



Official Notice No. 18

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

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Technology
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TH Köln

Please note:

According to Section 12, Paragraph 5 of the Higher Education Act of the State of North Rhine-Westphalia (*Hochschulgesetz/HG NRW*), a violation of procedural or formal rules of the university's regulatory or other autonomous law cannot be asserted if one year has passed since this official notice, unless

- 1) the regulations have not been properly publicised,
- 2) the Executive Board has previously objected to the resolution passed by the body adopting the regulations,
- 3) the university has been notified in advance of the procedural or formal defect with the violated regulation having been specified, or
- 4) the legal consequence of the exclusion of complaints was not pointed out in the official notice of the regulations.

On the basis of Section 2, Paragraph 4, Section 22, Paragraph 1, Sentence 1, No. 3 and Section 4, Paragraph 4, Sentence 3 of the Higher Education Act of the State of North Rhine-Westphalia (*Hochschulgesetz/HG NRW*) of 16th September 2014 (GV. NRW. p. 547) in the version of the Amendment Act of 12th July 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 German Rectors' Conference (*Hochschulrektorenkonferenz/HRK*) on "Good Scientific Practice at German Universities" of May 2013, the position paper "Recommendations on Academic Integrity" presented by the German Science and Humanities Council (*Wissenschaftsrat/WR*) in 2015 as well as on the code of conduct "Guidelines for Safeguarding Good Research Practice" of the German Research Foundation (*Deutsche Forschungsgemeinschaft/DFG*) of September 2019.¹ The regulations have evolved out 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. First and foremost is the honesty of researchers towards themselves and others. These basic principles also form the ethical foundation for the rules of scientific professionalism and scientific integrity. They ensure respectful interaction with each other and strengthen society's indispensable trust in science.

The regulations at hand define the principles of the TH Köln for ensuring good scientific practice and for dealing with allegations of scientific misconduct. They apply to all members of the TH Köln who are actively involved in research and teaching, to all students, doctoral and post-doctoral students as well as to members of non-scientific staff, provided they work in scientific areas. All of the above-mentioned members and staff of the TH Köln are obliged to base their scientific work on these regulations in order to ensure good scientific practice and to actively contribute to the prevention of scientific misconduct.

As a place of research and teaching, the university has an institutional responsibility. The TH Köln is aware of its duty to communicate the principles of good scientific practice, in particular to students and early-career researchers, and to familiarise them with the techniques of scientific work. The regulations are handed out to the academic staff when they sign their work contracts.

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

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

² The guidelines adopted and publicised by the Max Planck Society (*Max-Planck-Gesellschaft*) (March 2009), the University of Konstanz (July 1998), the University of Duisburg (July 2004), TU Dortmund University (April 2014), the Hochschule Niederrhein University of Applied Sciences (July 2002), the Hannover Medical School (October 2011), the Humboldt University of Berlin (June 2014), the University of Hamburg (August 2014), the Dresden University of Technology (March 2014), the Johannes Gutenberg University Mainz (May 2014), the Technical University of Munich (December 2013), the German Research Foundation (August 2019) and the Münster University of Applied Sciences (April 2022) have all been incorporated into these regulations. The wording of the above-mentioned texts has been partly incorporated – either directly or indirectly – into the regulations of the TH Köln.

I Basic principles of good scientific practice

§ 1 Commitment to general principles, professional ethics

- (1) Members of the TH Köln are obliged to uphold the basic principles of good scientific practice in all professional contexts, taking into account the specifics of the relevant subject area, and to³
 - work *lege artis*,
 - always document the results,
 - always evaluate their own results in a critical manner, consistently challenge them and allow and promote critical discourse within the scientific community,
 - maintain strict honesty in regard to their own contributions and the contributions of third parties, in particular contributions made by participants, supervised (doctoral and post-doctoral) students, competitors and predecessors,
 - take responsibility for the adequate supervision of early-career researchers,
 - comply with the regulations on securing and retaining primary data,
 - respect the intellectual property of others at all times,
 - adhere to ethical standards when conducting surveys and experiments.
- (2) The TH Köln continues to expect its researchers to bear personal responsibility for implementing the fundamental values and standards of scientific work in their actions, to stand up for them and to take active measures to ensure good scientific practice. This includes teaching the basic principles of good scientific work at the earliest possible stage in their teaching and training. All researchers working at the TH Köln are obliged to regularly update their knowledge of the standards of good scientific practice and the state-of-the-art of the research in their disciplines.⁴

