



Statute for safeguarding good scientific practice and dealing with suspected cases of scientific misconduct (GWP-Satzung)

of 26 June 2024 (published on 15 July 2024).

The Academic Senate of Hamburg University of Technology has adopted the following statute on the basis of para. 85(1) No. 1 in conjunction with para. 9(2) of the Hamburg Higher Education Act (HmbHG) of July 18, 2001 (HmbGVBl. 2001, p. 171), last amended by the Act of July 11, 2023 (HmbGVBl. 2023, p. 250, 254).

Preamble

Scientific integrity forms the basis of trustworthy science. It is a form of scientific self-commitment that encompasses the respectful treatment of each other, people, animals, cultural assets and the environment and strengthens and promotes society's indispensable trust in science. The constitutionally guaranteed freedom of science and research is inextricably linked to a corresponding responsibility. Taking this responsibility fully into account and anchoring it as a

guideline for one's own actions is first and foremost the task of every scientist and all those working in science as well as the institutions in which science is organized. Science ensures good scientific practice through honest thought and action, not least through organizational and procedural regulations.

The following regulations implement the "Guidelines for Safeguarding Good Scientific Practice" of the German Research Foundation (DFG) as amended in August 2019. They are legally binding for all persons engaged in research or research support activities at

Hamburg University of Technology (hereinafter referred to as TUHH).

The principles of good scientific practice to be observed in accordance with this statute are published on the website of the Hamburg University of Technology.

Section I Principles of good scientific practice

§ 1 Scope of this statute

- (1) All academic staff of TUHH are obliged to and have the responsibility to comply with the rules of good academic practice in their conduct.
- (2) Rights and obligations under employment law are not affected by this statute.

§ 2 Individual principles of good scientific practice

- (1) Scientific work is based on fundamental principles that apply equally in all scientific disciplines. The highest principle is truthfulness towards oneself and others. It is both an ethical norm and the basis of the rules of scientific professionalism, i.e. good scientific practice, which vary from discipline to discipline.
- (2) Examples of good scientific practice include in particular
 - a. general principles of scientific work, in particular
 - to work *lege artis*,
 - to document results,
 - to consistently question your own results,
 - to maintain strict honesty with regard to the contributions of partners, competitors and predecessors,
 - b. cooperation and leadership responsibility in working groups,
 - c. the supervision of junior scientists,
 - d. the safekeeping and storage of primary data,
 - e. scientific publications as a means of accountability for scientists regarding their work,
 - f. respect for the property of others,

g. compliance with ethical standards when conducting surveys.

(3) Good scientific practice can only be realised through the cooperation of all members of the TUHH. Compliance with and communication of the relevant rules is primarily the responsibility of the individual scientists and academic staff, even if they are project leaders, heads of working groups, supervisors or otherwise act as superiors. The TUHH's Research Departments and Deans of Studies carry out the tasks assigned to them in terms of education, the promotion of young academics and the organization of research and academic operations. They are therefore responsible for creating the organizational and institutional conditions to ensure good scientific practice.

§ 3 Professional ethics of TUHH academics

(1) Scientists and all those working in science at the Hamburg University of Technology are responsible for realising the fundamental values and standards of scientific work in their actions and for standing up for them.

(2) The teaching of the fundamentals of good scientific work begins at the earliest possible stage of the scientific training (including teaching) and career.

(3) Academic staff at TUHH are committed to the fundamental values of academic work.

(4) Encompassing all career levels, TUHH academic staff undergo a continuous process of learning and further training with regard to good academic practice. They exchange information and support each other.

§ 4 Organizational responsibility of the university management

(1) The university leadership (University Board) of the TUHH creates the (institutional) framework for rule-consistent academic work. The University Board is responsible for ensuring that good academic practice is observed and communicated and for providing appropriate career support for all scientists. It guarantees the prerequisites for scientists to be able to comply with legal and ethical standards. The institutional framework includes clear and predetermined written procedures and principles for staff selection and development, as well as for the promotion of junior scientists and equal opportunities.

(2) Staff selection and development also takes account of gender equality and diversity. The relevant processes must be transparent and avoid unconscious bias to the utmost extent.

(3) The TUHH establishes suitable support structures and concepts for early career researchers. Needs-based advice for academic careers and other career paths, as well as further training opportunities and mentoring for academic and academic support staff are offered, e.g. by the TUHH's Graduate Academy for Technology and Innovation.

