and the responsible examination boards. Violations against scientifically recognized rules are punishable according to the provisions of the respective examination rules.

§ 16 Work of the investigation committee

In the event of an investigation, the following basic principles are to be observed by the committee:

1. The meetings of the investigation committee are not public.
2. Decisions are made with a simple majority.

²² According to DFG Code of Conduct Guideline 18: Complainants and respondents, p. 21.

²³ Further information on the German Research Ombudsman is available at: <https://ombudsman-fuer-die-wissenschaft.de/> (November 7, 2019).

²⁴ According to DFG Code of Conduct Guideline 19: Procedures in cases of alleged research misconduct, p. 22.

3. The investigation committee is authorized to undertake all steps which serve to clarify the circumstances. For this purpose, it may gather all necessary information and statements and in individual cases, it may also call upon expert evaluators from the scientific discipline in question. It should be ensured that the proceedings are completed with a reasonable amount of time.
4. The accused is to be made aware of the incriminating facts and any available evidence.
5. The accused as well as the informant is given an opportunity to make a verbal statement. The person concerned has the right to inspect the files.
6. If the suspicion of a violation of good scientific practice cannot be dispelled, a corresponding report by the investigation committee is sent to the Executive Board who then will decide how to proceed. In doing so, the initiation of academic, civil or criminal consequences will be considered, in addition to consequences relating to labor or civil service law.
7. The person concerned as well as the informant are to be informed in writing of the Executive Board's decision. The primary reasons which led to the decision are to be communicated.

§ 17 Sanctions

- (1) Regardless of the legal consequences, the TH Köln reserves the right to impose sanctions in the event of violation of good scientific practice depending on the degree of severity. This may include, among other things:
 - reprimand of the person concerned by the president
 - conditions stipulating correction and withdrawal of incorrectly written publications
 - exclusion from research funding procedures within the TH Köln for a specific or indefinite period of time
 - disciplinary consequences
- (2) In the case of research work funded by third parties, the third-party funder is informed in the event of misconduct. Other third parties who have a justified interest in the decision will also be informed of the outcome. Depending on the circumstances, the responsible organs or institutions will initiate legal or regulatory measures with the corresponding procedure.

IV Final provisions

§ 18 Entry into force

The Regulations for Ensuring Good Scientific Practice at the TH Köln enter into force on December 12, 2019 and are published in the Official Notices of the TH Köln. With the entry into force of these Regulations, the former Guidelines for ensuring good scientific practice and handling scientific misconduct of January 8, 2016 cease to apply. Issued on the basis of the decision of the Senate of the TH Köln of November 27, 2019.

Cologne, December 12th, 2019

The President
of the Technische Hochschule Köln
Prof. Dr. Stefan Herzig

TH Köln
Gustav-Heinemann-Ufer 54
50968 Köln
www.th-koeln.de

Technology
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