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

- (1) The TH Köln's Executive Board creates the framework conditions for scientific work. It is responsible for the compliance and communication of good scientific practice as well as for the appropriate support for the careers of all its researchers.⁵ The management of the TH Köln, its faculties and scientific work units create the conditions for their researchers to uphold legal and ethical standards. These framework conditions include:
 - Clear and written procedures and principles for staff selection and development, taking into account the importance of equal opportunities and diversity.
 - Established support structures and concepts for the promotion of early-career researchers.
 - Appropriate career support for academic and support staff.
- (2) The head of a scientific work unit is responsible for the entire unit. All persons in charge of work units must ensure that the tasks of management, supervision, conflict regulation and quality assurance are clearly assigned through the appropriate organisation of their work area. Furthermore, they must ensure that the tasks are actually performed. They ensure that the members of their work unit are aware of their roles, rights and duties. This responsibility also includes ensuring appropriate individual support for early-career researchers and for academic and support

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

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

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

staff. In this regard, the level of support and personal responsibility chosen should match the career stage and allow for rights of participation in the work unit.

- (3) Suitable organisational measures to prevent the abuse of power and the exploitation of relationships of dependency must be developed both for the TH Köln as an institution and at the level of individual scientific work units.⁶

§ 3 Supervision of early-career researchers

- (1) In complying with the rules of good scientific practice, particular attention should be paid to the training and promotion of early-career researchers (students, doctoral candidates and postdoctoral researchers). Adherence to the regulations at hand is communicated to students and young researchers in the context of teaching and research by the professors and teachers of the TH Köln. Every student, doctoral candidate and postdoctoral researcher who works in a scientific work unit must have a primary contact person who teaches them the principles for ensuring good scientific practice at the TH Köln.
- (2) Within the supervision by the Graduate Centre of the TH Köln, all doctoral candidates should be familiarised with the regulations as well as with the “Guidelines for the Good Supervision of Doctoral Researchers”. The supervision agreement concluded between the supervisor and the candidate must also be in accordance with the principles of good scientific practice.
- (3) The supervision of doctoral candidates should be organised in such a way that the supervisor supports their candidate in structuring the doctoral process, establishing an academic network and identifying career opportunities; the supervisor should also have an overview of the ongoing research activities and the main developmental steps of the thesis. This includes regular conversations and the monitoring of work progress so that the completion of the project can be achieved within a reasonable timeframe. Supervision should also include measures to support further career planning and ensure integration into the academic environment. This guarantees high-quality supervision of early-career researchers at the TH Köln.

§ 4 Dimensions of performance and assessment criteria

- (1) In academic performance assessment for examinations, the awarding of academic degrees, promotions, recruitment, appointments and allocation of funds, quality and originality should always take precedence over quantity.⁷ Quantitative indicators should only be included and assessed in a critical and discipline-specific manner in the overall evaluation.
- (2) In addition to academic performance, other aspects may also be taken into account when assessing the performance of researchers, such as commitment to teaching or academic self-administration, public relations, contributions to the interest of society as a whole and the transfer of ideas, knowledge and technology. Moreover, the researcher’s scientific attitude, such as openness to new knowledge and the willingness to take risks, can be included in an evaluation. Taking into account the General Equal Treatment Act, individual characteristics that are voluntarily given in a CV, can also be considered. These may include personal, family or health-related absences or alternative career paths.

