

Leipzig University

Leipzig University
Statutes on Safeguarding Good Academic Practice

September 22, 2022

Contents

Preamble

I. Safeguarding Good Academic Practice

- § 1 General
- § 2 Authorship of Academic Publications
- § 3 Doctoral and Early Career Researchers

II. Academic Misconduct

- § 4 Academic Misconduct
- § 5 Shared Responsibility for Misconduct

III. General Procedural Guidelines and Organisation

- § 6 Principles
- § 7 General Procedural Guidelines
- § 8 The Office of Ombudspersons
- § 9 Responsibilities of the Members of the Office of Ombudspersons
- § 10 The Standing Committee
- § 11 Chair and Procedures of the Standing Committee
- § 12 Responsibilities of the Standing Committee

IV. Procedure in Cases of Academic Misconduct

- § 13 Reports of Suspected Misconduct
- § 14 Statement of Opinion of the Respondent
- § 15 Preliminary Inquiry by the Standing Committee
- § 16 Formal Investigation
- § 17 Decision-Making in the Formal Investigation Procedure

V. Possible Decisions and Sanctions following Academic Misconduct

- § 18 Decisions Made by the Rector
- § 19 Legal Consequences in terms of Labour and Employment Law
- § 20 Academic Consequences
- § 21 Legal Consequences in terms of Civil Law
- § 22 Legal Consequences in terms of Criminal Law
- § 23 Informing of External Parties to be Protected and the Public

VI. Commencement

- § 24 Commencement

Preamble

As part of its legal obligation, Leipzig University assumes responsibility for the organisation of the following:

- Research
- Teaching
- Supporting doctoral and early career researchers

Teaching and the support of doctoral and early career researchers are inseparably connected with research at the University. For the University, it is especially important to establish and foster an atmosphere of openness, creativity and dedication. In its perception of its own responsibility in research, the University has laid down suitable framework conditions and guidelines for honest academic activity.

Integrity on the part of the researcher is a basic prerequisite for academic work. Lack of academic integrity is different from error in that it goes against the aspirations that academia has set itself.

The abovementioned integrity of academic researchers cannot be replaced by a set of rules. In general, legal framework conditions cannot eliminate academic misconduct. However, rules can help to prevent misconduct. Yet academic misconduct cannot be judged using general rules alone; a sanction is suitable in

most cases when the individual circumstances have been taken into account. As a result of these considerations and after its conference on 12 July 2022, the senate has released these Statutes on Safeguarding Good Academic Practice for Leipzig University, based on section 79, sentences 3 and 13, paragraph 3 sentence 1 of the Saxon Freedom of Higher Education Act [*SächsHSFG*] and in consultation with the rectorate.

I. Safeguarding Good Academic Practice

§ 1

General

- (1) In order to ensure good academic work at Leipzig University, the rules of good academic practice are to be complied with by all members of the University community in all areas of research. Academic researchers at all stages of their career regularly update their level of knowledge in line with the standards of good academic practice and current research. The following provisions for the safeguarding of good academic practice should therefore contribute to preventing academic misconduct where possible and therefore also to promoting the quality of academic work. All members of the University community are obliged to observe these statutes on safeguarding good academic practice. For the abovementioned persons, these statutes are even relevant when the persons are no longer working at Leipzig University but are still affected by allegations of academic misconduct from their activity there.
- (2) The following requirements must be placed on good academic practice, which allow for quality assurance across several phases:

Academic researchers must

1. Work on the principles of *lege artis*, which especially includes:
 - a) Conducting investigations according to the present state of knowledge; knowledge of the most current research and suitable methods is therefore indispensable;
 - b) Using methods of preventing (conscious or unconscious) bias when interpreting scientific data and findings. When developing and using new methods they must pay particular attention to quality assurance and to establishing standards. Academic researchers verify whether, and if yes, to what extent, gender and diversity are significant for the research project (considering the methods, work programme,

