



Rules to Ensure Good Scientific Practice at DESY and Procedures in Case of Scientific Misconduct

Preamble

The directorate of DESY has adopted the rules decided upon by the HGF [Helmholtz Association of German Research Centers] for ensuring good scientific practice and, on that basis, has set up a commission in coordination with the DFG [German Research Foundation], which commission has proposed recommendations for implementing these rules at DESY. Based on these recommendations, the following rules have been established, after adoption by the Scientific Committee at its meeting of November 14, 2006, and the Scientific Council at its meeting of October 27, 2006. At its meeting of November 23, 2006, the foundation council approved these rules, pursuant to § 12, par. 2 p of the By-Laws. Hence, they apply to DESY and are binding on all DESY employees as well as all visitors who use the DESY systems.

In addition, the current version of the recommendations of the German Research Foundation, *Vorschläge zur Sicherung guter wissenschaftlicher Praxis* [Proposals to Ensure Good Scientific Practice] apply, the text of which is appended to the DESY rules. The HGF rules are directly binding on DESY. They are reproduced in what follows (in italics) and are discussed and provided with DESY-specific details as needed (indented, normal type).

Rule 1

Scientific misconduct

After taking into consideration the preparatory work, foreign and domestic, done in their field, the member facilities of the Hermann von Helmholtz Association of German Research Centers (HGF) define rules of good scientific practice and declare them to be the foundation of their research policy.

Deviations from good scientific practice, as thus defined, are to be regarded as scientific misconduct.

To be regarded as scientific misconduct, in particular, are:

- *invention and falsification of data;*
- *misrepresentations on job applications, grant applications, in publications, etc.*
- *infringement of intellectual property through*
 - *unauthorized use with appropriation of authorship (plagiarism), as well as appropriation or unfounded assumption of scientific authorship or co-authorship*
 - *exploitation of the unpublished scientific ideas or research approaches of others (theft of ideas)*
 - *publication, or granting of access, without approval of the entitled party*
- *damaging, destroying, or manipulating scientific testing arrangements.*



DESY's organizational structures clearly assign the tasks of management, oversight, conflict resolution, and quality assurance to the scientific work units, and guarantee their implementation. Specific details are governed by the By-Laws and the rules of procedure of the governing bodies, boards, and committees, as well as by the overall operating agreements.

At DESY, qualitative measurements, and the criterion of originality, take precedence over quantity in promotions, dismissals, appointments and allocation of funds. This basic principle shall be observed by the directorate, the Scientific Council, the Scientific Committee and other bodies, as well as by committees. Scientific publications are subject to the publication guidelines in the rules of procedure, insofar as DESY employees participate as authors and thus DESY thereby participates as an institutional author.

In this regard, each author bears full responsibility for the content of the publication involved, i.e., he or she may not distance himself/herself from the content of the publication after the fact.

Rule 2

The next scientific generation

Member facilities have a particular responsibility for the next scientific generation. The latter is to be made aware of these principles of good scientific practice. Appropriate care and supervision of the next scientific generation is to be ensured.

The next scientific generation in science means doctoral candidates and post-doctoral scientists paid by DESY. In the event of conflict, the confidential representatives provided for by Rule 4 are available.

Rule 3

Obligation to preserve primary data

Primary data that are the basis of a scientific publication are to be preserved on durable and secure media for a minimum of 10 years.

The 10-year period starts with publication of the data.

For practical reasons, this rule can only be applied to scientific data that are stored at DESY. If data are stored at institutions outside of DESY not located in the Federal Republic of Germany, the corresponding principles of the institution involved apply to these data and to the preservation of data.

Rule 4

Procedural principles

1. Confidential representatives

The directorate appoints two confidential representatives each, for the Hamburg and Zeuthen sites, for a period of three years. These confidential representatives are available to advise and support all scientists on questions of good scientific practice and the breach



thereof through scientific dishonesty. These confidential representatives are then each be confirmed by the Scientific Committee and the Scientific Council and are subsequently announced on the DESY Webpage

[http://www.desy.de/ueber_desy/organisation/vertretungen.](http://www.desy.de/ueber_desy/organisation/vertretungen)

2. Preliminary inquiry

The confidential representatives are to be informed of a suspicion of scientific misconduct. It is sufficient for the supposed misconduct to be referred to one confidential representative; he or she will then make it same known to the other confidential representatives. Insofar as possible, all further steps should be taken by the confidential representatives jointly, but at a minimum, each confidential representative must be basically informed of, and in agreement with, the progress of the investigations.

The confidential representatives take the steps that appear appropriate to them to clarify the factual situation. If it is impossible to dispel the suspicion of scientific misconduct, the confidential representatives draft a final report concerning the results of the preliminary inquiry, forwarding this to the directorate along with a proposal on how to proceed.

On the basis of the report by the confidential representatives, the directorate decides without delay whether the facts require additional clarification, and initiates the additional steps that seem to them to be advisable and necessary.

The person expressing the suspicion may optionally also speak directly to one of the scientific directors. The director spoken to then informs the other directors.

After internal discussions, the directorate then initiates the additional steps it deems necessary, see above.

3. Results of the preliminary inquiry

When, based on the final report or on a suspicion communicated directly to the directorate, further steps are commenced by the latter, the affected party – apart from the rights and obligations under § 3, par. 5 of the TVöD [Public Employees' Collective Bargaining Agreement] – is informed by the directorate of the suspicion that exists against him or her and is given an opportunity to make a statement. The affected party is normally be given a maximum period of two weeks to make the statement. The name of the person expressing the suspicion shall not be disclosed to the affected party without the former's consent.

4. Objectivity

In their determinations, all participants in the process are obligated to give equal consideration to both exculpatory as well as to incriminating facts; in particular, they are to pursue all information for clarification of the factual situation that is provided by the affected party in his or her statement and/or elsewhere in the course of the proceedings to the extent it is not plainly being submitted merely to delay the investigation.



Rule 5

Consequences of scientific misconduct

Depending on the circumstances of the individual case, scientific misconduct may have the following consequences:

1. retraction of scientific publications,
2. consequences under labor law, such as a warning or dismissal,
3. consequences under civil law, such as issuance of a ban on entering the premises and claims for restitution and damages,
4. consequences under criminal law,
5. informing the public / cooperating partners
6. academic consequences in the form of withdrawal of academic degrees.

Future labor contracts of DESY (Deutsches Elektronen-Synchrotron) shall indicate that a violation of the principles of good scientific practice, proven in accordance with the procedure described herein, may provide possible grounds for extraordinary termination.

Appendix:

DFG recommendations

Deutsche Forschungsgemeinschaft (DFG) (ed) (2013) Sicherung guter wissenschaftlicher Praxis, in Sicherung Guter Wissenschaftlicher Praxis: Empfehlungen der Kommission "Selbstkontrolle in der Wissenschaft", Copyright Wiley-VCH Verlag GmbH & Co. KGaA, Weinheim, Germany. Reproduced with permission.

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