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

⁷ According to the DFG Code of Conduct, Guideline 5: Dimensions of performance and assessment criteria, p. 12.

§ 5 Confidentiality and neutrality of review processes and discussions

When reviewing and assessing submitted manuscripts, funding applications or a person's credentials as well as when working with advisory and decision-making bodies, researchers are obliged to behave in an honest manner. They have to maintain strict confidentiality which excludes, among other things, disclosure to third parties and their own use of third-party content. Additionally, they must immediately report any facts that indicate bias or a conflict of interest to the body responsible.⁸

II Good scientific practice during the research process

§ 6 Responsibilities and roles

All persons involved in a research project – researchers as well as support staff – must be aware of their role and responsibilities. Necessary adjustments, e.g., due to changes in the focus of the work or in its funding, are communicated in a transparent manner.⁹

§ 7 Cross-phase quality assurance

- (1) The research process must be accompanied by continuous quality assurance.¹⁰
- (2) Good scientific practice requires due diligence in the selection of subject-specific methods, tools and processes as well as in the collection and analysis of data. Research questions must be answered through scientifically sound and comprehensible methods. Methodological expertise can also be acquired through cooperation. Particular attention should be paid to the establishment of standards when developing new methods and applications, collecting research data and describing research results.¹¹
- (3) Already at the early research design stage, researchers need to conduct a careful search on the current state of research as well as on established standards and applications from practical examples in order to identify relevant and suitable research questions. During the analysis of results, methods to avoid bias (be that implicit or explicit) should be employed. The importance of gender and diversity is reviewed throughout the whole research process.¹² The university management ensures that the necessary framework conditions can be created and maintained for the identification and development of relevant and suitable research questions as well as for researching previously published research endeavours.¹³
- (4) Researchers must prepare clear, correct and comprehensible documentation with all the relevant information for their research results. Selecting preferred research results must not occur; negative results are also documented. If applicable, existing professional recommendations for the review and evaluation of results are to be applied and, in the case of corresponding restrictions, a comprehensible justification must be documented. These documentations and research results are to be protected to the best of one's abilities. Being open to criticism and doubts about one's own results as well as the possibility of replication by other researchers are essential components of quality assurance.¹⁴

⁸ According to the DFG Code of Conduct, Guideline 16: Confidentiality and neutrality of review processes and discussions, p. 21.

⁹ According to the DFG Code of Conduct, Guideline 8: Stakeholders, responsibilities and roles, p. 15.

¹⁰ According to the DFG Code of Conduct, Guideline 7: Cross-phase quality assurance, p. 14.

¹¹ According to the DFG Code of Conduct, Guideline 11: Methods and standards, p. 17.

¹² According to the DFG Code of Conduct, Guideline 9: Research design, p. 15.

¹³ Ibid. as well as Münster University of Applied Sciences, p. 8.

¹⁴ According to the DFG Code of Conduct, Guideline 8: Stakeholders, responsibilities and roles, p. 15.