- objectives etc.);
- c) Practising a strict policy of honesty with regard to the contributions of partners, competitors and forerunners as well as towards external funding bodies;
 - d) Consistently challenging all results themselves, while also allowing and promoting a critical discourse within the academic community;
 - e) Presenting all applied mechanisms of quality assurance, especially when new methods are being developed. This is especially relevant with regard to compliance with subject-specific standards and established methods and well as with regard to processes such as calibration of devices, gathering, processing and analysing research data, the selection and use of research software, its development and programming and the use of laboratory journals. Where researchers have made findings publicly accessible, and they subsequently become aware of discrepancies or mistakes, they will correct these. In the case that the discrepancies or mistakes form grounds for the withdrawal of a publication, researchers must react to this as quickly as possible in communication with the publisher or the infrastructure provider, in order that the correction or withdrawal is undertaken and made known appropriately. The same is true where researchers are made aware of discrepancies or mistakes by third parties.
2. Document the research process and the results obtained in an accurate and understandable way and record them transparently, as well as safeguarding and storing the primary data. This means that all information and data relevant for the accomplishment of research findings as well as any fundamental and central materials must be documented and archived in a logical fashion. Selectivity concerning research results is not permissible; even negative results that do not support the research hypothesis must be documented. It must be possible for other researchers to replicate or, in certain cases, disprove results and findings. Where specific technical recommendations exist for verification and valuation, researchers must undertake documentation according to the corresponding requirements. In cases where the documentation does not correspond to these requirements, any reductions and the reasons for these will be presented in a comprehensible way. In the development of research software, the source code must be documented. Documentation and research results may not be manipulated. Primary data must be stored and made accessible for ten years in the institution in which they originated or in generally accessible repositories, on a stable and secure medium, as a foundation for publications. In valid cases, a shortened retention period may be suitable; the relevant reasons must be described in a

comprehensible way. The beginning of the retention period must be defined, however in any case it must have begun on the date on which public access is given. Leipzig University ensures that the infrastructure necessary to enable archiving is available. If plausible reasons exist for not storing certain data, researchers must state these.

3. Document and consider rights of use and exploitation; here, as far as reasonable and possible, agreements must be made at the earliest possible point of the research proposal, considering, amongst other things, the use of the data after leaving Leipzig University. As a rule, the researcher who gathered the data is allowed to use it. The legal situation of each individual case is paramount. Within the continuing research project, the people having right to use of the data decide whether third parties may have access to the data, in consideration of data protection regulations.
4. Introduce all results into academic discourse. In individual cases, there may be reasons not to make results publicly available (on a small scale in the form of publications, but also on a larger scale via other communication channels). Researchers are responsible for deciding whether, how and where to make their results publicly available, taking into account the practices of the discipline concerned. When researchers have made a decision to make results public, they must describe this decision in a comprehensive and comprehensible manner. In order to promote transparency, research connectivity and re-usability, researchers must, as far as possible, deposit the research data and central materials underlying the publication in recognised archives and repositories, by following the FAIR principles (*Findable, Accessible, Interoperable, Re-Usable*). Inappropriately small publications must be avoided. Researchers should limit repetition of the content of their publications as (co-)authors to the extent necessary for an understanding of the context. They must cite results of their own that have already been made publicly available, unless this can be foregone by way of exception, according to the discipline's individual self-perception.
5. Foster postdoctoral researchers and supervise them in an appropriate and responsible way, according to section 3 of these statutes.
6. Appreciate the responsibility of leadership in working groups and strengthen cooperation, academic and otherwise. The leadership of academic work units is responsible for ensuring appropriate individual supervision as well as career advancement of academic research staff and academic research support staff. Researchers and academic research

support staff must balance accessing support with individual responsibility, corresponding to the stage of their career. The roles and responsibilities of those involved in a research project must be clear at all times and should be defined before the project begins; they will be adjusted as necessary, especially if the focus of the work of one of the participants in the research project changes.

7. Always respect the intellectual property of others, and correctly identify quotations and copies. The origin of the data, organisms, materials and software used in the research process must be identified and any subsequent use must be documented.
 8. Comply with ethical standards when conducting research projects and take aspects of safety-relevant research into consideration (*dual use*). Rights and obligations, especially those resulting from legal requirements but also those resulting from contracts with third parties, must also be taken into account; approvals and ethics votes must be obtained, if these are necessary. Research consequences must be thoroughly assessed and the ethical aspects evaluated.
 9. Evaluate academic performance primarily on the basis of qualitative scales, whereby the evaluation of academic performance is based on discipline-specific criteria. In addition to the generation of knowledge and its critical reflection, other performance dimensions such as commitment to teaching, academic self-administration, public relations work, transfer of knowledge and technology and individual characteristics in a person's career should be taken into account.
 10. Maintain confidentiality and neutrality in evaluations and advisory services; the disclosure of data content concerning another person or persons to third parties as well as any personal use of such data content is not permitted. Conflicts of interest and facts that could give rise to concerns of bias must be reported immediately. The obligation to maintain confidentiality and to disclose facts that could give rise to concerns of bias also applies to members of academic advisory and decision-making committees. The confidentiality of data content to which the reviewer or committee member gains access disqualifies its disclosure to third parties and its private use by the abovementioned persons.
- (3) In its responsibility as an organisation, Leipzig University undertakes to comply with and convey good academic practice as follows:

