

# Communication from the Bauhaus-Universität Weimar

## ENGLISH TRANSLATION (NOT LEGALLY BINDING)

<input checked="" type="checkbox"/> The President  The Chancellor	<b>Statutes concerning Good Scientific and Artistic Practice at the Bauhaus-Universität Weimar</b>		Issue 16/2023
	Resp. dept./unit DFO/BRS	Telephone 2530	Date 27 March 2023

### Preamble

Academic integrity and compliance with the principles of good scientific practice are indispensable prerequisites for scientific work. At the Bauhaus-Universität Weimar, with its different, equality-oriented and mutually complementary subject cultures, such obligations equally apply to artistic work as well as to creative and design work. These obligations are based on the respective subject culture and associated discipline-specific principles, rules of professional conduct, legal norms and professional freedom. In accordance with the Thuringian Higher Education Act - which differentiates between scientific and artistic staff - and for improved readability, the following refers to good scientific and artistic practice, even if artistic, creative and even design work is connected to and differentiated from scientific work to varying extents and degrees. In this sense, matters of artistic practice in particular are to be considered in their specific context and against the background of fundamental artistic freedom.

These Statutes serve as a guideline for all members and affiliates of the Bauhaus-Universität Weimar. They also touch on universally applicable principles. Most important is the principle of honesty, towards oneself and others. It is both an ethical norm and the foundation for the rules of scientific professionalism and artistic freedom, which vary from discipline to discipline. For purposes of ascertainment, particular aspects of individual areas are specifically exemplified in some paragraphs. Communicating these Statutes to students and to early stage scientists and artists is one of the University's core duties, as is ensuring they remain valid and are applied in practice. The Bauhaus-Universität Weimar is unconditionally committed to these basic principles. The following regulations supplement the above-mentioned principles. They develop and detail fundamental scientific-ethical principles and artistic points of reference.

### A Principles

#### Guideline 1: Commitment to the general principles

The Bauhaus-Universität Weimar sets rules for good scientific and artistic practice, conveys these rules to its members and affiliates and furthermore compels them to adhere to these rules, taking into consideration the particularities of pertinent subject areas. Each scientist and artist is responsible for ensuring that their own conduct complies with the standards of good scientific and artistic practice.

#### Guideline 2: Professional ethics

Scientists and artists bear personal responsibility for implementing and championing the fundamental values and standards of scientific and artistic work. They actively take measures to ensure and further develop good scientific and artistic practice, thereby regularly updating their knowledge of applicable standards, irrespective of their career

stage. The fundamentals of good scientific and artistic work are imparted at the earliest possible stage in academic teaching as well as scientific and artistic education.

### **Guideline 3: Organisational responsibility of management within scientific institutions**

The framework conditions for scientific and artistic work are created by university management of the Bauhaus-Universität Weimar. University management is responsible for maintaining and imparting good scientific and artistic practice and for providing appropriate career support for all scientists and artists. It guarantees the conditions necessary for scientists and artists to be able to comply with legal and ethical standards. The framework conditions include clear, written procedures and principles for transparent selection of staff, carefully taking into consideration equality and diversity aspects. They also include appropriate procedures and principles concerning the further development of staff, the promotion of early stage scientists and artists as well as equal opportunities and inclusiveness.

### **Guideline 4: Responsibility of management within structural units**

The management of a scientific or artistic structural unit of the Bauhaus-Universität Weimar bears responsibility for the entire unit within the scope of its tasks and areas of activity. Interactions must be organised in such a way that the group as a whole can fulfil its tasks and that necessary cooperation and coordination are ensured. All members are aware of their roles, rights and duties. One major responsibility of management is ensuring appropriate individual supervision – embedded in the overall concept of the Bauhaus-Universität Weimar – of early stage scientists and artists. This also includes career development for this target group as well as for supporting administrative and technical staff. Abuse of power and exploitation of any relationships involving an element of dependency are to be prevented by using appropriate precautions at all levels of the unit, and safeguards to prevent discrimination<sup>1</sup> are to be implemented consistently.