§ 8 Scientific publications and other channels of communication

- (1) Generally, research results that are achieved through public funds should be published and introduced into the scientific discourse. If possible, third parties should be granted access to all relevant information necessary for a possible replication. In individual cases, there may be reasons against publication, which must be documented. The decision to publish and the manner of publication lies in the responsibility of the researchers; in the case of publicly funded research projects, publication must not be made dependent on third parties.
- (2) Scientific investigations must be verifiable and comprehensible to experts in the field. Consequently, their publication in scientific releases must contain an exact description of the development of the hypotheses, methods, analytical steps and work processes as well as the quality assurance and the results – if necessary with references to further literature. This is particularly necessary when developing new methods. Significant findings that either support or question the author's results and hypotheses must likewise be reported. Own and others' relevant preliminary work and publications, on which the work is directly based, must be named as completely and correctly as possible.¹⁵
- (3) The mechanisms employed for quality assurance should also be presented in a manner suitable for the target audience when communicating scientific findings via communication channels other than traditional specialist publications in books or journals. In addition to these, other publication channels may be considered, including specialist repositories, data and software repositories and blogs. When selecting the appropriate publication channel, quality and visibility in the respective field of discourse must be taken into account.^{16 17}
- (4) Furthermore, the following points must be observed in case of publication:
 - If the publication is to contain personal data – individual information about personal or factual circumstances of a specific or identifiable natural person – this should only be permissible if the persons in question have explicitly consented to it.
 - If the research results were obtained using data, organisms, materials or software stemming from third parties, their origin and source should be indicated and cited.
 - Inappropriately small or detailed publications or self-referencing beyond what is absolutely necessary should be avoided.
 - Taking into account the quality and visibility in their discipline, authors should choose the appropriate digital or print publication medium. The scientific quality of an individual contribution is not dependent on the publication medium chosen for the publication.¹⁸ Even for activities as an editor, it is important to carefully consider which publication medium this work is to be carried out for.
 - To promote traceability, researchers should deposit the data on which their publications are based in (preferably) recognised repositories or archives in accordance with the FAIR principles ("Findable, Accessible, Interoperable, Re-Useable"). This applies in particular to research data from publicly funded research.
 - The origins of data, materials and software employed in the research process should be marked and – as far as possible and reasonable – subsequent use should be documented.¹⁹ This also includes one's own results that have already been made publicly available.

¹⁵ According to the DFG Code of Conduct, Guideline 12: Documentation, p. 17.

¹⁶ According to the DFG Code of Conduct, Guideline 7: Cross-phase quality assurance, p. 14.

¹⁷ According to the DFG Code of Conduct, Guideline 15: Publication medium, p. 21.

¹⁸ Ibid.

¹⁹ Cf. Münster University of Applied Sciences, p. 12.

- For publicly available software, the source code must be persistent, citable and documented and an appropriate licence must be chosen. If research software that has been developed in-house is to be made available to third parties, it should be provided with an appropriate licence.²⁰
- (5) Hypotheses that have been falsified as well as errors, mistakes or discrepancies must be publicly reported. In the case of scientific publications, the authors should work towards a correction or retraction.

§ 9 Authorship

- (1) An author is someone who makes a genuine, comprehensible contribution to the content of a scientific text, data or software publication.²¹ The quality of the authorship, i.e., the genuine, comprehensible contribution depends on the respective subject area. In particular, these are scientific contributions to
- the development and conception of the research project,
 - the development, collection, acquisition, provision of the data, software or sources,
 - the analysis, evaluation or interpretation of the data, sources and the resulting conclusions, or
 - the writing of a manuscript.

Needless to say, appropriate recognition and consideration of the contributions of predecessors, competitors and employees should be given.

- (2) Co-authorship is not established by:
- Acquiring funding.
 - Providing standard research materials.
 - Instructing staff in standard methods.
 - Merely providing technical assistance for data collection.
 - Merely providing technical support (e.g., provision of equipment).
 - Merely providing data.
 - Merely reading the manuscript without substantial contribution to its content.
 - Holding a supervisory function or being a part of the management of the department or working group from which the publication originated.

Likewise, the employment or service relationships between the participants are irrelevant for the justification of (co-)authorship. Persons with smaller contributions are mentioned with an acknowledgement. A so-called “honorary authorship” is excluded.

- (3) The authors of a text, data or software publication are jointly responsible for its content. The participating researchers have to agree on who is to be the author of the research results. Agreement on the order of the authors should be reached at the latest when the manuscript is being drafted and on the basis of comprehensible criteria, taking into account the conventions of each subject area. Consent may only be withheld with sufficient reason, such as verifiable criticism of data, methods, results or unclear rights of use.²²

²⁰ According to the DFG Code of Conduct, Guideline 13: Providing public access to research results, p. 18.

²¹ Münster University of Applied Sciences, p. 10.

