

Statutes of the University of Mannheim on Procedures for Handling Academic Misconduct

as of

Based on section 3 subsection 5 sentence 4 in conjunction with section 8 subsection 5 of the act on the higher education institutions in the Land of Baden-Württemberg (LHG) in its version of 1 April 2014 (Law Gazette (Gesetzesblatt (GBl.)) p.99), last amended by law on 21 December 2022 (GBl. p.649, 650), the Senate of the University of Mannheim has adopted the following Statutes on 22 March 2023 in accordance with section 19 subsection 1 sentence 2 number 10 LHG.

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Preliminary note

¹Academic integrity of all scholars and students at the university is the cornerstone of successful academic work. ²The University of Mannheim acknowledges the recommendations of the German Research Foundation (DFG) on Safeguarding Good Scientific Practice¹ and the recommendations of the German Rector's Conference on handling academic misconduct at higher education institutions². ³These Statutes govern the procedures for handling academic misconduct at the University of Mannheim. ⁴The following regulations are based on the aforementioned recommendations and specify them. ⁵Furthermore, all persons responsible must adhere to the most current version of the Code of Good Research Practice at the University of Mannheim.

Part 1: Academic Misconduct

Section 1 - Academic misconduct

(1) Academic misconduct is defined as intentionally or recklessly using false or incomplete information or omitting necessary information, infringing intellectual property rights of others or obstructing the research of others in any way.

(2) The following offenses are considered serious academic misconduct:

1. Making false statements by
 - a) fabricating data,
 - b) falsifying data or results or manipulating a chart or image,
 - c) giving false or incomplete information in a job application or a grant application, this includes false information about publication institutions and publications in print;
2. infringing intellectual property rights relating to copyrighted work or essential research findings of others, hypotheses, teachings, or research approaches, in particular by:
 - a) using such material without giving appropriate credit (plagiarism),

¹ Deutsche Forschungsgemeinschaft, Guidelines for Safeguarding Good Research Practice, Code of Conduct, 2019.

² German Rector's Conference, "Zum Umgang mit wissenschaftlichem Fehlverhalten in den Hochschulen, Empfehlung des 185. Plenums vom 6. Juli 1998" and "Gute wissenschaftliche Praxis an deutschen Hochschulen, Empfehlung der 14. HRK-Mitgliederversammlung vom 14.5.2013."

- b) exploiting research approaches and ideas, in particular within the context of review processes, membership in bodies, and supervisor relationships (idea theft),
 - c) claiming or accepting academic authorship or co-authorship without grounds,
 - d) falsifying content,
 - e) unauthorized publishing of unpublished works, findings, hypotheses, teachings or research approaches or granting third parties access without authorization;
- 3. giving (co-)authorship of a publication to another party without their authorization;
 - 4. sabotaging research activities, including damaging, destroying or manipulating experiment set-ups, tools, documents, hardware, software, chemicals or other equipment necessary for an experiment;
 - 5. eliminating primary data if this constitutes a breach of legal regulations or of the principles of academic writing and research acknowledged in this discipline;
 - 6. making, intentionally or recklessly, false allegations of academic misconduct against a third party; section 2 subsection 2 remains unaffected.
- (3) Shared responsibility for academic misconduct may result from
- 1. being active involved in the academic misconduct of others,
 - 2. tolerating serious academic misconduct of others, such as fabricating or falsifying data,
 - 3. assuming co-authorship of publications that contain false information,
 - 4. gross neglect of supervisory obligations.

Part 2: Bodies

Section 2 - Ombudsperson

(1) ¹The senate appoints a professor to be the person of contact for allegations of academic misconduct (ombudsperson) and another professor to be their deputy, who will be in charge if the ombudsperson is partial or cannot pursue the task for other reasons. ²Persons who, due to their position, are bound to take certain actions

must not be appointed as ombudsperson; this includes in particular the members of the President's Office or the dean's office or other executives. ³The term of office of the ombudsperson and their deputy is two years. ⁴It is possible to be reappointed once.