§ 5 Responsibility of the heads of work units

- (1) The head of a scientific work unit (e.g. institute or working group) is responsible for the entire unit he or she heads.
- (2) This responsibility includes, in particular, the obligation to provide individual support for young academics that is embedded in the overall concept of the TUHH, to promote the careers of academic and academic support staff and to communicate the principles of academic honesty.
- (3) Cooperation in the scientific work units is to be organised in such a way that the unit as a whole can fulfill its tasks, that the necessary cooperation and coordination can take place and that all members are aware of their roles, rights and obligations.
- (4) The abuse of power and the exploitation of dependency relationships must be counteracted by suitable organisational measures both at the level of the individual work units and at the level of the University Board.
- (5) Academic staff shall enjoy a balance of support and autonomy appropriate to their career level.

§ 6 Evaluation of academic performance

The evaluation of the performance of academic staff at the TUHH follows a multidimensional approach. An important component of the evaluation is academic performance, which is primarily assessed according to qualitative standards. High-quality science is based on discipline-specific criteria. Quantitative indicators can be incorporated into the overall assessment in a differentiated and reflected manner. In addition to academic performance, other aspects can be taken into account. If voluntarily stated, individual characteristics in CVs are also included in the assessment – in addition to the categories of the General Act on Equal Treatment (“Allgemeines Gleichbehandlungsgesetz”). In addition to the acquisition of knowledge and its critical reflection, other performance dimensions are also included in the assessment. These are, for example, a commitment to teaching, academic self-administration, public relations, knowledge and technology transfer. Contributions in the interests of society as a whole can also be recognized. The scientific attitude of those working in science, such as openness to knowledge and willingness to take risks, are also taken into account. Personal, family or health-related periods of absence or the resulting extended training or qualification periods, alternative career paths or comparable circumstances will be given appropriate consideration.

§ 7 Cross-phase quality assurance

- (1) TUHH researchers carry out each step of the research process *de lege artis*. Continuous and cross-phase quality assurance takes place.
- (2) The origin of data, organisms, materials and software used in the research process shall be identified, citing the original sources, and it shall be documented

which requirements apply to subsequent use. If publicly accessible software is used, this must be documented in a persistent and citable manner, citing the source code, insofar as this is possible and reasonable.

(3) The type and scope of research data generated in the research process are described. Continuous, research-related quality assurance relates in particular to compliance with subject-specific standards and established methods, to processes such as the calibration of equipment, the collection, processing and analysis of research data, the selection and use of research software, its development and programming and the keeping of laboratory notebooks.

(4) An essential component of quality assurance is enabling other TUHH researchers to replicate results and findings.

(5) If scientific findings are made publicly accessible (also via channels other than publications), the quality assurance mechanisms applied are always explained. If discrepancies or errors are subsequently discovered or pointed out, they will be corrected. If the discrepancies or errors are the reason for the retraction of a publication, the scientists or researchers work together with the relevant publisher or infrastructure provider etc. as quickly as possible to ensure that the correction or retraction is made and marked accordingly. The same applies if such discrepancies or errors are pointed out to the researchers by third parties.

§ 8 Stakeholders involved, responsibilities, roles

(1) The roles and responsibilities of the TUHH researchers involved in a research project must be defined in an appropriate manner and be clear at all times.

(2) If necessary, the roles and responsibilities will be adjusted.

§ 9 Research design

(1) When planning a project, TUHH researchers shall take the current state of research fully into account and recognize it. As far as possible, they apply methods to avoid (unconscious) bias in the interpretation of findings, e.g. blinding of test series.

(2) The identification of relevant and suitable research questions requires careful research of publicly accessible research results. TUHH provides the necessary framework conditions for this.

(3) Researchers at TUHH examine whether and, if so, to what extent gender and diversity can be significant for their research project (with regard to the methods, the work program, the objectives, etc.). When interpreting findings, they take the respective framework conditions into account.

§ 10 Legal and ethical framework conditions for research

(1) Researchers at TUHH shall treat the freedom of science and research granted to them under constitutional law responsibly.

(2) In accordance with its organizational responsibility under para. 4 (1), TUHH

integrates binding principles for research ethics into the relevant statutes and regulations (including third-party funding statutes, doctoral and examination regulations, the statute of the committee for ethical questions).

(3) In their conduct, TUHH researchers must observe their rights and obligations, in particular those resulting from legal requirements and from contracts with third parties (cf. TUHH Statutes on the use of third-party funds and the realisation of third-party funded projects).