1. It ensures that, depending on the size of the individual academic working units, the tasks of management, supervision, quality assurance and conflict regulation are clearly assigned and appropriately communicated to the respective members and affiliates.
2. It creates the framework conditions for searching for research achievements that have been made publicly available.
3. It guarantees that the principles of academic working and good academic practice are conveyed early on in foundation and bachelor's degrees with reference to these statutes, and pledges honesty and responsibility in academia. Here, attention should be drawn to the dangers and possible consequences of academic misconduct.
4. In order to qualify, students and doctoral and early career researchers must hand in a declaration of compliance with the rules of good academic practice described in these statutes. The regulations relevant for postgraduate courses will be amended by the faculties, as necessary.
5. Leipzig University shall fulfil its responsibility towards its academic staff and any other staff by informing and instructing them at both faculty and centre level about the principles of academic work and good academic practice, with reference to these statutes. Instruction shall be given in writing and shall be confirmed by signature. As a rule, this shall take place upon employment.
6. Arbitrators, ombudspersons and members of the Standing Committee for Investigating Allegations of Academic Misconduct¹ receive support and acceptance in the performance of their duties. The university ensures that the arbitrators and ombudspersons are sufficiently visible. Measures to reduce the workload of the ombudsperson system are planned in order to increase its effectiveness.
7. Obligatory regulations for ethics in research and processes for the corresponding evaluation of research proposals is ensured by the Ethics Advisory Board and the Ethics Committee at the Faculty of Medicine of Leipzig University.
8. When recruiting staff and concerning staff development, equal opportunities shall be given to people of all genders and diversity shall

¹ In the following, the Standing Committee refers to the Standing Committee for Investigating Allegations of Academic Misconduct

be respected. The relevant processes are transparent and avoid non-academic influences as far as possible (unconscious bias). Appropriate supervision structures and concepts have been established for doctoral and early career researchers. Candid advisory services for academic or other career paths as well as opportunities for further education and mentoring are offered to academic and academic support staff.

§ 2

Authorship of Academic Publications

- (1) The author is a person who has made a genuine, verifiable contribution to the content of an academic text, data or software publication. All authors must agree on the final version of the manuscript that is to be published. They bear joint responsibility for the publication, unless explicitly stated otherwise.

The following academic contributions usually form the criteria required for authorship or co-authorship, each one counting individually and taking into account subject-specific practice:

- Conception of an academic study;
- Development of methods to conduct the study
- Preparation, gathering, procurement and/or provision of the data, software, and/or sources;
- Analysis/evaluation or interpretation of the data, sources and/or any conclusions arising from these;
- Composition of a manuscript.

Honorary authorship, in which no such contribution has been made, is not permitted.

As a rule, particularly the following contributions are not sufficient to establish authorship or co-authorship, each one counting individually:

- Responsibility for accessing funding;
- Managing or directing the institute, department the working group in which the research projects to be published are being conducted;
- Purely technical contributions to data gathering or purely technical compilation of graphics or tables from data already made available;

- Entirely technical support, e.g. through provision of appliances and/or test materials;
- Reading of the manuscript without substantial active participation in its content.

In the case where a contribution is not sufficient to justify authorship, this support can instead be appropriately recognised in footnotes, a foreword or in the acknowledgements. The employment or service relationships between those involved are irrelevant for the establishment of (co-)authorship.

- (2) All authors should confirm the release of a manuscript for publication in writing or electronically. The contribution of each person or working group should be documented. The order of authors should be agreed upon in good time on the basis of logical criteria, at the latest when the manuscript is being written. All authors must be granted the right and sufficient time to gain access to the original data on which the publication is based. Where unpublished research results of other persons are cited in the manuscript or if findings from other institutions are used, their written consent must be obtained - subject to other recognised academic review.
- (3) Agreeing to be named as co-author establishes joint responsibility for ensuring that the publication meets academic requirements. This is especially relevant for the section in which the co-author has made a contribution. The co-author is responsible for the correctness of their own contribution and for ensuring that this contribution is inserted into the publication in an academically acceptable way.
- (4) If individual researchers are named as co-authors in a publication without their consent, and if they feel unable to give this consent, they are expected to expressly object to being named as co-authors by confronting the person primarily responsible and/or the editorial office of the relevant journal or publisher.
- (5) It is against the rules of good academic practice to terminate cooperation without sufficient grounds or for a co-author to prevent the publication of the results in the absence of an urgent reason, as the publication is dependent on their approval. Refusals to publish must be justified with verifiable criticism of data, methods or results.
- (6) In the context of cooperation with other universities, research institutions and/or industrial partners, regulations on the publication of the results shall be agreed contractually before the cooperation begins, if possible. In

principle, cooperation in publications or consent to them may not be refused on the grounds of intellectual property (patents, copyrights, knowledge, etc.) in research results. If the legitimate interests of a contributing researcher conflict with this, the publication may be postponed in whole or in part for a reasonable period of time if an appropriate retention period has been agreed between the persons involved. An appropriate retention period should already have been agreed upon at the beginning of the cooperation, but at the latest when the legitimate interest of a contributing researcher in a retention period become clear. Legitimate interests are, in particular, personal rights and/or economic interests in connection with spin-offs and cooperations with organisations and companies. section 42 of the German Employee Inventions Act [*Arbeitnehmererfindungsgesetz*] remains unaffected. In cases of doubt, the Office of Ombudspersons can be contacted (section 8).

