

Translation of the “Forschungsethische Prinzipien am DIW Berlin und Verfahren im Umgang mit wissenschaftlichem Fehlverhalten”, in its German version from April 2014

Principles of Ethical Research and Procedures for Dealing with Scientific Misconduct at DIW Berlin

Preamble

Compliance with principles of ethical research is a fundamental prerequisite for all scientific work. As a research institution, DIW Berlin has a responsibility to protect scholarly research and itself from falsifications and to take appropriate action against the abuse and manipulation of scholarly findings. The Research Directors, the Institute’s staff, and stipendiaries conducting research at DIW Berlin are obliged to observe the principles of ethical research when carrying out their scientific work. The Principles of Ethical Research strictly apply to all scholarly research and consultancy tasks conducted by DIW Berlin.

Every researcher signing an agreement with DIW Berlin must also submit a declaration of compliance with these rules.

The following regulations are based on the Proposals for Safeguarding Good Scientific Practice produced by the German Research Foundation’s (DFG) Commission on Professional Self Regulation in Science, the Leibniz Association’s Recommendations on Good Scientific Practice and Rules for Good Scientific Practice dated November 19, 1998, and October 15, 1999, as well as on the “Ethical Codex by the Verein für Socialpolitik” dated September 9, 2012.

Part I

Principles of Ethical Research at DIW Berlin

Section 1 Good Scientific Practice

- (1) Good scientific practice consists of compliance with professional standards and use of the most up-to-date information available at all times. It requires knowledge and use of the current literature, application of established and new methods and findings, and compliance with principles of ethical research and statutory data protection requirements.
- (2) Good scientific practice is characterized by questioning and self-criticism, transparency of the assumptions and the degree of uncertainty, a critical evaluation of research findings and of their validity using such methods as cross-checking within a working group and also by integrity toward the work of colleagues, other staff, competitors, and predecessors.
- (3) Rigorous quality assurance is an essential characteristic of scientific integrity. Combined with integrity towards oneself and others, quality assurance provides an ethical foundation for scientific professionalism. The assurance of quality requires (critical) team work in scholarly working groups and clearly defined accountability structures.
- (4) Quality assurance and, therefore, good scientific practice also requires documentation of the essential procedures followed as well as the secure storage of the essential notes and logs, ensured reproducibility of findings before publication, and access to authorized third parties.

Section 2 Organizational Structures

The Executive Board and Heads of Departments¹ are responsible for directing, supervising, and assuring the quality of DIW Berlin's research, and also for resolving any disputes relating to it. They ensure that:

- All researchers are provided with the Principles of Ethical Research and understand their meaning,
- Young scholars are made aware of The Rules of Good Scientific Practice during their training, mentoring, and supervision, and particular attention is paid to ensuring that they comply with these rules,
- The objectives of the research work and tasks of individual researchers are specified, defined, and disseminated in accordance with DIW Berlin's applicable regulations.

Section 3 Data

Primary data should be collected, processed, and securely stored for a period of at least 10 years in compliance with the provisions of data protection law and DIW Berlin's own data protection regulations, provided this does not conflict with any contractual or legal requirement of data protection, or unless otherwise required by law.

Section 4 Authorship

(1) Accountability for (co-)authorship is an integral part of good scientific practice. Authors of scientific publications are always jointly accountable for their content. 'Honorary authorships' are inadmissible. Each author is accountable for and identifies him/herself with the research findings and assumes responsibility for the content of the publication.

(2) The authors listed on a scientific publication are those who have made significant contributions to the conception of the studies or experiments, to the generation and/or interpretation of the data and/or to the preparation of the manuscript and, furthermore, who have consented to its publication, thereby assuming joint responsibility for it.

(3) Financing a research study, directing a department or working group in which the research was conducted, or reading and commenting on a manuscript do not constitute authorship. See the principles outlined in Paragraph 2 above for the rule regarding assistance in collecting and processing data.

¹ The research infrastructure SOEP has the same rights and obligations as a department (see Section 7 Para. 8 of DIW Berlin's charter).

