

## SFU Code of Good Research Practice (SFU Kodex GWP)

13.11.2023

### Preamble

- (1) Integrity and good practice are essential for any research activity. They are essential for the reputation of researchers and research institutions and for their overall trustworthiness. Any research activity in any given field must therefore comply with regulations and follow ethical standards.
- (2) Information proliferation, constant competition, and pressure to publish may lead researchers into compromising integrity and good practice. In order to counter this risk and in order to promote academic integrity, SFU (*Sigmund Freud PrivatUniversität*) is committed to the following principles of good research practice in accordance with international standards. The University ensures that researchers and research support staff are aware of these principles and of the associated responsibilities. Cases of misconduct will be handled fairly and disciplinary action will be taken where necessary.
- (3) The following principles, which are legally binding for researchers and research support staff at SFU, do not replace existing regulations and ethical standards for universities, research institutes, or specific fields of study, but rather establish general principles of research ethics at SFU, including its branch campuses, and form the basis for related procedures at the institutional level. This Code follows the recommendations of the German Research Foundation (*Leitlinien zur Sicherung guter wissenschaftlicher Praxis der Deutschen Forschungsgemeinschaft, Kommission "Selbstkontrolle in der Wissenschaft"*) as well as the recommendations of the German Rectors' Conference (*Deutsche Hochschulrektorenkonferenz "Zum Umgang mit wissenschaftlichem Fehlverhalten in den Hochschulen"*) and complies with the guidelines provided by Austrian Rectors' Conference (*Richtlinien der Österreichischen Rektorenkonferenz zur Sicherung einer guten wissenschaftlichen Praxis*).

## Chapter I: Principles of Good Research Practice

### § 1 Scope

- (1) This Code will be available to all SFU employees as a downloadable document on the University website, both in German and in English. In addition, researchers and research support staff will be informed via e-mail and receive indications as to when the Code will come into effect.
- (2) Researchers and research support staff at SFU, including its branch campuses, are required to follow the principles of good research practice.
- (3) Employment rights and responsibilities are not affected by this Code.

### § 2 Good Research Practice and Research Misconduct

- (1) Researchers at SFU, including its branch campuses, are required to:
  1. carry out their work *lege artis*, i.e. their research activities must comply with regulations, follow ethical standards, and be based on the current state of knowledge in their field or discipline;
  2. report their findings and discuss the results thoroughly;
  3. be honest about their contribution and the contribution of others;
  4. prevent misconduct in their research activities and (if possible) also in their work environment;
  5. promote critical discourse within the academic community.
- (2) Misconduct occurs when a researcher at SFU intentionally or negligently makes false statements in a scientifically relevant context, takes credit for someone else's work, or impairs the research activities of others. Further cases are defined in § 2 para 6 to § 2 para 9.
- (3) False statements include:
  1. fabrication of research data or results;
  2. falsifying research data or results, by suppressing or removing data or results obtained during research without disclosing such suppression or removal, or by manipulating any image or visual representation of data;
  3. incongruence between any image or visual representation of data and associated statements;
  4. false information in a letter of application, in a funding application, or as part of a reporting obligation (including information about publishers and published work);
  5. false claims of authorship or co-authorship.
- (4) Taking credit for someone else's work includes:
  1. using someone else's work without proper citation (plagiarism);
  2. using someone else's ideas, research methods, processes, or results without giving appropriate credit (*Ideendiebstahl*);