### **Guideline 5: Performance dimensions and evaluation criteria**

A multi-dimensional approach is required to evaluate performance of scientists and artists. In terms of performance and evaluation criteria in examinations and project work as well as in the awarding of academic degrees and for recruitments, appointments, promotions and funding allocations, originality and quality always take precedence over quantity. Discipline-specific criteria must be taken into consideration. In addition to scientific or artistic performance, other aspects may be considered, such as engagement in teaching or academic autonomy, in the transfer of ideas, knowledge and technology or in the area of civic engagement.

If voluntarily shared, individual particularities in CVs<sup>2</sup> are also appropriately considered. This refers, for example, to personal, family or health-related periods of absence or resulting extended periods of training or qualification, as well as alternative career paths or comparable circumstances.

### **Guideline 6: Ombudspersons**

The Senate of the Bauhaus-Universität Weimar elects a Science Ombudsperson and an Arts Ombudsperson. The Presidium proposes suitable and experienced professors who must not be members of any central executive committees during their term of office. The term of office is 3 years; one subsequent term of office is possible. To avoid any potential bias or delay, a substitute ombudsperson is also appointed.

The President appoints the elected Ombudspersons and compels them to comply with these Statutes. Their names and contact details are appropriately communicated.

Ombudspersons serve as points of contact for members and affiliates of the Bauhaus-Universität Weimar for questions concerning good scientific or artistic practice or in cases of suspected scientific or artistic misconduct. As neutral confidants, ombudspersons provide general consultation on questions of good scientific or artistic practice

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<sup>1</sup> AGG (Allgemeines Gleichbehandlungsgesetz; General Act on Equal Treatment. AGG includes mention of discrimination on the basis of: race, ethnicity, gender, religion, beliefs/ideologies, disability, age, sexual identity)

<sup>2</sup> AG

and in cases where they become aware of suspected scientific or artistic misconduct. They may also take up relevant information of which they become aware directly or indirectly through third-party sources. Every member and affiliate of the University is entitled to personally speak with an ombudsperson at short notice. Ombudspersons investigate suspected scientific or artistic misconduct, weighing up all facts to determine their truthfulness and significance, considering possible motives and with a view to clarifying allegations. Ombudspersons are sworn to secrecy. They report annually to the Presidium on consultations conducted, in an anonymised form.

As an alternative to the University-appointed Ombudspersons, every member and affiliate of the Bauhaus-Universität Weimar is also entitled to approach the "The German Research Ombudsman" (DFG).

## **B Research Process**

### **Guideline 7: Cross-phase quality assurance**

Researchers carry out each step in the research process according to the principle of *lege artis*. Whenever scientific findings are made publicly available (in the form of publications in the narrower sense, but also via other communication channels in the broader sense), the mechanisms applied for the purpose of quality assurance are always explained. This especially applies when new methods are developed.

Subject-specific standards must be adhered to. If errors are discovered during or after publication of findings, the researchers will arrange for the correction - or, if necessary, the withdrawal - of a publication. The origin of data, organisms, materials and software used in the research process is identified and subsequent use is documented; original sources are cited. The type and scope of research data generated in the research process are described. The manner in which they are handled is defined in accordance with the requirements of the subject concerned.

The same applies to artistic work, for example when artists must identify used materials and data in public presentations of their works. Usually, however, it is not in line with state of the art principles to comprehensively document the creationary process. If errors are discovered in artistic works and products during or after publication, these too are to be corrected to the extent that is possible or, if necessary, withdrawn.

### **Guideline 8: Persons involved, responsibilities and roles**

Roles and responsibilities of scientists, artists and supporting administrative and technical staff involved in a research or artistic project must be clearly defined at all times.

### **Guideline 9: Research design**

Researchers fully consider and acknowledge the current state of research when planning and implementing a project. Identification of relevant and suitable projects requires careful research into already publicly available research achievements. The Bauhaus-Universität Weimar provides the framework necessary for this. Researchers carefully consider to what extent gender and diversity may be relevant to the project (in terms of methods, work programme, objectives etc.) and apply methods to avoid any conscious or unconscious bias.