- (7) The publication medium shall be carefully selected, taking into account its quality and visibility in the respective research field. Publication in books and specialist journals shall be considered but publication in specialist repositories, data and software repositories and blogs shall also be given particular consideration. The academic quality of a contribution does not depend on the publication medium through which it is made publicly available. New or unknown publication media should be examined regarding their trustworthiness. An essential criterion is the existence of the medium's own guidelines for good academic practice.

§ 3

Doctoral and Early Career Researchers

- (1) Academic work begins with the bachelor's or master's degree, graduate degree, state examination, diploma and/or PhD thesis, at the latest. In addition to conveying methodical skills, the University imparts a fundamental ethical approach for academic work, for responsible handling of research data and results and for cooperation with other researchers.

Doctoral and early career researchers have a right to regular academic supervision, advisory services and support. teachers bear particular responsibility when supervising qualifying academic work and their own academic work sets a good example for students and postgraduates. Abuse of power and exploitation of relationships of dependency must be prevented both at the level of the individual academic working unit and at the level of the management of the academic institution.

- (2) The duty of supervision towards young researchers includes actively

promoting the completion of qualification theses and reviewing them within an appropriate time frame in accordance with the relevant guidelines. A supervision agreement should be concluded for the binding definition of the individual framework conditions as well as that of the rights and obligations of supervisors and doctoral students. The doctoral regulations contain a passage that obliges all persons involved to comply with this agreement.

- (3) The University appoints persons to mediate conflicts in matters concerning doctoral and early career researchers. They may be called upon by doctoral candidates, postdoc researcher and supervising university teachers. They are bound to confidentiality and they work independently and impartially and are not bound by instructions. Mediators are appointed for a term of two years and can be reappointed.

II. Academic Misconduct

§ 4

Academic Misconduct

Academic misconduct is deemed to have occurred if, in a context relevant to the academic work concerned, false statements are made intentionally or through gross negligence, the intellectual property of others is infringed, the research activities of others are impaired or obstructed, cooperation in the clarification of academic misconduct is refused or clarification is delayed, the principles of appropriate supervision of doctoral and early career researchers are grossly violated or confidentiality is breached in an assessment or investigation procedure. The circumstances of each individual case are decisive.

1. Misdeclarations are, in particular:

- Inventing data
- Falsifying data and sources, e.g.:
 - by selecting and rejecting undesirable results without disclosing this;
 - by manipulation of a representation or diagram;
 - by eliminating relevant sources, data, evidence or texts and/or failure to take measures to clarify dishonesty in the handling of data and texts;

- incorrect information in a letter of application or a funding application (including false information about the publication medium and about publications in print);
- incorrect information concerning the academic performance of applicants in selection or review committees;
- incorrect claims that papers submitted have been peer-reviewed;
- Endorsing the work of others on publications and research proposals without having reviewed them;
- Deception of external funding bodies concerning points relevant to the decision (including disregard of an existing prohibition on double funding).

2. Breach of intellectual property occurs in particular in the following cases:

- Unauthorised exploitation by assuming authorship (plagiarism);
- Exploitation of other people's research data, results or approaches or their new, unpublished ideas, especially as a reviewer (theft of ideas);
- Arbitrarily delaying the publication of scientific work, in particular as an editor, reviewer or co-author;
- Presumption or unfounded acceptance of scientific authorship or co-authorship;
- Denial of a claim to co-authorship acquired by appropriate scientific contributions;
- Falsification of the content of other people's research results;
- Unauthorised publication of work and making it available to third parties where the author has not yet published the work, the findings, the hypothesis, the teaching or the research approach.

3. Interference with the research activities of others is present in the following cases:

- Deliberate or grossly negligent obstruction of the research activities of other researchers, and careless and dishonest attempts to diminish the scientific reputation of others;
- Sabotage of research activities, including stealing, misappropriating, damaging, destroying or tampering with experimental set-ups, equipment, records, hardware, software, chemicals, books, archival documents, data sets or other academically relevant information carriers needed by others to conduct their research;
- Disposal of primary data and violation of the duty to document and store data pursuant to section 1, paragraph 2, no. 2;
- Termination of cooperation without sufficient cause or prevention of publication of the results without urgent cause, as a co-author on

whose consent the publication is dependent, pursuant to section 2, paragraph 5;

- Careless handling of allegations of academic misconduct, in particular the making of deliberately incorrect, unverified allegations and allegations made without sufficient knowledge of the facts.