3. unauthorised sharing of research data, theories, and findings with third parties;
  4. requesting or accepting authorship or co-authorship credit when no substantial contribution has been made;
  5. falsification;
  6. unauthorised public disclosure or unauthorised sharing with third parties before publishing.
- (5) Impairment of research activities especially includes:
1. sabotage (which includes damaging, destroying, or tampering with equipment, devices, documents, hardware, software, chemicals, or any other tool or item needed for research purposes);
  2. falsification or unauthorised destruction of research data or documents;
  3. falsification or unauthorised destruction of research documentation.
- (6) Research misconduct includes (both in case of gross negligence or wilful misconduct):
1. co-authorship of a publication where false statements are made or where a researcher takes credit for someone else's work;
  2. lack of supervision when misconduct occurs (as defined in § 2 para 2 to § 2 para 5) and when misconduct would have been prevented through proper supervision or when the likeliness of its occurrence would have been reduced through proper supervision.
- (7) Research misconduct also includes any participation in activities that constitute misconduct. Knowledge of deceptive and manipulative behaviour by other people together with lack of supervision may be seen as participation, and may therefore also constitute misconduct.
- (8) Research misconduct on the part of experts or members of committees occurs both in case of gross negligence or wilful misconduct when:
1. they make unauthorised use of research data, theories or findings of which they have gained knowledge during the course of their work as experts or committee members;
  2. during the course of their work as experts or committee members, they disclose data, theories or findings to third parties without authorisation (i.e. breach of confidence);
  3. during the course of their work as experts or committee members, they fail to disclose any facts or circumstances that may give rise to a conflict of interest.
- (9) Research misconduct also occurs when an expert or a member of a committee, with the intention of gaining an advantage for themselves or another person, fails to disclose facts which reveal misconduct on the part of the other person as defined in § 2 para 2 to § 2 para 5.

### **§ 3 Professional Ethics**

- (1) Imparting the principles of good research practice begins at the earliest possible stage of academic training and academic career.

- (2) Researchers are committed to the principles of good research practice.
- (3) Researchers of all career stages are continuously trained to perform their work following the principles of good research practice. Researchers exchange their ideas and support one another.

#### **§ 4 Organisational Responsibility of the Rectorate**

- (1) The Rectorate has organisational responsibility for safeguarding good research practice at SFU, including its branch campuses.
- (2) The Rectorate creates the conditions to conduct research at SFU by establishing an appropriate organisational structure. The Rectorate also creates the conditions for researchers to comply with regulations and to follow ethical standards.
- (3) SFU follows clear procedures and principles for staff selection and career development, with particular emphasis on equal opportunity and diversity. In addition, proper mentoring is offered in order to support researchers in the early stages of their careers.

#### **§ 5 Organisational Responsibility of the Heads of Research Units**

- (1) The heads of a research unit are responsible for its administration: they have to ensure that the tasks of management, supervision, conflict resolution and quality assurance are clearly assigned to individuals or teams and ultimately performed.
- (2) The heads of a research unit are also responsible for individual mentoring of early career researchers in accordance with SFU's general vision and have to support the career development of researchers and research support staff. They are also responsible for promoting research integrity.
- (3) Teamwork within a research unit has to be such that the unit can carry out its tasks autonomously: coordination and cooperation must be efficient, and all members have to understand their role and be aware of their rights and responsibilities.
- (4) Suitable organisational measures to prevent the abuse of power are in place both at the research unit level and at the Rectorate level.
- (5) Researchers benefit from a balance of support and personal responsibility appropriate to their career stage.

#### **§ 6 Imparting the Principles of Good Research Practice to Students**

- (1) Supervisors of early career researchers (especially within the context of theses or dissertations) are responsible for the adequate supervision of students and for their understanding of the

principles of good research practice.

- (2) University teachers are called upon to adequately address the problem of research misconduct and to discuss the principles of good research practice with their students. This helps raising awareness and fosters responsibility.

### **§ 7 Evaluating Researchers and Students**

The assessment of the performance of researchers or students (insofar as they submit a thesis, dissertation, or similar work) follows a multidimensional approach. An important component of the assessment is scientific performance (*wissenschaftliche Leistung*), which is primarily assessed on the basis of qualitative measures. Quantitative indicators can also be incorporated into the overall assessment if they are useful and understandable. In addition to scientific performance, other aspects can also be taken into account.