(2) ¹The ombudsperson as a person of trust advises persons who inform them of alleged academic misconduct and investigates relevant suspicions they are informed of. ²The ombudsperson contributes to solution-oriented conflict mediation.

(3) ¹All members and affiliates of the university have the right to speak to the ombudsperson in person during working hours. ²The official contact information for the ombudsperson is published on the university website. ³The possibility to contact the supranational Ombuds Committee for Research Integrity remains unaffected.

(4) ¹The university offers the ombudsperson the required support in terms of content and acceptance when fulfilling their tasks. ²Measures to reduce the ombudspersons' workload are implemented.

Section 3 - Committee

(1) ¹The Senate appoints a Standing Committee for the Investigation of Academic Misconduct Allegations (Committee). It consists of

1. three members from the group of university teachers,
2. one member from the group of academic staff members,
3. one member from the group of doctoral students,
4. one member from the group of students in an advisory capacity.

³The term of office of the member in accordance with sentence 2 number 4 is one year; the term of office of the other members is two years. ⁴Members may be reappointed. ⁵The ombudsperson and their deputy may participate ex officio in the deliberations of the Committee in an advisory capacity. ⁶They must be invited in the same manner as members. ⁷To support the work of the Committee, the Committee may invite other suitable persons who participate in the procedures like a member of the Committee in an advisory capacity.

(2) The Committee appoints one of its members with voting rights to be the chair of the Committee and another member to be their deputy.

(3) The Committee is independent and not subject to any instructions.

Part 3: Procedures in Cases of Academic Misconduct Allegations

Section 4 - General procedures

(1) ¹Unless otherwise prescribed for in these Statutes, the ombudsperson and the Committee decide on the appropriate procedure to investigate academic misconduct at their own discretion and in accordance with the principle of presuming innocence.

²Sections 20 and 21 of the administrative procedure act of the Land of Baden-Württemberg (Landesverwaltungsverfahrensgesetz (LVwVfG)) in its current version apply accordingly. ³The rules and regulations on the procedures of decision-making bodies of the University of Mannheim do not apply to the ombudsperson and the Committee.

(2) Anonymous information can be followed up upon if the information has a minimum amount of credibility.

(3) ¹The ombudsperson and the Committee must employ the means of evidence they consider, at dutiful discretion, appropriate for the investigation of the case; section 26 LVwVfG in its current version applies accordingly. ²When exercising dutiful discretion, the ombudsperson and the Committee must be mindful of the justified interests of the person who is the subject of an allegation of academic misconduct (the respondent), the person who brought forward information on possible academic misconduct (the informant), and third parties. ³The respondent and the informant have the possibility to comment at every step of the procedure, unless this appears to be an abuse of rights.

(4) ¹Under these Statutes, the respondent has a right of access to records until the case is closed. ²Access to records is granted to the extent set out in section 29 LVwVfG. ³Access to records may be denied particularly for reasons concerning

1. the success of the investigation and
2. the protection of the identity of the informant or other persons who have been promised confidentiality.

(5) All steps of the procedure are handled in a timely manner.

(6) ¹During the procedure, confidentiality must be maintained, in particular with regard to the persons involved and the findings to date; subsection 4, section 7 paragraph 2 and 3 as well as section 8 remain unaffected. ²If the informing person makes their allegations public, the confidentiality of the procedure may be restricted accordingly at dutiful discretion. ³Moreover, the offices responsible for the procedure strive

to protect the informing person and the respondents from negative consequences before the procedure are completed.

(7) In case of simultaneously instituted legal proceedings with essentially the same allegations, the ombudsperson may decide to suspend the preliminary inquiry but no longer than the closure of the legal proceedings; the same applies for the Committee procedure.

(8) In case of new allegations or new information, a case which has been closed by the ombudsperson or the Committee may be reopened at any time.

Section 5 - Preliminary inquiry by the ombudsperson

(1) ¹In the preliminary inquiry, the identity of the informant will only be disclosed to the respondent if the informant agrees to this. ²At the beginning of the preliminary inquiry, the ombudsperson informs the informant that if the case is forwarded to the Committee, legal regulations allow disclosure even without the agreement of the informant.