(4) TUHH researchers shall obtain approvals and ethics votes where necessary and submit them to the responsible bodies. In the case of research projects, a thorough assessment of the research consequences and the evaluation of the respective ethical aspects must be carried out. For ethically relevant topics, they must obtain recommendations from the TUHH's Ethics Committee. Necessary approvals are granted by the University Board.

(5) TUHH researchers must continuously be aware of the risk of misuse of research results, particularly in the case of safety-relevant research. The consequences of research are thoroughly assessed and the ethical implications of research are evaluated.

§ 11 Rights of use

(1) TUHH researchers shall enter into documented agreements on the rights of use of data and results arising from the research project at the earliest possible time.

(2) In particular, those TUHH researchers who collected the data are entitled to use the data and results.

(3) The authorized users shall make regulations on the question of whether and how third parties are granted access to the research data.

§ 12 Methods and standards

(1) TUHH researchers use scientifically sound and reproducible methods to answer research questions.

(2) In doing so, the current state of research must be taken into account. When developing and applying new methods, TUHH researchers attach particular importance to quality assurance and the establishment of standards.

§ 13 Documentation

(1) TUHH researchers shall document all information relevant to the production of a research result in such a comprehensible manner as is necessary and appropriate in the subject area concerned in order to be able to review and evaluate the result and enable replication. If specific professional recommendations exist for the review and evaluation, TUHH researchers will carry out the documentation in accordance with the respective specifications. When developing research software, the source code is documented as far as this is possible and reasonable.

(2) Individual results that do not support the hypothesis are also documented as a matter of principle. A selection of results is not permitted.

(3) If the documentation does not meet the requirements of paragraphs 1 and 2, the limitations and reasons for this shall be explained in a comprehensible manner.

(4) Documentation and research results must not be manipulated. They must be protected against manipulation as far as possible. For example, the source code is documented when research software is developed. Repositories are available at the TUHH for the documentation of the research process and the storage of research results.

§ 14 Creation of public access to research results & archiving

(1) In principle, TUHH researchers contribute all their results to the scientific discourse.

(2) In individual cases, however, there may be reasons not to make results publicly accessible (in the narrower sense in the form of publications, but also in the broader sense via other communication channels); this decision must not depend on third parties. TUHH

researchers are responsible for deciding whether, how and where they make their results publicly accessible, taking into account the conventions of their respective subject area. Exceptions are permitted in particular where the rights of third parties are affected, a patent application is imminent, the research is made on the basis of a third party contract or security-relevant research is involved.

(3) Once the decision has been made to make results publicly accessible, the researchers shall describe them fully and comprehensibly. This also includes, as far as possible and reasonable, making available the research data, materials and information on which the results are based, the methods applied and the software used, as well as providing a comprehensive description of work processes. Self-programmed software must then be made publicly accessible, stating the source code. Researchers must provide complete and correct evidence of their own and third-party preliminary work. For reasons of traceability, connectivity of research and reusability, TUHH researchers deposit the research data and central materials on which the publication is based in recognized archives and repositories whenever possible - in accordance with the FAIR principles ("Findable, Accessible, Interoperable, Re-Usable"). Exceptions are permitted in the context of patent applications.

(4) Self-programmed software shall be made accessible, indicating its source code, insofar as this is possible and reasonable. If necessary, a license is granted. Workflows are comprehensively described.

(5) Own and third-party preliminary work must be fully and correctly documented, unless this can be waived exceptionally, namely in the case of one's own results that are already publicly accessible. At the same time, the reuse of the contents of

one's own publications shall be limited to the extent necessary for comprehensibility.

(6) TUHH researchers shall secure publicly accessible research data and research results as well as the central materials on which they are based and, if applicable, the research software used, in an adequate manner in accordance with the standards of the subject area concerned and store them for an appropriate period of time. If there are plausible reasons for not storing certain data, the researchers will state this. Hamburg University of Technology ensures that the necessary infrastructure is in place to enable archiving.

(7) If scientific findings are made publicly accessible, the underlying research data (usually raw data) - depending on the respective subject area - are generally stored for a period of ten years in the institution where they were created or in repositories across locations in an accessible and traceable manner. In justified cases, shorter retention periods may be appropriate; the reasons for this must be clearly described. The retention period begins on the day on which public access is established.

(8) TUHH researchers must take into account the idea of "quality over quantity" and avoid inappropriately small publications. They shall limit the repetition of the contents of their publications as (co-)authors to the extent necessary for an understanding of the context. They shall cite their results that have already been made publicly accessible, unless this may be waived in exceptional cases in accordance with the discipline-specific self-image.