### **§ 8 Cross-Phase Quality Assurance**

- (1) Researchers must carry out their research *lege artis*. Quality assurance takes place through all phases of the research process.
- (2) The use of any data, organisms, materials, and software at any stage of the research process must be properly documented. Sources must be cited. Reuse of data must be clearly indicated and be compliant with regulations. If a project involves working on the code of publicly available software, the documentation must include the source code and indicate any changes as accurately as possible.
- (3) Researchers must describe what data has been collected, processed, and stored for the research and they must define the type and scope of such data.
- (4) An essential part of quality assurance is ensuring reproducibility.
- (5) When research findings are publicly disclosed (through academic publishing or otherwise), the mechanisms for the quality assurance of the related study have to be clearly explained. Should there be any issues concerning the published findings, corrections will have to be provided within a reasonable period of time.

### **§ 9 Roles and Responsibilities within a Research Project**

- (1) The roles and responsibilities of the researchers involved in a research project must be properly defined and always be clear.
- (2) Roles and responsibilities may be adjusted if necessary.

## § 10 Research Design

- (1) When planning a research project, researchers have to refer to the current state of knowledge of the field. This usually involves a careful review of previous studies that have been published.
- (2) The Rectorate shall, as far as possible, provide the conditions for such a review.
- (3) Researchers have to adopt proper methods and do their best to avoid any bias in the interpretation of results.
- (4) Researchers have to examine whether a lack of diversity in their team may impact their research project.

## § 11 Legal and Ethical Conditions for Research

- (1) Researchers have the constitutional right to conduct research and are expected to act responsibly.
- (2) The Rectorate ensures that University staff and research affiliates act in compliance with rules and also provides suitable organisational structures to promote compliance.
- (3) Researchers have to be aware of their rights and responsibilities, comply with regulations, and fulfil their contracts with third parties.
- (4) Researchers have to seek opinion on ethical issues and obtain formal approval where required. Proof of approval has to be provided where necessary.
- (5) Researchers have to be constantly aware of the risk of misuse of research results, especially in the case of security-relevant research (*sicherheitsrelevante Forschung*). The possible consequences and ethical implications of each study have to be thoroughly examined.

## § 12 Usage Rights

- (1) At the earliest possible stage of the research project, researchers should enter into data sharing agreements; these must be documented.
- (2) Those researchers who collected the data are entitled to use the data.
- (3) Researchers who leave the University and move to another institution have to consult with the head of their organisational unit and with the Chancellor if they have any doubts about their usage rights. The Vice Rector for Research is available for mediation.
- (4) The rights holders make arrangements on the question of whether and how third parties are granted access to research data.

### § 13 Methods and Standards

- (1) When doing research, researchers have to use methods that are scientifically sound and appropriate.
- (2) When developing and applying new methods, researchers have to pay particular attention to quality assurance and standards.

### § 14 Documentation

- (1) Researchers have to document results in a way that is appropriate for the field of study and in such a way that deduction is as transparent as possible, in order to allow reproduction, review, and assessment. If there are specific recommendations for review and assessment within a given field of study, researchers have to carry out their documentation accordingly. If research software is being developed, the documentation must include the source code.
- (2) Individual results that do not support the research hypothesis must also be documented. A selection of results is not allowed.
- (3) If the documentation does not meet the aforementioned requirements, the reasons must be clearly explained.
- (4) Documentation and research results must not be manipulated and must be protected against manipulation in the best possible way.

### § 15 Providing Public Access to Research Results

- (1) As a rule, researchers make all their results available as part of scientific discourse.
- (2) In some cases, there may be reasons not to make results publicly available. The decision should not depend on third parties; researchers should decide on their own while considering the common practices in their field of study. Exceptions are allowed especially where the rights of third parties are affected, patent applications are pending, contractual obligations have to be observed, or security-relevant research (*sicherheitsrelevante Forschung*) is involved.
- (3) If results are made publicly available, they have to be clearly described in all their parts. Where possible and reasonable, this also involves making any research data, any materials, and any information on which the results are based publicly available, including the disclosure of adopted methods and access to software. This is in adherence to FAIR Principles: findable (F), accessible (A), interoperable (I), and re-usable (R). Exceptions are permitted in the context of patent applications.
- (4) Software developed by researchers has to be made accessible insofar as possible by providing the

source code. If necessary, a licence will be issued. Workflows have to be clearly explained.