### **Guideline 10: Legal and ethical framework, rights of use**

Scientists take a responsible approach to the constitutionally granted freedom of research, as do artists with artistic freedom. They take into consideration rights and obligations, especially those arising from legal requirements but also those ensuing from contracts with third parties; to the extent that is necessary, they obtain and present approvals and ethical opinions. In the context of research projects, thorough assessment of the consequences of research and evaluation of respective ethical aspects is to be carried out. The legal framework of a research project also includes documented agreements concerning rights of use of research data and other research findings arising from the project. Documented agreements on rights of use of research data and findings are to be concluded at the earliest possible stage, especially in the event that a scientist is likely to move to another research institution.

### **Guideline 11: Methods and standards**

In order to answer research questions, scientists and artists apply scientifically sound and comprehensible methods in the context of research and art. When developing and applying new methods, they attach particular importance to quality assurance and the establishment of subject-specific standards.

Application of a method generally requires specific skills of the scientists and artists involved. In science, the establishment of standards governing methods, utilisation of software, collection of research data as well as description and evaluation of research findings is an essential prerequisite for the comparability and transferability of research findings. In the fields of art and design, it is also necessary to use, establish or, where possible, to develop standards in order to maintain a manageable volume of methods, materials and software developments as well as to ensure these can be used by others and to conserve resources.

### **Guideline 12: Documentation**

Scientists document all information relevant to the achievement of research findings as comprehensibly as is necessary and appropriate in the field concerned to facilitate verification and evaluation of the findings.

In principle, scientists therefore also document individual findings that do not support the research hypothesis. In this connection, selection of findings is to be avoided. In cases where there are professional recommendations for verification and evaluation, scientists document according to the respective requirements. If documentation does not meet these requirements, associated limitations and reasons for this outcome are to be clearly explained. Documentation and research findings are not to be manipulated; they must also be safeguarded against manipulation to the greatest possible extent.

### **Guideline 13: Establishing public access to research findings**

Scientists fundamentally contribute all findings to scientific discourse. Taking into consideration the practices of the discipline concerned, scientists undertake to decide whether, how and where to make their research findings publicly accessible. Upon deciding to make findings publicly accessible, scientists describe these findings fully and comprehensibly. This also includes – to the extent that is possible and reasonable – making available the research data, materials and information on which the findings are based as well as the methods applied and the software used, and comprehensively explaining work processes. Scientists provide complete and correct evidence of the groundwork performed by themselves and others.

In individual cases, there may be reasons to refrain from making research findings publicly accessible; this decision, however, must not be dependent on third parties.

In accordance with the principles of open data, the Bauhaus-Universität Weimar strives for fundamentally free access to and long-term preservation of research data to ensure research findings are traceable and reproducible.

### **Guideline 14: Authorship and intellectual property ownership**

An author is someone who has made a genuine, traceable contribution to the content of a scientific text, data or software publication. Honorary authorship is not permissible, and a leadership or supervisory function does not in itself constitute co-authorship. All authors approve the final version of the work to be published. They are jointly responsible for publication, unless explicitly stated otherwise. To the greatest possible extent, authors work towards ensuring that their research contributions are labelled by publishers or infrastructure providers in a manner facilitating correct citation by users.

Scientists decide at an early stage who is to be designated author of the research findings and which publication organ is to be used. Agreement concerning the sequence of authors is reached in a timely fashion and on the basis of clear criteria, taking into consideration the conventions of each subject area. Consent to publication may not be refused unless there are sufficient grounds to withhold consent. Refusal of consent must be justified with verifiable criticism of data, methods or findings. If a contribution is not sufficient to justify authorship, this support may be appropriately acknowledged in footnotes, in the foreword or in the acknowledgement.

Artists also reference persons who have contributed significantly to a work. The state of the art of the respective discipline is the benchmark.

### **Guideline 15: Publication organ**

Authors prudently select the publication organ, taking into consideration its quality and visibility in the respective field of discourse. In its open access policy, the Bauhaus-Universität Weimar acknowledges and follows the principles of open access publishing. It advocates free and unrestricted access to scientific knowledge and encourages its scientists to publish in open access publications. Scientists who assume the function of publisher carefully consider for which publication organs they take on this task.

The scientific quality of an article has no correlation to the quality of the publication organ in which it is made publicly accessible. An essential criterion in the selection process is whether the publication organ has established quality assurance procedures.