§ 15 Authorship

(1) An author is anyone who has made a genuine, comprehensible contribution to the content of a scientific text, data or software publication. Whether a genuine and comprehensible contribution has been made depends on the subject-specific principles of scientific work and is to be assessed on a case-by-case basis.

(2) A genuine, comprehensible contribution is deemed to exist in particular if a scientifically active person has contributed in a scientifically relevant manner - to the design and development of the specific research activities described and evaluated in the publication (not: mere application for or acquisition of funds for superordinate framework projects, institutional units or equipment, mere management or supervisor position in the respective research institution, etc.);

- by independently collecting and processing data, developing sources or programming software (not: merely performing routine technical tasks, merely implementing predefined survey formats, etc.);

- by independently analysing, evaluating or interpreting data, sources or results (not: merely listing data, merely compiling sources, etc.);

- by participating in the development of conceptual approaches or argumentative structures (not: mere consultation of other people's drafts, mere introduction of unspecific suggestions, etc.);
- in the drafting of the manuscript (not: mere editorial adjustments, mere linguistic corrections, etc.).

(3) If a contribution is not sufficient to justify authorship, the support can be appropriately acknowledged in footnotes, in the foreword or in acknowledgements. Honorary authorship where no sufficient contribution has been made is just as inadmissible as the derivation of authorship solely on the basis of a managerial or superior function.

(4) All authors must agree to the final version of the work to be published; they bear joint responsibility for the publication, unless expressly stated otherwise. Consent to publication may not be refused without sufficient reason. Rather, the refusal must be justified with verifiable criticism of data, methods or results.

(5) TUHH researchers shall agree in a timely manner – usually at the latest when formulating the manuscript – who is to be the author of the research results. The agreement must be based on comprehensible criteria and take into account the conventions of the respective subject area.

§ 16 Publication media

(1) The scientific quality of a contribution does not depend on the publication medium in which it is made publicly accessible. In addition to publications in books and specialist journals, specialist data and software repositories as well as blogs may also be considered.

(2) Authors shall carefully select the publication medium, taking into account its quality and visibility in the respective field of discourse. A new or unknown publication medium is checked for its reliability.

(3) Anyone who takes on an editorship shall carefully check for which publication organs this is done.

§ 17 Confidentiality and neutrality in reviews and consultations

(1) Honest conduct is the basis of the legitimacy of a review process.

(2) Researchers at the TUHH who assess manuscripts, applications for funding or the credentials of individuals in particular are obliged to maintain strict confidentiality in this regard. They shall immediately disclose all facts that could give rise to concerns of bias to the responsible body.

(3) The confidentiality of external content to which a reviewer or committee member gains access bars them from the disclosure to third parties as well as from personal use. Researchers at Hamburg University of Technology are obliged to notify the responsible body immediately of any conflicts of interest or bias in relation to the research project to be reviewed or the person or subject of the consultation.

(4) Paragraphs 1 and 2 apply accordingly to members of scientific advisory and decision-making bodies.

Section II Ombudsperson system

§ 18 Ombudspersons

(1) Two ombudspersons who act as each other's deputies, are appointed at the TUHH, for members of the university who want to bring forward allegations and indications of academic misconduct. The ombudspersons are appointed by the President of the TUHH in consultation with the Academic Senate of the TUHH. They can act as each other's deputy in cases where there is a concern of personal bias of the competent ombudsperson or if the competent ombudsperson is unavailable. The provisions of para. 21 of the Hamburg Administrative Procedure Act (HmbVwVfG) shall apply mutatis mutandis to the assessment of the question of whether there is a concern of bias. In cases where there are concerns of bias, the investigative commission shall decide in accordance with Section III.

(2) Only experienced academics with management experience (usually university lecturers) at TUHH may be appointed as ombudspersons. The subject cultures represented at the TUHH should also be taken into account when making the appointment. The ombudspersons may not be members of the TUHH University Board during their term of office.

(3) The term of office of an ombudsperson shall be four years. A person may serve a total of two terms of office.

(4) Ombudspersons shall receive the necessary support and acceptance from the University Board in the performance of their duties.

§ 19 Ombudsperson activities

(1) The ombudspersons shall carry out their ombudsperson activities in accordance with para. 18 independently, in particular independently of instructions or informal case-related influence by the University Board and other university bodies. The ombudsperson's work is confidential, i.e. confidentiality is maintained.