- (5) Researchers have to provide full and correct information on their preliminary work and that of others, unless the field of study allows for exceptions in the case of own results that are already publicly available. At the same time, reproduction of content from previously published work must be limited to what is strictly necessary for correct understanding.

## **§ 16 Authorship**

- (1) An author is an individual who has made a genuine, identifiable contribution to the content of a research publication in the form of text, data or software. Whether a contribution is genuine and identifiable depends on the field of study and has to be assessed on a case-by-case basis.
- (2) An identifiable, genuine contribution is deemed as such especially when a researcher has taken part in:
  1. designing and carrying out the research activities described in the published work (not mere application for funds or acquisition of funds for equipment or general institutional resources; a high position in the organisational structure is also not enough by itself constitute co-authorship);
  2. data collection and data processing, managing access to sources, or software development (not mere execution of routine tasks, mere administering of questionnaires, or similar activities);
  3. data analysis, data quality assessment, source evaluation, or interpretation of results (not mere drafting of reference lists or similar activities);
  4. developing theoretical frameworks or conceptual models (not mere commentary or advice);
  5. drafting the manuscript (not mere copy editing, proofreading, or similar activities).
- (3) If a contribution is not sufficient to justify authorship, the person's support can still be acknowledged in the foreword, in a footnote, or in the acknowledgements section. Honorary authorship where no sufficient contribution has been made is just as inadmissible as the attribution of authorship on the sole basis of a person's position in the organisational structure. It is of course also inadmissible to draft seminar papers, theses, dissertations, or any kind of coursework for others.
- (4) The contribution of every author has to be specified as long as this is compatible with the type and scope of the research publication.
- (5) All authors must agree on the final version of the work to be published; unless explicitly stated otherwise, they share responsibility for the publication. Consent to publish may not be refused without sufficient reason. The refusal must be justified with plausible criticism regarding data, methods or results.
- (6) Researchers should agree on authorship in good time, usually at the latest when drafting the



manuscript. The agreement must be based on comprehensible criteria and follow the standards of the given field of study.

#### **§ 17 Publishers**

- (1) The quality of any kind of research is not given by the publisher or by the medium. In addition to academic journals and books, researchers may also consider academic repositories, data repositories, software repositories, and blogs.
- (2) Publication on the internet and use of internet sources are subject to the same rules as any other kind of publication or source.
- (3) Authors have to select publishers according their quality and exposure in the given field of study. New publishers must be thoroughly examined in order to make sure that they are respectable publishers.
- (4) Researchers who take on the role of editor must carefully check for which publisher this is being done.

#### **§ 18 Confidentiality and Neutrality in Review Processes and Assessments**

- (1) Fairness is the basis for the legitimacy of any kind of judgement.
- (2) Researchers who review submitted manuscripts, select applications for funding, or assess personal qualifications must maintain confidentiality. Researchers must inform the responsible body of any facts or circumstances that may give rise to a conflict of interest.
- (3) Confidentiality implies that content to which access is gained as part of a reviewing function may not be shared with third parties or used for personal gain.
- (4) § 18 para 1 to § 18 para 3 apply to members of any committee dedicated to research advisory and decision making (*Mitglieder wissenschaftlicher Beratungs- und Entscheidungsgremien*).

#### **§ 19 Archiving**

Any data that was used for a research publication has to be archived on a durable medium and be stored, if possible and reasonable, for seven years by the organisational unit that collected or processed the data; this must be in compliance with regulations. If the resources of the organizational unit make it possible and if regulations allow for it, any sample or specimen used for the collection of primary data, any protocols, and any documents related to the study have to be stored for the same amount of time.