### **Guideline 16: Confidentiality and neutrality in peer reviews and consultations**

Honest conduct forms the foundation of legitimacy in a review process. Scientists and artists, especially those who assess submitted manuscripts, funding applications or other persons' credentials, are obliged to observe strict confidentiality. They disclose all facts that may engender concerns of bias or conflict of interest and report these immediately to the responsible authority. The obligation both to observe confidentiality and to disclose facts that may engender concerns of bias also applies to members of scientific advisory and decision-making committees as well as to supervisory and auditing activities. The same applies to the work of artists, who also commit themselves to confidentiality and neutrality in reviews and consultations. This explicitly includes activities as jurors.

Confidentiality of third-party content to which the reviewer or committee member gains access excludes disclosure to third parties and personal use.

### **Guideline 17: Archiving**

In line with the standards of the discipline concerned, scientists are to adequately secure publicly accessible research data or research findings as well as underlying central materials and – where applicable – the utilised research software and are to store them for an appropriate period. This period is generally ten years from the date on which public access was established. If there are comprehensible reasons for not retaining certain data, or if shorter retention periods are specified in individual cases, corresponding explanations are to be provided by the scientists. Statutory deadlines and the requirements of funding providers must be observed. Data are stored in suitable repositories, which are to be determined by consensus of everyone involved in a research project. Furthermore, building up of infrastructure necessary for archiving is planned for the University.

## **C Non-Compliance with Good Scientific and Artistic Practice, Procedures**

**Guideline 18: Commission for Ethics and Quality in Scientific and Artistic Practice** The Senate of the Bauhaus-Universität Weimar elects a Commission for Ethics and Quality in Scientific and Artistic Practice (in short: Ethics Commission). The Commission is responsible for procedures in cases of suspected scientific or artistic misconduct and for dealing with related ethical issues. Further details are regulated by rules of procedure.

The Commission consists of six voting members:

- One full-time professor from each faculty
- Two representatives of the academic staff

One scientific staff member and one artistic staff member are each elected to the Commission to represent the academic staff. The group of academic staff members in the Senate has the right of nomination. A substitute is elected for each voting member in the event that the member is unable to attend or in cases of potential bias. The Ombudsperson involved in the specific case, the Head of Legal Affairs and a representative of the Doctoral Council constitute members of the Commission in an advisory capacity.

Voting members of the Commission are elected for a term of 3 years; a further term of office is possible. Their names and contact details are appropriately communicated.

The Commission elects a professor as chairperson and a deputy from among its members. Meetings are not open to the University public. The Commission constitutes a quorum if at least four members with voting rights are present. Resolutions are passed by simple majority. Minutes recording the essential outcomes of the meetings are taken. The members are sworn to secrecy.

The Commission for Ethics and Quality in Scientific and Artistic Practice may bring in other persons with special expertise in the matter being reviewed in an advisory capacity.

### **Guideline 19: Procedure in cases of suspected scientific or artistic misconduct**

The procedure in cases of suspected scientific or artistic misconduct follows the principles of a fair and confidential procedure. The presumption of innocence principle applies in this connection. The guidelines on "bias in internal university proceedings" of the Projects & Research Committee of the Bauhaus-Universität Weimar also apply.

Both the person affected by the suspicion of misconduct and the person making the allegations are to be protected by the Bauhaus-Universität Weimar in an appropriate manner. Neither the person making the allegations nor the person affected by the allegations suffers any disadvantages to their own scientific, artistic or professional advancement as a result of the report. For the person affected by the allegations, this applies at least until there is formal evidence of scientific or artistic misconduct. The person making the allegations is also to be protected even in cases where scientific or artistic misconduct cannot be proved, unless there is evidence that false allegations were intentionally made.

Members and affiliates of the Bauhaus-Universität Weimar have the option of contacting the respective Ombudsperson or a member of the Commission for Ethics and Quality in Scientific and Artistic Practice if they suspect there has been scientific or artistic misconduct. If the person making the allegations contacts a member of the Commission, this member must immediately inform either the Scientific or the Artistic Ombudsperson. The report of suspicion is to be made in writing, stating incriminating facts and evidence. The procedure is confidential and is not open to the public (neither within the University nor outside it). Cases of suspected scientific or artistic misconduct on the part of a student are dealt with within the respective faculty.