(2) All members and affiliates of the TUHH can contact the ombudspersons in matters of good scientific practice, but also regarding suspected scientific misconduct. Alternatively, members and affiliates of the TUHH can contact the supra-regional ombuds committee "Ombuds Committee for Academic Integrity in Germany".

(3) The University Board shall ensure that the local ombudspersons at the TUHH are known. The identity and contact details of the persons in office are made known via the following channels:

- TUHH website on good scientific practice
 - Minutes of the Academic Senate
 - Oral reports of the Graduate Academy of the Hamburg University of Technology
- (4) Ombudspersons act as neutral and qualified contact persons in matters of good scientific practice and in cases of suspected scientific misconduct. As far as possible, they contribute to solution-oriented conflict mediation.
- (5) Ombudspersons accept inquiries confidentially and, if necessary, forward suspected cases of academic misconduct to the responsible office at TUHH in accordance with Section III.

Section III Procedure for dealing with scientific misconduct

§ 20 General principles for dealing with suspected cases of academic misconduct

- (1) All departments at the TUHH that investigate suspected cases of academic misconduct within the scope of their responsibilities are committed to protecting both the whistleblower and the person(s) affected by the allegations (the accused) in an appropriate manner. The competent bodies are aware that the conduct of proceedings and the final, possible imposition of sanctions can constitute a considerable encroachment on the legal interests of the accused.
- (2) When investigating allegations of scientific misconduct, the principles of the rule of law must be observed at all times: The investigation must be conducted fairly and with the presumption of innocence. The investigation must also be confidential. Investigations are conducted without regard to the person, decisions are made without regard to the person.
- (3) Both, affected persons and whistleblowers, should be given the opportunity to comment at every stage of the proceedings.
- (4) Reports by whistleblowers must be made in good faith. Whistleblowers must have objective evidence that standards of good scientific practice may have been violated. If the whistleblower is unable to verify the facts on which the suspicion is based or if there are uncertainties regarding the interpretation of the guidelines for good scientific practice in accordance with Section I with regard to an observed process, the whistleblower should contact the persons in accordance with para. 19 (1) and (2) to clarify the suspicion.
- (5) Neither the whistleblower nor the accused/affected person should suffer any disadvantages for their own scientific or professional advancement as a result of the whistleblowing. For the accused person, this applies in accordance with the presumption of innocence to be observed until misconduct is proven and established. In the case of persons in early career phases, the report should not lead to delays during their qualification. The completion of final papers and PhD

theses should not suffer as a result. The same applies to their work conditions and possible contract extensions.

(6) The whistleblower is to be protected even if misconduct is not proven in the proceedings unless the allegations were made in bad faith.

(7) All bodies involved in the proceedings shall endeavor to conduct the entire proceedings as promptly as possible. They shall take the necessary steps to conclude each stage of the proceedings within a reasonable period of time.

(8) A report of a suspicious activity in which the reporting person does not disclose his/her identity (anonymous report) shall be reviewed only if the reporting person presents reliable and sufficiently concrete facts that enable a review with reasonable effort.

(9) If the identity of the whistleblower is known to the competent body, the body shall treat the identity confidentially and shall not disclose it to third parties without the consent of the whistleblower. Consent should be given in text form. Information may also be disclosed without consent if there is a legal obligation to do so. Disclosure may also be made in exceptional cases if the accused person would otherwise not be able to defend themselves properly because the identity of the person providing the information is important to do so. Before the identity of the whistleblower is disclosed, he or she will be informed of the intended disclosure. They may decide within a reasonable period of time set by the ombudsperson whether to withdraw their report of the suspicious activity. In the event of withdrawal, disclosure will not take place unless there is a legal obligation to disclose. The investigation procedure may nevertheless be continued if a weighing up of interests shows that this is in the interest of scientific integrity in Germany or in the legitimate interest of the TUHH.

(10) The confidentiality of the procedure is subject to restrictions if the whistleblower addresses their suspicions to the public. The body responsible for the investigation shall decide on a case-by-case basis at its due discretion how to deal with the breach of confidentiality by the whistleblower.

§ 21 Offences of scientific misconduct

(1) Scientific misconduct occurs when a person working in science at the TUHH intentionally or through gross negligence makes false statements in a scientifically relevant context, appropriates the scientific achievements of others without authorization or impairs the research activities of others. This does not affect the special offenses under paragraphs 5 to 8.