## Chapter II: Ombudspersons and Their Duty

### § 20 Ombudspersons

- (1) SFU has an ombudsperson and a deputy ombudsperson. The deputy ombudsperson acts in place of the ombudsperson if there is a potential or actual conflict of interest on the part of the ombudsperson or if the ombudsperson is prevented from performing their function. Whether there is a conflict of interest is determined according to general rules. In case of doubt, the Investigation Committee (*Untersuchungskommission*) must make a decision in accordance with Chapter III.
- (2) Any researcher with integrity who works for SFU can be appointed as ombudsperson or deputy ombudsperson. When appointing an ombudsperson, all the fields of study at SFU must be taken into account. During their term, the ombudsperson and the deputy ombudsperson may not be members of the Investigation Committee or of any governing body of the University. Governing bodies are: the Rectorate, the Senate, and the University Council.
- (3) The appointment is made by the Rectorate after elections at the Senate.
- (4) The term of office for an ombudsperson or a deputy ombudsperson is four years. Each can be re-elected once.
- (5) The ombudsperson and their deputy are supported by the governing bodies of the University in the performance of their duty. In order to increase the effectiveness of ombudspersons, measures to reduce their responsibilities in other areas must be taken where necessary.

### § 21 The Duty of Ombudspersons

- (1) The ombudsperson and their deputy perform their duty in accordance with § 20 and independently, i.e. free from any influence or instruction by other parties. The ombudsperson and their deputy must maintain confidentiality.
- (2) University staff and research affiliates, including any staff member or research affiliate at any branch campus, may refer to the ombudsperson for issues of good research practice and research misconduct.
- (3) The Rectorate ensures that the ombudsperson and their deputy are known at the University, including its branch campuses. The names and contact details of the persons in office are provided on the University website.
- (4) The ombudsperson acts as a neutral and qualified advisor in matters of good research practice and research misconduct. As far as possible, the ombudsperson also acts in support of conflict

resolution.

- (5) The ombudsperson and their deputy must handle inquiries in a confidential manner and, if necessary, they must forward alleged cases of research misconduct to the responsible office at SFU in accordance with Chapter III.

### **Chapter III: Procedure for Handling Allegations of Research Misconduct**

#### **§ 22 General Principles for Handling Allegations of Research Misconduct**

- (1) The responsible bodies at SFU for examining a case of alleged research misconduct must appropriately protect both the complainant and the accused person (i.e. the respondent). The responsible bodies must be aware that the proceedings and the possible imposition of sanctions may constitute substantial interference with the rights of the respondents.
- (2) The investigation of allegations of research misconduct must be conducted with fairness and presumption of innocence, and always be in compliance with regulations. Confidentiality must be maintained throughout the process. Investigations must be conducted without prejudice to the individual and also decisions must be made without prejudice to the individual.
- (3) Complainants must make their disclosure in good faith. Complainants must have objective reasons for suspecting that standards of good research practice have been violated. If the complainant is unable to verify the facts personally, or if there is any uncertainty about the interpretation of the guidelines on good research practice as defined in Chapter I, then the complainant must refer to the persons defined in § 20 para 1.
- (4) The disclosure must not disadvantage the academic or professional career of either the complainant or the respondent. This applies to the respondent as long as no instance of misconduct has been formally assessed. In the case of early career researchers, the disclosure must not cause any delays in the person's qualification, if possible. Persons writing or completing their thesis or dissertation must not be penalised. The same terms apply to working conditions and possible contract extensions.
- (5) The complainant must be protected even if no misconduct has been proven, unless the allegation was made in bad faith.
- (6) The responsible bodies must ensure that the entire procedure is carried out as promptly as possible. They also must take the necessary steps to complete each stage of the procedure within a reasonable time frame.
- (7) Allegations by anonymous complainants will only be examined if the complainant provides evidence that is solid and that allows for an investigation with reasonable effort.

- (8) If the complainant's identity is known, the responsible body will keep the individual's identity confidential and will not share it without the individual's consent. Consent must be obtained in written form. Consent may not be needed if legal obligations require that the complainant's identity be disclosed in the proceeding. The same applies if the respondent may be unable to defend themselves properly without knowing the complainant's identity. In all such cases, the complainant must be informed before their identity is disclosed. The complainant may then decide to withdraw the allegation. In the event of withdrawal, the complainant's identity will not be disclosed unless there is legal obligation. After careful consideration, the investigation may still take place if it is necessary to ensure research integrity in Austria or any country in which SFU's branch campuses are located, or if it is in the legitimate interest of SFU.
- (9) The confidentiality of the proceeding is limited if the complainant makes their allegations public. The investigating body must decide on a case-by-case-basis how to handle a breach of confidentiality on the complainant's part.