The person affected by the suspicion of misconduct is to be notified immediately of the incriminating facts and evidence; the name of the informant is only disclosed to the affected person if the informant's consent has previously been obtained. The Ombudsperson examines the possibilities of conflict resolution and may consult with the chairperson of the Commission for Ethics and Quality in Scientific and Artistic Practice. If the conflict is resolved, the persons involved are notified of this.

If the conflict remains unresolved, the Ombudsperson notifies the chairperson of the Commission for Ethics and Quality in Scientific and Artistic Practice. If the informant considers the conflict to be unresolved, they have the right to insist on the involvement of the Commission.

#### Preliminary meeting

The chairperson is to arrange a preliminary meeting of the Commission to present the facts of the case. The person affected by the allegations is invited to submit a written statement. The deadline for submitting a statement is generally three weeks, or six weeks during semester break.

#### Preliminary investigation procedure

After the statement of the person affected by the allegations has been received or after expiry of the deadline, the Commission is to carry out a preliminary investigation within three weeks, or within six weeks during semester break. The Commission decides:

1. that the preliminary investigation procedure is to be discontinued because the suspicion of scientific or artistic misconduct has been fully clarified or the misconduct is not serious, or
2. that the preliminary investigation procedure is to be transferred to the formal investigation procedure for further clarification and ruling.

The informant and the person affected by the allegations are notified of the result of the preliminary investigation procedure. Grounds for discontinuing the preliminary investigation procedure, as well as possible conditions in the event of a non-serious case or progression to a formal investigation procedure, are recorded in writing.

If the informant does not agree with the discontinuation of the procedure, they may present corresponding objections in writing to the Commission for Ethics and Quality in Scientific and Artistic Practice within three weeks, or within six weeks during semester break. Following an oral hearing with the person affected by the allegations, the Commission is to deliberate again and notify both the affected person and the informant of its decision.

#### Formal investigation procedure

If a formal investigation procedure is initiated, the President and the Dean of the faculty concerned are notified.

The Commission for Ethics and Quality in Scientific and Artistic Practice is entitled to obtain the information and statements necessary to clarify the facts of the case and, in individual cases, to call in experts from the relevant subject area as well as other experts. The Commission is to examine whether scientific or artistic misconduct has occurred by transparently assessing the evidence. The person affected by the allegations is provided with all information and is given the opportunity to make a written and oral statement. The affected person also has the possibility to call in a trusted person for support. The Commission considers all facts and statements before deciding whether or not scientific or artistic misconduct has occurred.

If the Commission considers that there is insufficient evidence that scientific or artistic misconduct has occurred, the procedure is discontinued. The procedure is also discontinued if the misconduct is not considered serious. This decision may be taken subject to certain conditions. The President, the Dean of the faculty concerned, the informant and the person affected by the allegations are notified accordingly.

If the Commission considers that there is sufficient evidence that scientific or artistic misconduct has occurred, it reports to the President accordingly and proposes how the procedure is to be continued.

The Commission summarises in an investigation report the essential reasons that led to the procedure's termination or to its forwarding to the President. Documents pertaining to the formal investigation procedure are to be kept for 30 years by the President and by Legal Affairs.

In the case of third-party-funded research, the third-party funding provider is notified in the event of a breach of good scientific practice. Other third parties with legitimate interest in the decision will also be notified of the result. Depending on the facts of the case, the responsible bodies or institutions will initiate legal or regulatory measures with appropriate procedures.

Throughout the entire procedure, the name of the informant is not disclosed if the informant so requests.

The exception to this rule is in the case of legal obligation to disclose. If the person affected by the allegations is unable to put forth an adequate defence without knowing the identity of the informant, the affected person may request disclosure of the informant's identity. The chairperson decides on the plausibility of the request.

The informant will be notified of the request and may then decide whether to withdraw the complaint.

#### Consequences

The President decides on the consequences following scientific or artistic misconduct on the basis of the investigation report and the recommendation of the Commission.

#### Appendices:

Appendix 1: Catalogue of behaviours of conduct to be considered as scientific misconduct

Appendix 2: Possible consequences in cases of scientific or artistic misconduct.

