

Rules of Procedure of the Commission of Inquiry for Good Scientific Practice of TU Dortmund University as of 9 January 2019

I. Preliminary Inquiry

1. In the case of specific suspicions of scientific misconduct, the whistle-blower shall, as a rule, immediately inform the ombudsperson – possibly also a member of the Commission of Inquiry – of the suspicion. The notification shall be made in writing; in the case of verbal notification, a written note on the suspicion and the supporting evidence must be recorded.
2. The ombudsperson shall inform the Commission of Inquiry regarding his/her knowledge of suspected scientific misconduct. Both the ombudsperson and the members of the Commission of Inquiry who have been informed of suspicious facts must maintain confidentiality vis-à-vis other persons to protect the whistle-blower and the persons concerned. The Commission shall then investigate the matter.
3. The Commission shall promptly name the incriminating facts and evidence to the person suspected of misconduct and give him/her the opportunity to make a statement. The period for the statement is two to four weeks. During this phase, the name of the whistle-blower shall not be disclosed to the persons concerned without his/her consent.
4. Upon receipt of the statement of the person concerned or after the deadline has expired, the Commission shall decide within four weeks on whether to terminate the preliminary inquiry procedure. If the suspicion has not been adequately confirmed or the alleged misconduct has not been completely substantiated, the Commission will terminate the proceedings and inform the persons concerned and the whistle-blower of the reasons. Otherwise, the Commission will open a formal inquiry procedure.
5. If the whistle-blower does not agree with the termination of the inquiry procedure, within two weeks he/she shall have the right to be heard by the Commission, which shall re-examine its decision.

II. Formal Inquiry

1. The chairperson of the Commission of Inquiry shall inform the Rectorate about the opening of the formal procedure.
2. The Commission of Inquiry may, at its own discretion, call in experts from the field of the scientific matter under scrutiny as well as the ombudsperson in an advisory capacity.
3. The Commission shall deliberate in non-public oral proceedings in the presence of at least five of the seven members of the Commission of Inquiry. In free evaluation of evidence, it shall investigate whether scientific misconduct has occurred. The person against whom such a suspicion exists shall be given an appropriate opportunity to make a statement. He/she must be heard orally at his/ her own request and may call in a person of his/ her trust who is not affected by the proceedings to assist him/her. This also applies to other persons to be heard.
4. The name of the whistle-blower shall in principle not be disclosed, unless special circumstances of the individual case make this mandatory.
5. If the Commission of Inquiry does not consider a misconduct to be proven, the procedure shall be terminated. Otherwise, it shall submit the results of its investigation to the Rectorate, with a proposal for further proceedings – also with regard to the protection of the rights of others – for decision and further action.
6. The person concerned must be informed without delay about the termination of the procedure. If the procedure is forwarded to the Rectorate, the person concerned must be informed in writing of the main reasons for this.
7. There is no internal complaint procedure against the Commission's decision.
8. At the end of the formal inquiry, a member of the Commission of Inquiry or ombudsperson shall advise those persons at their request, in particular junior researchers as well as students involved in scientific misconduct through no fault of their own with regard to ensuring their personal and scientific integrity.

For this purpose, the following measures can be initiated:

- Consultation by the ombudsperson or by a member of the Commission of Inquiry

- Written declaration by the chairperson of the Commission of Inquiry that the person concerned is not guilty of scientific misconduct. The whistle-blower must also be protected against discrimination in a corresponding manner, unless his/her suspicion turns out to be manifestly groundless
9. Affected third parties and/or representatives of the public shall be informed in an appropriate manner of the outcome of the investigation procedure, insofar as it appears necessary for the protection of third parties, the restoration of their scientific reputation or the preservation of confidence in scientific honesty, the prevention of consequential damage or otherwise in the public interest. Scientific publications which show defects due to scientific misconduct shall be withdrawn or corrected if they have already been published.
10. The files on the formal inquiry shall be kept for 30 years.

III. List of Possible Decisions and Sanctions for Scientific Misconduct

In the case of misconduct by students, the further procedure is regulated in detail by the respective examination regulations.

1. Labor law consequences

- Written warning
- Dismissal without notice
- Ordinary dismissal
- Dissolution of contract
- Dismissal from service

2. Civil law consequences

- Ban from the University
- Claims for return against those found guilty of scientific misconduct, for example with regard to purloined scientific material
- Claims for removal and omission arising from copyright law, personality rights, patent law and competition law
- Claims for restitution, for example of scholarships, external funding
- Claims for damages by TU Dortmund University or third parties in the event of personal injury, property damage or similar

3. Academic consequences

These can be initiated with different objectives at different levels:

3.1 Within the University

- Withdrawal of academic degrees, in particular Bachelor's, Master's, *Diplom/Magister* or doctoral degrees, if these are based on publications containing falsifications or were otherwise acquired fraudulently.
- Withdrawal of teaching authorization. In order to be able to verify this, the responsible committees are to be informed by the Rectorate if serious scientific misconduct is determined.

3.2 External academic institutions and associations

These scientific institutions are to be informed of a scientific misconduct if they are directly affected or if the scientist concerned has a leading position or – as in the case of funding organizations – participates in decision-making bodies.

3.3 Withdrawal of scientific publications

- If the scientific misconduct consists of false statements or an infringement of intellectual property, the author concerned must be obliged to a corresponding revocation. If the work in question has not yet been published, it must be withdrawn promptly; if it has already been published, it must be rescinded – in any case with regard to the parts concerned.
- The parties concerned are obliged to seek the consent of co-authors to a revocation, even if the co-authors themselves are not accused of scientific misconduct.
- Authors who are (co-)responsible for the publication containing falsifications must report within a predetermined period to the chairperson of the Commission of Inquiry on the measures taken to withdraw the publication and their success. If necessary, the chairperson of the Commission must take the appropriate measures to withdraw the publications concerned.
- Publications which have been identified by the Commission as containing falsifications must be deleted from the list of publications of the author concerned and marked accordingly.

4. Consequences under criminal law

The following consequences come into consideration if there is a suspicion that scientific misconduct also fulfills an offence of the German Criminal Code or other criminal norms or regulatory offences, as in particular

- Copyright infringement
- Falsification of documents, including technical records
- Damage to property, including changes to data
- Offences against property, such as theft, the obtaining of funding under false pretenses or embezzlement
- Breach of privacy and act of obtaining secret or confidential information, e.g. data espionage or utilization of the confidential information of others
- Injury to life or health of study participants due to false data

Whether and to what extent the University must file a criminal complaint in such a case shall be left to the dutiful judgment of the Rectorate.

5. Support of other affected persons

At the end of a formal inquiry procedure, it must be ensured that persons who have been involved in scientific misconduct through no fault of their own do not suffer any further damage with regard to their personal and scientific integrity.

Dortmund, 9 January 2019

The Rector
of TU Dortmund University
University Professor
Dr. Dr. h.c. Ursula Gather

This document is an English translation of the original "Verfahrensordnung der Untersuchungskommission zur guten wissenschaftlichen Praxis der Technischen Universität Dortmund vom 9. Januar 2019". In the event of any discrepancies arising between the German and English versions, the German version shall take precedence over the English version.