§ 5

Shared Responsibility for Misconduct

- (1) Shared responsibility for misconduct can arise in particular out of the following intentional or grossly negligent actions:
 - Participation in the misconduct of others;
 - Concealment of falsification committed by others;
 - Co-authorship of publications containing falsification;
 - Neglecting the duty of supervision with regard to good academic practice towards students and doctoral candidates by university teachers in the context of the academic qualifications they supervise.
- (2) The responsible ombudsperson and/or the Standing Committee shall verify individual cases and decide whether shared responsibility for a case of misconduct represents individual misconduct.

III. General Procedural Guidelines and Organisation

§ 6

Principles

- (1) Leipzig University shall pursue every report of suspected academic misconduct individually without regard to the person.
- (2) The ombudspersons, the members of the Standing Committee and the staff of the office are obliged to maintain confidentiality. Ombudspersons and members of the Standing Committee shall work independently and impartially and are not bound by instructions.
- (3) Confidentiality for the protection of both the whistle-blowers and the persons affected by allegations shall be maintained in an appropriate manner so that no disadvantages result for their academic and professional

advancement. In particular, information about those involved in the procedure and the findings to date shall be treated confidentially until academic misconduct has been proven. The principle of presumption of innocence shall apply. If the informant is known by name, the investigating body shall treat the name confidentially and shall not disclose it to third parties without appropriate consent. Anything else shall only apply if there is a legal obligation or if the person affected by the allegations cannot otherwise defend himself/herself properly, because the identity of the person providing the information is exceptionally important for this. The confidentiality of the procedure is restricted if the person providing the information makes their suspicion public. This person must also be protected in the case of unproven academic misconduct, unless it can be proven that the allegations were made against better knowledge.

- (4) The ombudspersons and the members of the Standing Committee may consult specialists. These persons are also obliged to maintain confidentiality.

§ 7

General Procedural Guidelines

- (1) The commissions have an office, where office staff assist both the Office of Ombudspersons and the Standing Committee with administrative tasks. They also have the right to inspect and process the procedure insofar as this is necessary for the performance of the tasks assigned by the commissions; they also supervise the procedure. They advise persons who suspect academic misconduct at their request and inform them in particular about their options and the procedural steps.
- (2) Excluded from discussion and decision-making are, in particular, ombudspersons and members of the Standing Committee who are directly or indirectly involved in the respective allegations or whose interests are affected in such a way that there is a concern of bias. The same applies for specialists and for the external experts called upon by the commissions for assistance. Any possible conflicts of interest concerning ombudspersons and members of the Standing Committee are to be disclosed; ombudspersons must disclose these to the Office of Ombudspersons and members of the Standing Committee must also disclose them to the chairperson.
- (3) In the case that the suspected academic misconduct occurred more than ten years in the past, an assessment procedure shall not take place. However,

in deviation from sentence 1, in cases where the suspected academic misconduct is particularly serious and has lasting repercussions, an assessment procedure shall nevertheless be begun. Other provisions established to punish such conduct, especially employment law, civil law and criminal law, as well as university regulations, are not affected by the fact that no assessment procedure is begun.

- (4) If academic misconduct is found regarding a researcher's work at Leipzig University when the researcher concerned is a member of another university or academic institution, then the commissions must inform this university or academic institution about the academic misconduct concerned.
- (5) The same is true for a researcher who is guilty of academic misconduct regarding his/her work at Leipzig University, but who was not in an employment relationship with Leipzig University when the academic misconduct occurred.

§ 8

The Office of Ombudspersons

- (1) Following suggestions made by the rectorate, the Senate shall appoint experienced researchers with national and international relations as points of contact (ombudspersons) for questions concerning good academic practice and for researchers who want to put forward allegations of academic misconduct. They shall also appoint one deputy point of contact for each position allocated. The Office of Ombudspersons consists of these ombudspersons, who are either members of the University or part of the University community. As a rule, the term in office of an Office of Ombudspersons corresponds to that of the Senate. A re-election for an additional term in office is possible. The DFG [*Deutsche Forschungsgemeinschaft*, German Research Foundation] liaison officer may not simultaneously be a member of the Office of Ombudspersons. Members of the Office of Ombudspersons should belong to different faculties. The ombudspersons may not be members of a central performance panel during their term in the Office of Ombudspersons.
- (2) Every member of the University and of the University community has the right to speak to an ombudsperson in a face-to-face setting within a reasonable time frame. The same is true for former members of the University or of the University community. Alternatively, present and

former members of the University and of the University community can appeal to the German Research Ombudsman [*Ombudsman für die Wissenschaft*], a panel that is active nationwide and is an independent authority in advising and assisting in questions of good academic practice and breaches of it due to disregard for academic integrity.