Section 5 Original Works / Scientific Publications

- (1) An original scientific study must impart new research findings and new conclusions. Repeated publication of the same findings as original work is inadmissible.
- (2) In order to ensure the verifiability of a research study, a publication must describe the assumptions and the degree of uncertainty and include an exact description of methods and findings, unless the specific publication structure (abstract, short communication) explicitly rules this out.
- (3) Findings both supporting and refuting the authors' hypothesis must be disclosed appropriately and equally (full disclosure).
- (4) Findings and ideas from other scholars and relevant publications from other authors must be properly referenced or cited.

Section 6 Other Publications

For reasons of quality assurance², the principles of ethical research also strictly apply to research-based advice and services. Statements that are not based on scientific findings but represent a personal opinion should be identified as such.

Section 7 Conflicts of Interest

- (1) It is the responsibility of every staff member at DIW Berlin to publicly document potential conflicts of interest (e.g., on the staff website).
- (2) Sources of funding, research facilities, and any other external support must be indicated in all research papers by DIW Berlin's staff.
- (3) Any fact which could lead to the perception of a conflict of interest or bias on the part of the author must be declared in research papers and in reports and commentaries in popular scientific publications.
- (4) If prior consent to the publication of a research paper, an article, or a report is required by the client, this fact must be declared at the time of publication.
- (5) When research papers and grant applications are reviewed and evaluated, bias and conflicts of interest with clients and other persons who may potentially be affected must be declared. The work may only be done if the client gives his/her agreement in the full knowledge of any potential bias or conflict of interest.

² In line with DIW's internal quality standards and guidelines.

Part II

Procedures for Dealing with Scientific Misconduct

Section 8 Scientific Misconduct

(1) Scientific misconduct is when false information is provided in a scientific context, when the intellectual property rights of others are violated or their research activities are otherwise compromised. Scientific misconduct may also arise from negligent disregard of the principles of good scientific practice defined in Section 1, paragraph 1.

(2) The following, in particular, constitute misconduct:

- Misrepresentation

- a) Fabrication of data
- b) Falsification of data, e.g.,
 - by selecting only convenient data or omitting undesirable findings, without disclosing such practices;
 - by manipulating presentations of results, figures, or charts;
- c) Provision of false information in an application for employment or funding (including false information relating to publishers or to forthcoming publications).

- Violation of intellectual property rights

- a) regarding third-party copyright-protected works or significant research findings, hypotheses, theories, or scientific approaches,
 - unauthorized use under false attribution of authorship (plagiarism),
 - exploitation of research approaches and ideas, particularly as a reviewer (theft of ideas),
 - false attribution or assumption of scientific authorship or co-authorship,
 - falsification of contents, or
 - the unauthorized publication and unauthorized disclosure to a third party of a work, finding, hypothesis, theory, or research approach prior to its publication;
- b) the attribution of (co-)authorship to a third party without his or her consent;
- c) failure to give credit to another scholar for his/her (co-)authorship.

- Compromising the research activities of others by

- a) sabotaging research activities (including damaging, destroying, or manipulating documents, hardware, software, or other materials required by a third party for his/her work),
- b) grossly inaccurate, deliberately false or misleading advisory report on a third party's research activities, or the provision of a biased report.

- Improper use of research data

- a) Use of research data without the prior consent or identification of the author or owner

b) Removal of primary data insofar as this is not stipulated by law or other generally accepted principles of scientific work.

(3) Joint responsibility for scientific misconduct can result, for instance, from:

- active participation in another's misconduct,
- tolerating misconduct of others,
- complicity in another's falsifications,
- co-authorship of publications written on the basis of false information,
- gross neglect of supervision duties.