## **D Final Provisions**

The Statutes concerning Good Scientific and Artistic Practice at Bauhaus-Universität Weimar enter into force on the day after publication in the University Notices. The guideline for ensuring good scientific and artistic practice at the Bauhaus-Universität Weimar of 24 May 2012 (MdU 14/2012) will simultaneously cease to apply.

Passed by the Senate on 1 February 2023

Peter Benz  
President

The Statutes may be approved

Dr. Steffi Heine  
Legal Advisor

Approved on 27 March 2023

Peter Benz  
President



# Appendix 1: Catalogue of behaviours of conduct to be considered as scientific misconduct

## I. Scientific misconduct

Scientific misconduct occurs when false information is knowingly or grossly negligently provided in a scientific context, when the intellectual property of others is infringed or when others' research activities are intentionally impaired in some other manner. The circumstances of each individual case are ultimately decisive.

Clear-cut cases of scientific misconduct include:

### 1. false statements:

1. the fabrication of data and/or research findings,
2. the falsification of data and/or research findings, in particular
  - a. by suppressing and/or eliminating data and/or findings obtained in the research process without disclosure,
  - b. by manipulating a depiction or illustration,
3. by incongruently presenting an image and associated statement,
4. by providing incorrect information in a letter of application, CV or grant application (including false information to the publication organ and in printed publications), insofar as this is science-related.

### 2. infringement of intellectual property:

in relation to copyright-protected work created by others or essential scientific knowledge, hypotheses, teachings or research approaches originating from others:

1. by claiming (co-)authorship of others' work without their knowledge or consent,
2. the inconspicuous adoption and utilisation of third-party content without the required citation (plagiarism),
3. the exploitation of research approaches and ideas, especially as a reviewer ("idea theft"),
4. the unauthorised disclosure of data, theories and findings to third parties,
5. the presumption or unfounded assumption of scientific authorship or co-authorship, especially if no genuine, traceable contribution to the scientific content of the publication has been made,
6. falsification of content or,
7. the unauthorised publication of works, findings, hypotheses, teachings or research approaches - or making these accessible to third parties without authorisation to do so - provided these have not yet been published.

### 3. impairing the research activities of others, especially through:

1. sabotage of research activities (including damaging, destroying or tampering with experimental arrangements, equipment, records, hardware, software, chemicals or other items required by others for research purposes),
2. falsification or unauthorised disposal of research data or research documents,
3. falsification or unauthorised elimination of documentation of research data.

## **II. Scientific misconduct through intent or gross negligence – also ensues from**

1. active participation in the misconduct of others,
2. non-disclosure of knowledge of falsification by others,
3. co-authorship of publications containing falsifications,
4. gross negligence of supervisory responsibilities.

## **Appendix 2:**

### **Possible consequences in cases of scientific or artistic misconduct**

The following possible consequences in the case of scientific or artistic misconduct serve as an initial guide. There are no uniform guidelines; the severity of the response will depend on the individual case and nature of the misconduct.

#### **I. Academic consequences**

The relevant provisions pertaining to the awarding of degrees, which are set out in the regulations of the Bauhaus-Universität Weimar, as well as the general provisions of the "Verwaltungsverfahrensgesetz" (Administrative Procedure Act) are applicable. In cases where an academic degree was awarded by another university, this university must be informed of serious scientific or artistic misconduct if this misconduct occurred in connection with the acquisition of an academic qualification.

#### **II. Revocation of scientific publications / informing the public / press**

Scientific publications which are erroneous due to scientific misconduct must be withdrawn if they have not yet been published and corrected if they have been published (revocation); if necessary, cooperation partners must be appropriately informed.

The authors and publishers involved are fundamentally obliged to do this; if they do not take action, the Bauhaus-Universität Weimar will initiate appropriate measures within its power. In cases of serious scientific misconduct, the Bauhaus-Universität Weimar will inform other concerned research institutions or scientific organisations.

The Bauhaus-Universität Weimar may be obliged to inform concerned third parties and the public in order to protect third parties, maintain confidence in academic integrity, restore its academic reputation, prevent consequential damage and serve the general public interest.

#### **III. Consequences under labour law, civil law and criminal law**

Consequences may additionally ensue pursuant to labour law, civil law and criminal law.