(2) Misrepresentation is

- a) the fabrication of scientifically relevant data or research results,
- b) the falsification of scientifically relevant data or research results, in particular by suppressing or eliminating data or results obtained in the research process without disclosing this, or by falsifying a representation or illustration,
- c) the incongruent representation of an image and associated statement,

d) incorrect science-related information in an application for funding or as part of the reporting obligation,

e) claiming authorship or co-authorship of another person without their consent.

(3) The following cases constitute unauthorized misappropriation of another person's scientific work:

a) unmarked adoption of third-party content without the required source citation ("plagiarism"),

b) unauthorized use of research approaches, research results and scientific ideas ("theft of ideas"),

c) unauthorized disclosure of scientific data, theories and findings to third parties,

d) presumption or unfounded assumption of authorship or co-authorship of a scientific publication, in particular if no genuine, comprehensible contribution was made to the scientific content of the publication,

e) falsification of the scientific content,

f) unauthorized publication and unauthorized making available to third parties before the scientific work, finding, hypothesis, doctrine or research approach has been published.

(4) The following cases in particular constitute interference with the research activities of others:

a) sabotage of research activities (including damaging, destroying or manipulating experimental set-ups, equipment, documents, hardware, software, chemicals or other items required by others for research purposes),

b) falsification or unauthorized removal of research data or research documents,

c) falsification or unauthorized removal of the documentation of research data.

(5) Scientific misconduct by persons working in research

at the TUHH also arises - if they act intentionally or grossly negligently - from

a) the co-authorship of a publication that contains false information or inadmissibly appropriated third-party scientific achievements,

b) the neglect of supervisory duties, if another person has objectively fulfilled the facts of scientific misconduct within the meaning of paragraphs 1 to 4 and this would have been prevented or made considerably more difficult by the necessary and reasonable supervision.

(6) Academic misconduct also arises from the intentional participation (in the sense of instigation or aiding and abetting) in the intentional misconduct of others that constitutes an offense under these Statutes.

(7) Scientific misconduct by persons providing expert opinions or members of TUHH

committees is deemed to have occurred if they intentionally or through gross negligence

a) make unauthorized use of scientific data, theories or findings of which they have gained knowledge in the course of their work as an expert opinion or committee member for their own scientific purposes,

- b) disclose data, theories or findings to third parties without authorization in violation of the confidentiality of the procedure,
 - c) fail to disclose facts or circumstances that could give rise to concerns of bias to the competent body in the course of their work as an expert or panel member.
- (8) Scientific misconduct shall also be deemed to have occurred if a person providing an expert opinion or a member of a TUHH committee, in the course of his/her activities and with the intention of gaining an advantage for him/herself or another person, fails to disclose facts against his/her better judgment which reveal scientific misconduct on the part of the other person within the meaning of paragraphs 1 to 5.

§ 22 Initiation of an investigation

- (1) Whistleblowers should contact an ombudsperson or a deputy in accordance with § 19 with a report of suspicion. A report of suspected misconduct should be made in text form. It may be made verbally; in this case, the receiving office shall prepare a transcript. If whistleblowers report their suspicions directly to a member of the Investigation Committee, the member shall forward the report to a competent ombudsperson as the responsible person.
- (2) Notwithstanding para. 18 (1) of these Statutes, para. 22 et seq. of the Code of Criminal Procedure shall apply mutatis mutandis to concerns of bias on the part of ombudspersons during proceedings pursuant to Section III. The Investigation Commission shall decide in accordance with para. 24 of these Statutes.
- (3) The responsible ombudsperson or deputy shall examine confidentially whether there are sufficiently concrete indications that a person has committed a prosecutable offense pursuant to para. 21. The ombudsperson may conduct preliminary investigations in this context; para. 23 (2) shall apply accordingly.
- (4) If the ombudsperson comes to the conclusion that there are sufficiently substantiated grounds for suspicion pursuant to sub-paragraph 3, he or she shall initiate a preliminary examination.

§ 23 Preliminary examination

- (1) As part of the preliminary examination, the ombudsperson shall immediately request the accused person in writing to comment on the allegation. In doing so, the ombudsperson shall list the incriminating facts and evidence to the accused person. A deadline must be set for the statement; as a rule, this should be four weeks. The deadline may be extended. The statement should be made in writing or in text form. Accused persons are not obliged to incriminate themselves.
- (2) As part of the preliminary examination, the ombudsperson may conduct the investigation necessary to clarify the facts of the case, insofar as these are permissible under higher-ranking law. For example, it may request, procure and inspect documents, procure and secure other evidence, obtain opinions or – if necessary – obtain external expert opinions. All persons involved must be

requested to treat the request confidentially.