Section 9 Office of the Ombudsperson

- (1) A body of impartial intermediaries (the Office of the Ombudsperson) is elected by DIW Berlin's research staff to arbitrate or settle disputes or disagreements in connection with good scientific practice. Research staff includes all those employees who have completed their studies and are paid to conduct research at DIW Berlin.
- (2) At least one and at most three Ombudspersons are elected to the Office of the Ombudsperson. In the case that more than one Ombudsperson is elected, each of the Ombudspersons should come from different departments. The research staff members elected to the Office of the Ombudsperson shall assume responsibility for the organization of the body, in particular its rules for proxy voting, and shall communicate this information to the staff of DIW Berlin.
- (3) The members of the Office of the Ombudsperson must be elected from among DIW Berlin's research staff. In exceptional cases, a scholar who is not affiliated with the Institute can be elected. The executive board and the heads of departments are not eligible.
- (4) All research staff at DIW Berlin may submit nominations. A nomination is only considered if the nominee has expressed his/her willingness to accept the office if elected.
- (5) The term of office is three years and re-election is permissible. The members of the Office of the Ombudsperson perform their duties on a voluntary and independent basis and are not bound by instructions from third parties. Sufficient time shall be made available to enable the members of the Office of the Ombudsperson to fulfill their duties. They cannot be prosecuted under statutory or labor law for activities carried out in their function as Ombudspersons. They should be supported by all parties concerned in the fulfillment of their responsibilities.
- (6) The Office of Ombudsperson has the following functions:
 - It shall provide staff with regular information on the principles of ethical research.
 - As a trusted body of intermediaries, it shall advise those members of DIW Berlin's staff who wish to make an allegation of scientific misconduct or who have questions on this issue.
 - Using relevant information received directly or indirectly from third parties, the Office of the Ombudsperson shall attempt to clarify the facts.
 - It shall verify whether allegations are plausible, based on their specificity, significance, and possible motives, and also establish whether or not it is possible to dispel the allegations. As

part of this process, it may invite those concerned to a face-to-face meeting to discuss possible solutions, while ensuring compliance with the confidentiality desired by those parties. It may hold discussions with individuals or with all parties concerned.

- If allegations cannot be dispelled, the Office of the Ombudsperson shall inform DIW Berlin's Executive Board or the Chairperson of the Scientific Advisory Board.
- It is obliged to document its actions, taking due account of the privacy rights of those providing information and those affected.
- It shall make recommendations for the further development of the principles of ethical research and their application.

(6) The Office of the Ombudsperson is bound by confidentiality.

(8) Every current or former staff member of DIW Berlin has the right to meet with a member of the Office of the Ombudsperson in person at short notice.

(9) When a member of the Office of the Ombudsperson resigns or otherwise leaves office, his/her position can be filled without holding a new election for the remaining members of the Office of the Ombudsperson.

Section 10 Initiation of Proceedings

(1) DIW Berlin's Executive Board must be informed if there is concrete suspicion of scientific misconduct. If appropriate, the Board shall then inform the Spokesperson for Section B of the Leibniz Association. Information should be provided in written form; if information is received verbally, the Board must make a written note of this.

(2) If a Member of the Board is suspected of misconduct, the Chair of the Board of Trustees must be informed.

(3) The facts underlying the allegation must be investigated. A clear statement of the facts must be provided without delay. The investigation shall be scheduled and conducted by the Executive Board or the Chair of the Board of Trustees, with the participation of the Office of the Ombudsperson, if requested by the individual concerned. The investigation must be conducted with complete confidentiality, ensuring the protection of all concerned. Those concerned and the Office of the Ombudsperson shall be informed, within a reasonable period of time, of the start of any investigation and its progress.

(4) Any scholars suspected of misconduct must be informed of this and, on being provided with the incriminating facts and evidence, be given an opportunity to make a statement within one week of the allegation being made. The deadline for this statement should be no more than two weeks. The name of the informant shall not be disclosed without his/her consent at this stage of the proceedings.

(5) Once the person concerned has submitted his/her statement or the two-week deadline has passed, the Executive Board or the Chair of the Board of Trustees has one week to make a decision as to whether the findings to date have refuted or substantiated the allegation and whether further investigations are required. A report on the investigation must be submitted.

(6) If the allegation is substantiated, the Executive Board or the Chair of the Board of Trustees must, with the consent of the Office of the Ombudsperson, decide whether or not a further course of action is

required, e.g., the enlistment of the Leibniz Association's Inquiry Committee. Any necessary penalties pursuant to labor law do not require the consent of the Office of the Ombudsperson.