(2) ¹The ombudsperson exercises free evaluation of evidence throughout the inquiry. ²If the ombudsperson decides that the allegations of academic misconduct are justified, the case is confidentially forwarded to the Committee for further investigation. ³If no justification for the allegation can be found, the ombudsperson will close the case and notify the informant of this.

(3) ¹Within two weeks after the informant has been notified of the closure of the case, the informant may request that the decision of the ombudsperson is reviewed by the chair of the Committee. ²The Committee hears the informant before making a decision. ³The Committee lets the informant know of its decision and the reason for the decision. ⁴If the Committee accepts the request, a Committee procedure is opened.

Section 6 - Committee procedure

(1) For the Committee procedure, sections 89 through 93 LVwVfG in their current version apply accordingly.

(2) ¹The Committee procedure is opened when the Committee has received the records of the preliminary inquiry; section 5 subsection 3 sentence 4 remains unaf-

fect. ²The Committee informs the President's Office of the opening of the Committee procedure and informs the respondent of the allegations and evidence, and give them the immediate opportunity to respond in an appropriate manner.

(3) ¹The Committee holds oral arguments which are not open to the public. ²In case of simple matters the Committee may make decisions by way of circulation if no member of the Committee objects. ³As a rule, the respondent responds orally in person and may bring a person of trust for assistance. ⁴This also applies for all other persons to be heard.

(4) ¹Consulted experts can be assured that their identity is not revealed to the informant or the respondent, provided this does not impair the respondent's defense to an unacceptable degree. ²Experts are informed that in case of later administrative proceedings or legal proceedings, legal regulations may allow disclosure even without the agreement of the expert.

(5) The chair of the Committee may consult administrative employees who are particularly competent in the field that is the subject of the deliberations and assign them the presentation of a certain topic.

(6) ¹In cases of temporary absence or the resignation of a member of the Committee, the Committee may decide whether certain steps of the procedure are to be repeated. ²If a proper decision of the Committee cannot be guaranteed, the relevant step of the proceedings must be repeated. ³As a rule, this is not the case if the majority of the members were involved in the decision.

(7) ¹The identity of the informant will only be disclosed to the respondent if there is a legal obligation to do so or if the respondent is otherwise not able to defend themselves properly, in particular, if the credibility and motives of the informant have to be examined with regard to the allegation of possible misconduct. ²The Committee makes this decision at dutiful discretion and upon request of the respondent.

(8) ¹If the Committee receives information on further suspicions of academic misconduct of the respondent, it may decide to include these in the Committee proceedings. ²In this case, a preliminary inquiry according to section 5 of these Statutes is not necessary. ³The respondent must be informed that further suspicions are included in the investigation.

(9) ¹In justified exceptional cases, the Committee may also open Committee proceedings if the Committee directly receives information on possible academic misconduct. ²In this case, a preliminary inquiry in accordance with section 5 of these Statutes is not necessary.

Section 7 - Decision; Storage of records

(1) ¹The evaluation of evidence takes place at the Committee's discretion and conviction. The Committee decides whether the respondent did indeed commit academic misconduct and evaluates its severity. ²If the Committee comes to the conclusion that no academic misconduct has been committed, it closes the case.

(2) ¹It writes a report on its decision and the reasons on which the decision was based. ²In the report, the Committee may include suggestions as to how academic misconduct may be punished and how the rights of the informant and third parties may be protected. ³The report has to be transmitted to the President's Office and the respondent; parts of the report may be rendered unrecognizable if this is required to protect the informant and does not interfere with the legitimate interests of the respondent.

(3) ¹The informant will be informed if the Committee has found academic misconduct. ²Furthermore, the Committee may disclose the reasons for its decision to the informant if this does not harm legitimate interests of the respondent; the respondent is given the opportunity to comment beforehand.

(4) It is not possible to appeal the decision of the Committee internally.

(5) The records of the Committee proceedings are kept for a maximum of 30 years.