§ 9

Responsibilities of the Members of the Office of Ombudspersons

Members of the Office of Ombudspersons have the following responsibilities:

1. They constitute a person of trust and advise members of Leipzig University and of the University community, who are informing about a case of academic misconduct in the sense of sections 4 and 5.
2. They examine the plausibility of the allegations, which must be sufficiently substantiated. After consulting with the persons concerned, they clarify whether the allegations can be dispelled in a preliminary inquiry and/or whether an amicable settlement can be reached between the complainant and the respondent (preliminary inquiry according to section 13, paragraph 4).
3. As long as they protect the legitimate interests of the persons involved in the procedure, they are entitled to obtain the information and opinions necessary to clarify the facts and, in individual cases, to consult specialists and experts in the respective field.
4. In the cases described in section 13, paragraphs 8 and 9, the ombudsperson must communicate any allegations to the Standing Committee and submit a written report about his/her endeavours towards a preliminary inquiry.
5. They are obliged to document their actions, while considering data protection of the respondent and the complainant.

§ 10

The Standing Committee

- (1) The Standing Committee consists of members who are chosen considering suggestions submitted by the rectorate and who have a term in office corresponding to that of the Senate, as well as members by virtue of office.

A re-election of the chosen members for an additional term in office is possible; one deputy for each position must be allocated. The Standing Committee is formed of the following members who are eligible to vote:

- The vice-rector responsible for research (by virtue of office);
 - The DFG liaison officer (by virtue of office);
 - Three lecturers, of whom one must be a qualified lawyer;
 - One academic staff member;
 - One member of the student body and one doctoral student, both of whom only assume their respective roles when the case concerns students or doctoral students.
- (2) In addition, the respective ombudsperson responsible for the procedure and up to two specialists who can be invited to any allegations form part of the Standing Committee; they have an advisory capacity. The specialists do not necessarily have to be lecturers at Leipzig University.
- (3) The Committee shall become active either at the request of the respective ombudsperson responsible for the procedure or if the complainant raises substantiated objections to the decision of the ombudsperson responsible for the procedure in the preliminary inquiry of the Standing Committee. The procedure of the Standing Committee shall not replace other legal or statutory procedures designated, in particular according to sections 19 through 22. Where necessary, these will be initiated by the respective responsible institutions.

§ 11

Chair and Procedures of the Standing Committee

- (1) The Standing Committee shall appoint one chairperson and one deputy chairperson from amongst its members. The chairperson or, in his/her absence, the deputy chairperson, shall invite members to any Standing Committee meetings, chair the meetings, and act on any decisions made.
- (2) The Standing Committee has a quorum when at least four members are present who are eligible to vote. Decisions are made by the Standing Committee reflecting the majority of votes of the persons present. Abstention counts as refusal. Meetings are not public. Minutes must be taken during meetings; the minutes must record the day of the meeting, names of persons present and substantial outcome of the meeting.
- (3) Standing Committee must schedule opinions statements, hearings,

negotiations and decisions with such time limits that the procedure takes place in a timely manner.

- (4) As a rule, the Standing Committee makes decisions based on oral discussion. A written decision-making process in a circulation procedure is admissible following section 54, paragraph 3, sentence 2 of the Saxon Freedom of Higher Education Act [*SächsHSFG*] as long as all members agree to this.

§ 12

Responsibilities of the Standing Committee

The Standing Committee examines allegations of academic misconduct. In this role, it conducts both preliminary inquiries (section 15) and formal investigations (section 16). It can cancel procedure or make suggestions as to how a case of academic misconduct that has been identified should be sanctioned. Depending on the case, the Standing Committee may recommend structural repercussions that aim to prevent such academic misconduct occurring again.

IV. Procedure in Cases of Academic Misconduct

§ 13

Reports of Suspected Misconduct

- (1) Past and present members of Leipzig University and/or of the University community may inform the Office of Ombudspersons if they suspect specific academic misconduct.
- (2) Reports of suspected misconduct should be submitted in accompaniment of the incriminating facts and proof. If an oral report is given, a written statement must also be made documenting the allegation and the facts and proof upon which it is based.
- (3) A report of suspected misconduct can also be made anonymously. A report thus anonymously submitted can only be processed when the informing person presents reliable and sufficiently specific facts.
- (4) The ombudsperson responsible for the case shall examine the allegations

in view of their plausibility for correctness and importance. This is done by hearing the complainant and the respondent. It is examined whether the allegations can be dispelled and/or an amicable settlement can be reached between the complainant and the respondent. If the ombudsperson succeeds in doing so, he/she shall discontinue the preliminary inquiry procedure and informs the complainant and the respondent.