Section 11 Procedures for Proven Misconduct

- (1) Depending on the circumstances of the individual case and particularly on the gravity of the proven misconduct, steps taken against the culprit can be drawn from various fields of law and can, if necessary, also be cumulative, e.g., pursuant to labor law, academic regulations, and civil and criminal law. Further details can be found in the Appendix.
- (2) Scientific publications found to contain errors resulting from proven scientific misconduct must be withdrawn, if they are unpublished, and corrected if they have already been published (retraction). Where necessary, cooperating partners must be informed in an appropriate manner. This is the mandatory responsibility of the authors and participating publishers; if this does not occur within a reasonable period of time, DIW Berlin's Executive Board or the Chair of the Board of Trustees shall initiate appropriate action.
- (3) The Executive Board shall inform other affected research institutions or organizations and, if necessary, also professional associations of all cases of serious scientific misconduct.
- (4) The Executive Board may inform affected third parties and the general public if it feels this is required to protect third parties, maintain confidence in scientific integrity, restore the scholarly reputation of DIW Berlin, prevent consequential loss, or if it is in the general public interest.
- (5) The rights of those concerned shall not be infringed by the regulations presented here.

Section 12 Entry into Force

DIW Berlin's Principles of Ethical Research and Procedures for Dealing with Scientific Misconduct shall enter into force as soon as the Institute's staff have been notified.

Appendix – List of Possible Penalties / Consequences for Scientific Misconduct

The following list of possible penalties or consequences for unequivocally proven scientific misconduct should be seen as an initial guide without any claim to comprehensiveness. As each case is unique and the gravity of the misconduct must also be taken into consideration, there is no uniform guideline for a proper course of action. The course of action should be based on the circumstances of the individual case. Where necessary, legal advice should be sought.

Labor Law Implications Since, in the majority of cases of scientific misconduct, the individuals affected are likely also to be employees of the Institute, the labour law implications should be examined first.

- Written warning
- Preliminary stage of dismissal
For less serious cases of scientific misconduct which should not yet result in dismissal.
- Extraordinary dismissal
If, due to the circumstances of the individual case and after considering the interests of both contractual parties, the continuation of employment cannot reasonably be expected; in serious cases of scientific misconduct, this is normally the case. Notice: Within two weeks of acquiring the facts underlying the dismissal; here the point in time at which misconduct was actually established is to be taken into consideration, and not the time when the allegation of scientific misconduct was made.
- Ordinary dismissal
Extraordinary dismissal is regularly resorted to in cases of scientific misconduct; termination of a contract may be preferable.
- Termination of contract

Academic Disciplinary Implications

Academic disciplinary procedures in the form of revocation of an academic degree can only be applied by the awarding body, which is normally a university. If serious scientific misconduct has occurred in connection with the acquisition of an academic qualification, the university should always be informed. This particularly concerns the revocation of a doctoral degree and the qualification to teach at a university.

Civil Law Implications

Possible penalties to be considered:

- A ban on entering the premises;
- Claims by the individual concerned for the recovery of their property, such as stolen scientific material, or similar;
- Claims for the removal of interference in ownership or claims for an injunction based on copyright law, rights of personality, patent law, and competition law;
- Restitution claims of, for instance, grants, extramural funds, or similar;
- Claims for damages made by the Institute or third parties in the case of harm to an individual, damage to property, or similar.

Criminal Law Implications

The implications of criminal law must be considered if there is the suspicion that the scientific misconduct could also constitute behaviour punishable under the Criminal Code (StGB), other provisions of criminal law, or be a minor offence. Possible punishable offences are, for example:

Violations of the personal / private sphere

- Section 202a StGB Data espionage
- Section 204 StGB Exploitation of secrets of another

Crimes against life, physical injury

- Section 222 StGB Involuntary homicide
- Sections 223, 230 Malicious injury or physical injury resulting from negligence

Offences against property

- Section 242 StGB Theft
- Section 246 StGB Embezzlement
- Section 263 StGB Fraud
- Section 264 StGB Subsidy fraud
- Section 266 StGB Breach of trust

Forgery of documents

- Section 267 StGB Document fraud
- Section 268 StGB Forgery of technical records

Criminal damage

- Section 303 StGB Criminal damage
- Section 303a StGB Data manipulation

Copyright violation

- Section 106 Copyright Act (UrhG) Unauthorized use of copyright-protected material

Revocation of scientific publications or public/press information