²² According to the DFG Code of Conduct, Guideline 14: Authorship, p. 19.

- (4) It is against the rules of good scientific practice to terminate the collaboration on a publication without sufficient reason or, as co-author, to hinder or refuse the publication of results without urgent reason.

§ 10 Legal and ethical framework, usage rights

- (1) Researchers of the TH Köln are obliged to handle the freedom of research, which is granted to them by the constitution, in a responsible manner.²³ Particularly rights and obligations arising from legal regulations and from agreements or contracts with third parties must be observed. Agreements on the use of research data or results also constitute framework conditions of a research project, just like grant notifications including incidental provisions of the funding bodies.
- (2) Agreements or contracts regulating the rights of use should be concluded at the earliest time, if possible and reasonable. This applies in particular if a research project involves third parties or if it is already clear at an early stage that a person involved will be leaving the TH Köln. In principle however, the rights to use research data and results belong to the researchers who collected them.²⁴
- (3) Taking into account their knowledge, experience and skills, individual researchers are obliged to recognise, assess and evaluate the consequences and risks of their research projects. They should be aware of the risk of misuse of research results, including in the context of safety-relevant research and ethical aspects. If special approval or a vote by an ethics committee are required in order to conduct a research project, these must be obtained.
- (4) The TH Köln's management is responsible for ensuring that the actions of its members and staff conform to the rules; this is promoted by establishing binding principles for research ethics and procedures for the respective assessment of research projects.

§ 11 Archiving research results and research data

Research data and results that have been made publicly available must be archived (including the underlying materials, original data and any research software used) in an adequate manner and to subject-specific standards for a period of ten years. The start date of this period is the day on which the data was made publicly available.²⁵ The archival is carried out on durable and secure repositories at the institution where the data was collected or on other recognised repositories. If co-authors leave the institution before the end of the intended archival period, the responsibility for archiving the data must be agreed on with the supervisor. Shortened periods of archival or only partial archival are permissible subject to documentation of comprehensible, if applicable legally prescribed, reasons. If several institutions are involved in the data collection process, the question of storage and access rights must be regulated contractually.

The university management ensures that the necessary infrastructure is put in place at the TH Köln to enable proper archival.²⁶

²³ According to the DFG Code of Conduct, Guideline 10: Legal and ethical framework, usage rights, p. 16.

²⁴ Münster University of Applied Sciences, p. 9.

²⁵ According to the DFG Code of Conduct, Guideline 17: Archiving, p. 22.

²⁶ Ibid.

III Non-compliance with good scientific practice

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

All persons involved in proceedings to investigate scientific misconduct at the TH Köln must do their utmost to protect both the informants and the accused persons and must maintain strict confidentiality. The principle *presumption of innocence* applies. Neither the informant nor the accused person (the latter at least until scientific misconduct has been proven) can suffer disadvantages for their own professional and scientific advancement, e.g., through delays during ongoing qualification procedures. Sections 186 and 187 (defamation, slander) of the German Criminal Code (*Strafgesetzbuch/StGB*) remain unaffected.

§ 13 Scientific misconduct

- (1) Scientific misconduct occurs when false statements are made within scientific work, either through deliberate or through gross negligence, when the intellectual property of others is infringed or when research activities of others are sabotaged. Breaches of good scientific practice include, for example:
 - Invention, falsification and suppression of data, false statements in research proposals.
 - Failure to properly secure or sufficiently document original data.
 - Incorrect information in a funding application (including incorrect information on publications/publications currently in print).
 - Plagiarism.
 - Failure to cite used results or findings of others.
 - Fraudulent authorship in publications.
 - Exclusion of legitimate authorship.
 - Deliberately false (defamation) or wilfully made (slander) accusations regarding good scientific practice.
 - Breach of trust as a reviewer or supervisor.
 - Arbitrary delay of publications in the case of reviewer activities.
- (2) Joint responsibility for misconduct may arise – among other things – from participation in the misconduct of others, through co-authorship of publications containing falsification, gross neglect of the duty of supervision in research projects and lack of instruction of those involved in research regarding good scientific practice or other gross violation of the duty of supervision in the case of students, doctoral candidates and post-doctoral researchers.