Section 8 - Subsequent procedures

(1) ¹If no academic misconduct has been found, the university makes sure that that the respondent's academic or professional career is not impaired by the allegations. ²Sentence 1 applies accordingly to the informant unless the accusations have not been reported in good faith; any disadvantages which the university cannot influence, in particular criminal charges of the respondent against the informing person, remain unaffected.

(2) ¹If the Committee comes to the conclusion that the respondent did indeed commit academic misconduct, the President's Office evaluates whether it is necessary to take action against the academic misconduct or to protect the rights of the informant and third parties.

(3) ¹If necessary, the President's Office informs other institutions or persons at the university, in particular, the relevant school and the superiors of the respondent, about the result of the proceedings. ²The report of the Committee may be sent to the aforementioned institutions or persons; the interests of the authorities responsible with regard to the measures to be taken, in particular the revoking of academic degrees and organizational changes, and the justified interests of the respondent must be taken into account.

(4) ¹In coordination with the other institutions and persons responsible, the President's Office decides if and to what extent other persons from academia, in particular former and potential collaboration partners and co-authors, academic institutions, academic journals and publishers (in case of publications), funding institutions and academic organizations, professional associations, government departments and the public are to be informed. ²For a notification, the receiving body must have a legitimate interest.

(5) ¹Depending on the individual case, the responsible authorities must take the necessary measures in accordance with higher education law, examination regulations, employment law, civil service law, civil law, criminal law or other legal requirements. ²Reference is made to the additional notes in the annex to these Statutes.

Part 4: Final Provisions

Section 9 - Commencement, final provisions

(1) ¹These Statutes will come into effect on the day after their publication in the Bulletin of the President's Office (Amtliche Bekanntmachungen des Rektorats). ²They apply only to proceedings, where the preliminary inquiry in accordance with section 5 has begun after the Statutes became effective or the Committee has taken independent actions within the meaning of section 6 subsection 9 sentence 1 after the Statutes became effective.

(2) ¹At the same time, the Statutes of the University of Mannheim on Procedures for Handling Research Misconduct of 8 December 2014 (Bulletin of the President's Office (BekR) No. 30/2014, p. 13 et seqq.) cease to be effective. ²They continue to apply to procedures having begun before these Statutes became effective. ³Those procedures are conducted in accordance with the aforementioned Statutes that have ceased to be effective.

(3) ¹The ombudsperson, who was elected on the basis of the Statutes of the University of Mannheim on Procedures for Handling Academic Misconduct of 8 December 2014, exercises their office until the end of their term of office, without prejudice to the provision set forth in section 2 subsection 1 sentence 4. ²They are ombudsperson within the meaning of section 2 of the present Statutes. ³Sentence 1 and 2 apply accordingly for the elected deputy of the ombudsperson.

(4) ¹The members of the Standing Committee for the Investigation of Research Misconduct Allegations appointed in accordance with the Code of Good Research Practice of the University of Mannheim as at 18 September 2000 continue their terms of office. ²They are members of the Committee within the meaning of section 3 subsection 1 sentence 2 number 1, 2 and 4 of these Statutes. ³The member of the group of doctoral candidates must be appointed immediately after the entry into force of these Statutes. ⁴In derogation of section 3 subsection 1 sentence 3, the term of office of this member begins on the day of the appointment by the Senate and ends simultaneously with the terms of office of the members in accordance with section 3 subsection 1 sentence 2 numbers 1 and 2. ⁵Sentence 1 to 4 apply accordingly to the elected deputies.

Issued:
Mannheim,

Professor Dr. Thomas Puhl
President

Annex: Possible consequences of academic misconduct

The following non-conclusive list of possible consequences of academic misconduct is to be understood as a first overview. In practice, the respective consequences must be determined by the circumstances of the individual case, in particular the severity of the academic misconduct identified. The responsibilities and procedures are governed by the relevant legal regulations, including university statutes, in particular regulations and procedures governing the doctoral dissertation and regulations and procedures governing the habilitation, and are not changed by the list below.

I. Consequences under public service law and employment law

As far as the person concerned is an employee of the university, the consequences under public service law or employment law should always be examined as a matter of priority.