(3) The files should show what steps have been taken to clarify the facts.

(4) Once the relevant investigation has been completed and all relevant evidence, including the statement of the accused person, has been evaluated, the competent ombudsperson shall decide without delay on the further course of the proceedings. The decision shall be based on whether, on the basis of the facts, a finding of scientific misconduct by the investigative commission appears more probable than a discontinuation of the proceedings (sufficient suspicion). If there is no sufficient suspicion of prosecutable scientific misconduct, the ombudsperson shall discontinue the proceedings. If there is sufficient suspicion, the ombudsperson shall transfer the preliminary examination to a formal investigation, which shall be conducted by the Investigation Committee.

(5) If the proceedings are discontinued, the whistleblower shall first be informed of the decision in writing. The main reasons that led to the decision shall be stated. The whistleblower shall be granted the right to submit a written objection to the decision within two weeks. The written objection can be submitted either to the ombudsperson or to the investigating commission. If the objection is submitted before the deadline, the decision to discontinue the proceedings has to be re-examined.

(6) If the deadline for a objection has expired without a submission or if a timely objection has not led to a different decision, the decision to discontinue the proceedings shall be communicated to the accused person in writing, stating the main reasons for it.

(7) If the proceedings are transferred to a formal investigation, this decision shall be communicated in writing to the reporting person and to the accused person. If the accused person has denied the allegations, the reasons for upholding the allegations shall be outlined briefly.

§ 24 Investigation committee

(1) An investigation committee shall be convened at the TUHH to conduct the investigation. The commission shall consist of the three longest-serving members of the Council of Elders of the TUHH and a representative of the academic mid-level faculty (longest-serving elected representative of the academic mid-level faculty in the Academic Senate of the TUHH). Seniority in the committee counts first and, in the event of a tie, seniority at the TUHH. The committee elects a chairperson from among its members. The chairperson conducts the business of the Investigation Commission and exercises domiciliary rights during the meetings. The Investigation Commission shall elect a person from among its members to serve as deputy chairperson.

(2) In individual cases, the Investigation Committee may call in up to three persons from the subject area of the scientific matter to be assessed as additional members for consultation in an advisory capacity. The ombudspersons may only

be consulted as advisory members without voting rights in the Investigation Committee.

(3) In the event of concerns of bias or if a member of the commission is unable to attend for more than a short period of time, the next most senior member of the Council of Elders or the next most senior member of the mid-level faculty representation in the AS shall deputize for the commission member. Seniority in the committee counts first and, in the event of a tie, seniority at the TUHH. para. 22 et seq. of the Code of Criminal Procedure apply accordingly to concerns of bias. Concerns of bias can be raised by all voting members of the commission, by ombudspersons of the TUHH or by accused persons. The Commission shall decide without the person against whom the application for recusal is directed.

Procedural acts that cannot be postponed may still be carried out.

(4) If, for good cause, all members of a status group in the respective bodies are prevented from participating in the investigation committee, this status group shall propose a representative. The proposed representative must be a member of the status group and fulfill the necessary requirements for representation. The representative proposed by the status group shall be elected by the Academic Senate.

(5) All voting members of the commission have equal voting rights; the chairperson also has the right to vote. Resolutions are passed by a simple majority; in the event of a tie, the chairperson has the casting vote. The committee is only quorate if at least three persons with voting rights are present.

(6) The members of the Commission and their deputies shall carry out their activities independently, in particular independently of instructions or informal, case-by-case influence by the University Board and other university bodies. Their activities shall be confidential, i.e. they shall maintain confidentiality.

(7) The Investigation Committee shall work and meet confidentially and in private.

(8) The current composition of the Investigation Committee can be obtained from the following office:

- Hamburg University of Technology website on Good Scientific Practice

§ 25 Course of the investigation

(1) If the ombudsperson comes to the conclusion that there are sufficiently concrete grounds for suspicion in accordance with §21, he or she shall arrange for the investigation committee to be convened via the President of the TUHH in accordance with §24. The investigation committee shall schedule a meeting as soon as possible.

(2) As part of the investigation, the Commission shall immediately request the accused person in writing to comment on the allegation. In doing so, it shall list the incriminating facts and evidence to the accused person. A deadline must be set for the statement; as a rule, this should be four weeks. The deadline may be extended. The statement should be made in writing or in text form. Accused

persons are not obliged to incriminate themselves.