§ 14 Ombudsperson

- (1) Upon consultation with the Senate, the Executive Board appoints a person with research experience as the ombudsperson for members and staff of the TH Köln who have questions about good scientific practice or suspect scientific misconduct. Due to potential bias, a substitute is also appointed. The ombudsperson and their substitute cannot be members of a central governing body during their term of office. The term of office is limited to five years; a further term is possible. Only researchers of integrity with previous management experience can be appointed as ombudspersons by the Executive Board.²⁷ To do so, the Executive Board submits a staff proposal to the Senate. If there is no objection, the Executive Board decides on the appointment and sends the appointee a letter of appointment.

²⁷ According to the DFG Code of Conduct, Guideline 6: Ombudspersons, p. 12.

- (2) As a neutral and qualified person of trust, the ombudsperson advises on both general questions of good scientific practice and in cases of suspected scientific misconduct. The ombudsperson also advises members of the TH Köln, in particular early-career researchers and students, who have been involved in a case of scientific misconduct through no fault of their own, on how they can maintain or restore their academic and personal reputation.
- (3) The principles of an ombudsperson's work are confidentiality and fairness. The ombudsperson is not bound by instructions and is obliged to maintain confidentiality and impartiality.
- (4) The appointment of the ombudsperson, their substitute and all contact details must be announced publicly to the university, for instance, via the internet, the intranet, in the notices of the university administration and via a circular letter to the deans and the management of the academic institutions of the TH Köln.²⁸
- (5) The ombudsperson and their substitute must be granted administrative and substantial support and acceptance by the university management so that they are able to perform their duties.²⁹

§ 15 Procedure in cases of alleged research misconduct

- (1) Members and staff of the TH Köln who have objective indications of research misconduct may either directly contact the TH Köln's ombudsperson or the "Ombuds Committee for Research Integrity in Germany".³⁰ As an independent body, the committee supports all scientists in Germany in questions and conflicts around the topics of good scientific practice or scientific integrity.³¹ This also applies if a person is unsure whether an observed behaviour constitutes scientific misconduct or if they cannot check the facts themselves.
- (2) The TH Köln will investigate every concrete suspicion of scientific misconduct at the university that is brought to the attention of the ombudsperson.³² The ombudsperson of the TH Köln and their substitute are obliged to investigate the indications and complaints within a period of four weeks. The identity of the person making the report will be treated confidentially. Their name will not be passed on to third parties without consent. Other provisions apply if there is a legal obligation to do so or if the person affected by the allegations cannot defend themselves properly otherwise. Before the name is disclosed, the person who has made the report must be informed. The informant also has the option to withdraw the report if their name is likely to be disclosed. Provided that the report is not demonstrably made against better knowledge, the informant is to be protected even in the case of unproven scientific misconduct. An anonymous report will be similarly investigated if facts are presented that can be substantiated. The allegations will be checked for plausibility and significance. The ombudsperson checks separately with the accused and the informant whether a case of suspicion should be dealt with. If all three parties agree that the suspicion is unfounded, there is no need for further proceedings. If not, then the information is forwarded to the Executive Board with due regard for confidentiality.
- (3) If it is decided that a case of suspicion should be dealt with, the Executive Board forms an Investigation Committee consisting of one professor from each of the three fields of humanities, natural sciences and engineering to investigate the matter. A substitute is appointed for each

²⁸ Münster University of Applied Sciences, p. 16. According to the DFG Code of Conduct, Guideline 6: Ombudspersons, p. 13

²⁹ Münster University of Applied Sciences, p. 16.

³⁰ According to the DFG Code of Conduct, Guideline 18: Complainants and respondents, p. 23.