- (5) The ombudsperson may discontinue the preliminary inquiry after a settlement decision, in particular if the possibility of dispelling the allegations has arisen in the course of the procedure with the agreement of the complainant and the respondent and intervention on the grounds of academic misconduct is not (or no longer) necessary. The settlement decision shall contain a time limit for the implementation of any conditions. In case of non-agreement or non-implementation of such an agreement, the matter may be referred to the Standing Committee.
- (6) The ombudsperson may discontinue the preliminary inquiry concerning academic misconduct in minor cases and may make this discontinuation dependent on the implementation of conditions.
- (7) If informants are not in agreement with the decision about the preliminary inquiry made by the ombudsperson responsible for the case, they may contact the Standing Committee in writing within four weeks. Any objections must be made to the Standing Committee in writing within this four week period.
- (8) If the ombudsperson responsible for the case cannot dispel the allegations, he/she must submit an evaluation report including his/her decision, the relevant documents and the report of suspected misconduct to the Standing Committee and must also report on his/her endeavours in the preliminary enquiry.
- (9) If the report contains an especially serious case of suspected misconduct, the ombudsperson may decide to refer the procedure directly to the Standing Committee, without carrying out a preliminary inquiry, contrary to paragraphs 4, 5 and 8.

§ 14

Statement of Opinion of the Respondent

- (1) The Standing Committee shall inform the respondent without delay of the report of suspected misconduct and shall name the incriminating facts

(including submitted to the respondent the written report of suspected misconduct or the written statement made when documenting an oral report) and proof. The Committee shall grant him/her an agreed period of time to form a statement of opinion.

- (2) The time frame given to form a statement of opinion is normally four weeks. This must be granted in writing.

§ 15

Preliminary Inquiry by the Standing Committee

- (1) After the respondent's statement of opinion has reached the Standing Committee or after the agreed period of time has elapsed, the Standing Committee forms a decision within two months as to whether:
 - the preliminary inquiry is to be discontinued, because the suspected misconduct has not been sufficiently verified, or an alleged case of academic misconduct has been completely resolved, or the academic misconduct is not serious. Here, the complainant and the respondent must be notified as to the reasons.
 - The preliminary inquiry is to be advanced into a formal investigation, in order to resolve the situation and to make a decision. The reasons for this are to be documented in writing.
- (2) If a complainant is not satisfied with the discontinuation of the preliminary inquiry, he/she may appeal to the Standing Committee with any objections within four weeks. The Standing Committee is to advise and make a decision concerning the objections in appropriate application of paragraph 1, where appropriate after hearing the respondent.

§ 16

Formal Investigation

- (1) The Standing Committee shall initiate the formal investigation procedure by informing the respondent of the result of the preliminary examination. It shall inform the Rector of the initiation of the formal investigation procedure.
- (2) It may request supplementary information from the complainant and the respondent and may involve the responsible ombudsperson in an advisory

capacity. It may involve other persons as witnesses or experts and may gather statements of opinion. In a free evaluation of evidence, it determines whether academic misconduct has occurred.

- (3) The respondent, who has been accused of possible academic misconduct, is to be given an opportunity to form a statement of opinion. Upon request, the case of the complainant and the informant may be heard in person; they may be accompanied by one trusted person to support them.

§ 17

Decision-making in the Formal Investigation Procedure

- (1) If the Standing Committee does not consider a case of academic misconduct to be proven, it shall discontinue the procedure. sentence 1 shall also apply if the Standing Committee considers the academic misconduct not to be serious. The Rector must be made aware of the discontinuation. A complaint against the discontinuation of the procedure may be made only once by appealing to the Standing Committee. For further proceedings, section 16 shall apply accordingly.
- (2) If the Standing Committee considers a case of academic misconduct to be proven, the Rector must be informed in writing of the results of its investigations and makes a suggestion as to how to continue the proceedings (section 19 et seq.), while taking the rights of third parties into account.
- (3) The complainant and the respondent must be made aware in writing of the significant reasons why the procedure has been discontinued or referred to the Rector.
- (4) The respondent shall have a one-time right of appeal to the Standing Committee against a decision through which a case of misconduct has been established. For further proceedings, section 16 and paragraphs 1 through 3 shall apply accordingly.
- (5) The files containing details of the formal investigation shall be kept for 30 years; all persons taking part in the proceedings shall be informed of this.