(3) As part of the investigation, the Commission may conduct the investigations necessary to clarify the facts of the case, insofar as these are permitted by higher-ranking law. For example, it may request, procure and inspect documents, procure and secure other evidence, obtain opinions or – if necessary – obtain external expert opinions. All persons involved must be requested to treat the request confidentially.

(4) The Commission may hear other persons whose opinion it deems useful for the proceedings at its due discretion. With regard to possible rights to refuse to give evidence, the provisions of the Code of Criminal Procedure shall apply accordingly.

(5) Any person who is heard by the Commission may be assisted by a person they trust. The Commission shall be informed in good time.

(6) The Commission of Inquiry shall examine, in accordance with the traditional rules of free evaluation of evidence, whether scientific misconduct has been proven to its satisfaction. Scientific misconduct can only be established if a majority decision has been taken within the Commission. The deliberations are subject to confidentiality. This does not affect the authority of the Commission to discontinue the proceedings due to a lack of sufficient suspicion or in the case of minor misconduct due to insignificance.

(7) If the proceedings are discontinued, the decision shall first be communicated to the whistleblower in writing. The main reasons that led to the decision shall be stated. The whistleblower shall be granted the right to submit a written objection to the decision within two weeks. Both the ombudsperson and the investigative commission can be reached by means of the objection. In the event of an objection within the deadline, the decision taken will be reconsidered.

(8) If the deadline for an objection has expired without result or if an objection has not led to a different decision, the decision on discontinuation shall be communicated to the accused person in writing, stating the main reasons for the decision.

(9) Para. 20 (8) and (9) shall apply accordingly to any disclosure of the identity of the informant.

(10) In the event of suspected violations of disciplinary or labor law, the proceedings shall be suspended.

(11) The Investigation Commission shall promptly submit a final investigation report

to the President of the TUHH, which shall also contain the Commission's proposed sanctions. The essential basis of the Commission's decision shall be communicated.

(12) The documents of the formal investigation shall be kept at the TUHH for 10 years.

§ 26 Conclusion of the investigation procedure

(1) The President shall decide, after due consideration and consultation with the University Board, whether the accused person has been found to have committed academic misconduct and whether and what sanctions and measures will be imposed on them. If the revocation of an academic degree is considered as a measure, the relevant authorities shall be involved.

(2) In the event that the accused person is the President of Hamburg University of Technology, the decision shall be made by the deputy specified in the University Board's rules of procedure.

(3) The decision and its essential reasons shall be communicated in writing to the informant and the accused person.

(4) The decision shall also be communicated to affected scientific organizations and third parties who have a justified interest in the decision. Whether and in what way this is the case shall be decided by the President at his/her due discretion. He or she shall also decide whether and how the public is to be informed.

Notifications in accordance with this paragraph may be accompanied by a statement of reasons.

§ 27 Possible sanctions and measures

(1) If the President deems academic misconduct to have been proven in accordance with para. 26 (1), he or she may impose the following sanctions and/or take the following measures, either alternatively or cumulatively, within the framework of proportionality:

- a) Written reprimand,
- b) requesting the accused person to retract or correct incriminated publications or to refrain from publishing incriminated manuscripts,
- c) withdrawal of funding decisions or withdrawal from funding contracts, insofar as the decision was made by the TUHH or the contract was concluded by the TUHH, including, if applicable
- d) exclusion from work as an expert or committee member of the TUHH for a period of two years,
- e) against employees of the TUHH: warning under employment law, ordinary termination, termination of contract, extraordinary termination,
- f) against civil servants of the TUHH: Initiation of disciplinary proceedings under civil service law with the measures provided for therein, including interim measures,
- g) Criminal complaint to the police or the public prosecutor's office,
- h) Administrative offense report to the competent authority,
- i) Assertion of claims under civil law - including by way of interim legal protection - in particular for damages, restitution or removal/omission,
- j) Assertion of any claims under public law, including by way of interim legal protection,

k) Initiation of proceedings for the revocation of an academic degree or suggestion of the initiation of such proceedings.

Section IV Entry into force of these Articles of Association; promulgation; expiry of a previous GWP Directive

§ 28 Entry into force

This statute shall enter into force on the day following its publication. At the same time, the Guideline for Safeguarding Good Scientific Practice shall cease to be in force.

Hamburg, June 26, 2024

Hamburg University of Technology

This translation of the „Satzung zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit Verdachtsfällen wissenschaftlichen Fehlverhaltens“ (GWP-Satzung) is intended solely as a convenience to the non-German-reading public. Any discrepancies or differences that may exist between this translation and the official German version are not binding and have no legal effect for compliance or enforcement purposes.