³¹ Further information on the "Ombuds Committee for Research Integrity in Germany" can be found here: <https://ombudsman-fuer-die-wissenschaft.de/?lang=en> (20.02.2023).

³² According to the DFG Code of Conduct, Guideline 19: Procedures in cases of alleged research misconduct, p. 25.

member. If a member is absent, their substitute is called in in order to minimise delays. Any bias must be taken into account when appointing the Investigation Committee.

- (4) The Investigation Committee appoints one of its members as chairperson. The members hold office for the duration of the investigation. When appointing the members of the Investigation Committee, gender balance must be ensured. If necessary, the Investigation Committee may call in further persons for advice.
- (5) In addition to the aspects mentioned under Section 15, Paragraph 2, the following applies to informants in further proceedings:
 - The informant's report must be made in good faith. Deliberately false or wanton accusations may themselves constitute scientific misconduct (cf. Section 12).³³
 - The identity of the informant is public if the informant chooses to report the matter to the public. In this case, the subsequent procedure will decide how to deal with this breach of confidentiality.
- (6) The decision whether the principles of good scientific practice have been violated in a student's homework or seminar paper or a Bachelor's or Master's thesis is the responsibility of the respective examiners and the examination boards. Violations of recognised scientific rules are punished according to the provisions of the respective examination regulations.

§ 16 Work of the Investigation Committee

In the event of an investigation, the Investigation Committee must observe the following principles:

1. The Investigation Committee cannot meet in public.
2. Resolutions are adopted by simple majority.
3. The Investigation Committee is entitled to take all necessary steps to clarify the facts of the case. For this purpose, it may obtain all necessary information and statements and, in individual cases, also consult experts from the relevant field of science. The Investigation Committee examines whether scientific misconduct has occurred in a free evaluation of evidence. The formal investigation procedure should be completed within three months.
4. The incriminating facts and any available evidence must be brought to the attention of the accused person.
5. Both the accused person and the informant must be given the opportunity to make an oral statement. The accused person has the right to inspect the files.
6. If the suspicion of a violation of good scientific practice cannot be dispelled, a report by the Investigation Committee is submitted to the Executive Board which will decide on the further course of action. In addition to employment or service law, the initiation of academic, civil or criminal law consequences is also possible.
7. The accused person and the informant must be informed in writing of the decision of the Executive Board. The reasons that led to the decision are to be communicated.

§ 17 Sanctions

- (1) Irrespective of legal consequences, the TH Köln reserves the right to impose sanctions in the event of a violation of good scientific practice, depending on the degree of severity. These can be, among others:
 - Warning of the person concerned by the President.
 - Orders to correct and withdraw publications that have not been correctly written.

³³ Cf. Münster University of Applied Sciences, p. 15.

- Exclusion from university-internal research funding procedures on a temporary or permanent basis.
- Disciplinary consequences.
- Withdrawal of the academic degree.

In the event of withdrawal of the academic degree, the bodies responsible must be informed and involved.³⁴

- (2) In the case of third-party funded research, the funder must be informed in the event of a violation of good scientific practice. Likewise, other third parties who have a justified interest in the decision must be informed of the result. Depending on the case, the bodies or institutions responsible must initiate legal or regulatory measures with the appropriate procedures.

IV Final provisions

§ 18 Taking effect

The “Regulations for Safeguarding Good Scientific Practice of the TH Köln – University of Applied Sciences” will take effect on 29th June 2023 and will be published in the Official Notices of the TH Köln. When the regulations come into force, the “Regulations for Safeguarding Good Scientific Practice of TH Köln – University of Applied Sciences” of 12th December 2019 will cease to apply. Issued on the basis of the resolution of the Senate of the TH Köln of 28th June 2023.

Cologne, 17th July 2023

The President of the TH Köln

Prof. Dr. Stefan Herzig

³⁴ According to the DFG Code of Conduct, Guideline 19: Procedures in cases of alleged research misconduct, p. 25.

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