V. Possible Decisions and Sanctions following Academic Misconduct

§ 18

Decisions Made by the Rector

If the Standing Committee has confirmed a case of academic misconduct and reported on this as per section 17, paragraph 2, the Rector shall decide on the further course of action after examining suggestions made by the Standing Committee. The Rector addresses recommendations made by the Standing Committee concerning possibly necessary structural changes to avoid a repeated case of academic misconduct. The Rector shall examine the implementation of these possible changes, in some cases in cooperation with other institutions concerned. A suitable gauge for this is the level of preservation of academic standards and the rights of all those directly or indirectly affected, the nature and seriousness of the academic misconduct and the need to punish it. Differing responsibilities for the procedures and measures in sections 19 through 22, due to different legal regulations, remain unaffected.

§ 19

Legal Consequences in terms of Labour and Employment Law

- (1) In the case of academic misconduct and insofar as the respondent is in an employment relationship with the Free State of Saxony and is working at Leipzig University, the following legal consequences in terms of labour law must be considered:
 1. Warning notice;
 2. Reasonable termination;
 3. Extraordinary termination (including termination on suspicion).
- (2) Insofar as the respondent is in an employment relationship with the Free State of Saxony as a civil servant, the consequences shall be taken from the relevant disciplinary regulations.

§ 20

Academic Consequences

- (1) Academic consequences of academic misconduct are to be determined on various levels and with different objectives.

- (2) In the case of confirmed, serious deficits in the supervision of students or doctoral researchers by a member of teaching staff, this member of teaching staff shall be made aware of the deficits by the Rector in a meeting with the council of the faculty concerned, and this must be documented in the minutes. In addition, it is at the discretion of the faculty to decide not to take the member of teaching staff concerned into account when deciding on the reviewers for such academic qualification theses in the course of which the misconduct was discovered.
- (3) Within Leipzig University, if legal requirements are present and especially according to section 39, paragraph 4 of the Saxon Freedom of Higher Education Act [*SächsHSFG*] academic degrees (bachelor's degree, any kind of master's degree, diploma, doctoral degree) or academic title (especially private lecturer and additional professor) or the authorisation to teach may be withdrawn. If a case of academic misconduct is confirmed that justifies such a decision, the Rector shall inform the relevant committees with a request for them to examine the decision.
- (4) If the academic misconduct consists of false statements (section 4, paragraph 1, no. 1) or a breach of intellectual property (section 4, paragraph 1, no. 2) or of participation in such misconduct (section 5), the author concerned shall be obliged to revoke the authorisation accordingly. If the texts concerned have not yet been published, then their publication must be prevented; if they have already been published then they are to be withdrawn, at least regarding the sections in question.
- (5) The author or co-authors responsible for the falsified publication shall report to the Standing Committee within a period of time to be specified, especially concerning the withdrawal of the publication concerned or the prevention of publication of the work. If necessary, the Rector shall, on the proposal of the Standing Committee, take appropriate measures to withdraw the investigation concerned or to prevent the publication of the work. Publications confirmed as having been falsified by the Standing Committee shall be removed from the publication list of the author concerned or marked accordingly.

§ 21

Legal Consequences in terms of Civil Law

In cases of academic misconduct, the following legal consequences in terms of civil law must especially be considered:

1. Issuing of a ban on entering the premises;
2. Claims from the publisher against respondents (for example regarding the materials used);
3. Claims for removal and omission under copyright law, personal rights law, patent law and competition law;
4. Reclamation claims (for example of grants or external funding);
5. Compensation for damages for personal or material damage from Leipzig University or external parties.

§ 22

Legal Consequences in terms of Criminal Law

Legal Consequences in terms of criminal law come into question in a case of academic misconduct when a criminal offence is suspected. In such cases, the Rector can make a report to the relevant law enforcement agency. Sentences 1 and 2 are also valid correspondingly when the academic misconduct is suspected of fulfilling the criteria for classification as an administrative offence.

§ 23

Informing of External Parties to be Protected and the Public

- (1) Insofar as it appears necessary for the protection of external parties, for the preservation of trust in academic integrity, for the restoration of academic reputation, for the prevention of consequential damage or otherwise out of a particular or justified interest, external parties concerned and the public shall be informed in an appropriate manner about the outcome of the formal investigation procedure and any further measures.
- (2) External academic institutions and organisations shall be informed of academic misconduct by the Rector if the institutions or organisations are directly affected by it or if the researcher concerned holds a leading position in the institution or organisation or participates in decision-making bodies of funding organisations or similar.

VI. Commencement

§ 24

Commencement

These statutes come into force on the day after their announcement in the official notices of Leipzig University. All other previously issued statutes of Leipzig University on the safeguarding of good academic practice simultaneously cease to be in force.

Leipzig, 22. September 2022

Professor Dr. Eva Inés Obergfell
Rector

These statutes were drawn up using the codex “*Leitlinien zur Sicherung guter wissenschaftlicher Praxis*” [guidelines on safeguarding good academic practice] written by the *Deutsche Forschungsgemeinschaft* [German Research Foundation], Bonn, 2019.