1. Consequences for civil servants under public service law:

Disciplinary proceedings imposing the following disciplinary measures:

- a) reprimand
- b) fine
- c) salary reduction,
- d) transfer to an office of the same career path with a lower final salary;
- e) dismissal from service,
- f) reduction of the pension,
- g) withdrawal of the pension.

2. Consequences for employees under employment law:

a) Formal warning

A formal warning is a preliminary stage to terminating the employment relationship, and is therefore only considered in cases of minor academic misconduct in which a termination is not yet to take place. The HR department is to be involved in the procedure at an early stage.

b) Termination

Termination requires that the continuation of the employment relationship can no longer be expected in accordance with the circumstances of the individual case and in consideration of the interests of both parties to the contract. In

serious cases of academic misconduct, this is likely to be the case. In such a case, the Human Resources department must be contacted immediately.

c) Termination of the employment contract by mutual consent

Besides ending the employment relationship by way of termination, the aim is to terminate the employment by mutual consent. In this case as well, the Human Resources department is to be involved at an early stage.

II. Academic consequences

Academic consequences in the form of the withdrawal of academic degrees can only be imposed by the university which has awarded the academic degree to the person concerned. If the academic degree has been awarded by another university, this university must be informed of serious academic misconduct if it has been associated with earning an academic qualification. This refers in particular to the:

1. Withdrawal of a doctoral degree
2. Withdrawal of the *venia legendi*
3. Exams are subsequently declared as not passed.
4. Withdrawal of the Diploma, Magister, bachelor's or master's degree.

III. Consequences related to the house rules and regulations

In serious cases, the issue of a ban from entering the university premises would be considered.

IV. Consequences under civil law

The following consequences under civil law may be considered:

1. Surrender claims against the respondent, for example, to surrender stolen academic material;
2. Elimination and injunctive relief claims under copyright law, personality rights law, patent law and competition law;
3. Recovery claims, for example, of scholarships, third-party funds or the like;
4. Claims for damages asserted by the Land of Baden-Württemberg, the University of Mannheim or third parties in the event of personal injury, property damage or the like.

V. Consequences under criminal law

Consequences under criminal law are always considered if there is suspicion that the academic misconduct in question is also an offense under the Criminal Code (StGB), other criminal norms or administrative offenses. The involvement of the investigating authorities must be coordinated with the President's Office.

Possible offenses include:

1. Offenses against the public order

Section 132a Abuse of titles, job titles and badges

2. Violation of personal and private life

Section 202a StGB: Spying on data,

Section 203 StGB: Violation of private secrets

Section 204 StGB: Exploitation of the secrets of another

3. Property offenses

Section 242 StGB: Theft,

Section 246 StGB: Embezzlement,

Section 263 StGB: Fraud,

Section 264 StGB: Subsidy fraud,

Section 266 StGB: Infidelity,

4. Forgery of documents

Section 267 StGB: Forgery of documents,

Section 268 StGB: Forgery of technical records;

5. Damage to property

Section 303 StGB: Property damage,

Section 303a StGB: Data manipulation,

Section 303b StGB: Computer sabotage,

Section 304 StGB: Damage to property that is harmful to the public,

6. Offenses in office

Section 331 StGB: Accepting benefits,

Section 332 StGB: Taking bribes,

7. Copyright infringements

Section 106 Copyright law: Unauthorized exploitation of copyrighted works.

V. Revocation of academic publications / Information to the public / press

Academic publications that are subject to errors due to academic misconduct must be withdrawn as far as they have not yet been published and corrected as far as they have been published (revocation); collaboration partners must – as far as necessary – be informed in an appropriate form. As a rule, the authors and the publishers involved are obliged to do so; if these do not take action, the university will initiate appropriate measures the university is able to take.. In cases of serious academic misconduct, the university will inform other research institutions concerned and academic organizations. In justified cases, it may also be appropriate to inform professional organizations. The University may be obliged to inform affected third parties and the public in order to protect third parties, to maintain confidence in academic integrity, to restore its academic reputation, to prevent consequential damage, and the general public interest.