### **§ 23 Opening an Investigation**

- (1) Allegations of research misconduct should be reported by contacting the ombudsperson in accordance with § 20 para 1. Reports should be in written form. However, a report may also be made orally; in such case a written record must be made by the receiving person. If the report is made directly to a member of the Investigation Committee, the member will have to forward the report to the ombudsperson.
- (2) The ombudsperson must handle the report confidentially and must examine whether there are substantial indications that a person has committed a punishable offence pursuant to § 2 para 2 to § 2 para 9. The ombudsperson may conduct a preliminary screening in this context; § 24 para 2 applies accordingly.
- (3) If the ombudsperson concludes that there are substantial indications for misconduct in accordance with § 23 para 2, then a preliminary screening must take place.

### **§ 24 Preliminary Screening**

- (1) As part of the preliminary screening, the ombudsperson must promptly ask the respondent for a statement about the allegation. The ombudsperson's request must be in writing and must include the evidence. A deadline must be set for the statement; as a rule, this should be four weeks. The deadline may be extended. The statement must be made in writing. Respondents cannot be compelled to incriminate themselves.
- (2) As part of the preliminary screening, the ombudsperson may conduct investigations to establish the facts and circumstances of the alleged misconduct; this must be done in compliance with regulations. The ombudsperson may for example request, obtain, and inspect documents, pursue further evidence, request statements by others, or make use of external specialists if necessary.

Anyone involved must maintain confidentiality.

- (3) What has been done to establish the facts and circumstances must be documented.
- (4) After completing the investigations and after assessing the evidence (including the statement of the respondent), the ombudsperson must promptly decide on the further progress of the proceedings. The decision is based on whether it is more likely that the Investigation Committee will uphold the allegations than it is that the Investigation Committee will discontinue the proceedings (i.e. sufficient suspicion). If there is no sufficient suspicion, the ombudsperson has to discontinue the proceedings. If there is sufficient suspicion, then a formal investigation by the Investigation Committee must take place.
- (5) If the proceedings are discontinued, this must be communicated to the complainant in written form. The main reasons for the decision must be indicated. The complainant has the right to appeal within two weeks. The request may be submitted to the ombudsperson or to the Investigation Committee.
- (6) If the complainant does not file a request before the deadline or if an appeal does not lead to a different decision, then the decision to discontinue the proceedings must be communicated to the respondent in written form. The notice must include the main reasons for the decision.
- (7) If a formal investigation will take place, this decision must be communicated to both the complainant and the respondent in written form. If the respondent denies the allegations, then a brief explanation for the decision must be provided.

## **§ 25 Investigation Committee**

- (1) In order to carry out formal investigations at SFU, the Rectorate appoints an Investigation Committee (*Untersuchungskommission*) whose members are elected every three years. Any regulations (e.g. those concerning advisory, supervision, disciplinary proceedings, or court proceedings) remain unchanged. The principles of moral responsibility and academic integrity remain unchanged.
- (2) The Investigation Committee consists of four members. Each of the four faculties must be taken into account when electing members and each faculty has the right to make proposals to the Senate. All members of the Investigation Committee must have distinguished themselves through their scholarly work and may not be members of a governing body of the University during their term of office. The following are considered governing bodies: the Rectorate, the Senate, and the University Council. At least half of the members of the Investigation Committee must be professors working for SFU for at least half of their weekly work hours (*halbes Beschäftigungsmaß*). Each member has a deputy to whom § 25 para 2 sentences 1-4 apply accordingly.

- (3) The voting members of the Investigation Committee and their deputies are appointed by the Rectorate after election by the University Senate.
- (4) The Investigation Committee may consult the Vice Rector for Research at any time. In specific cases, the Committee may call in up to two non-voting experts as additional members for consultation, especially if they are experts in the field of study related to the matter in hand.
- (5) If there is a conflict of interest or if a member of the Investigation Committee is unable to attend for a long period of time, their deputy must take their place for that specific investigation until its conclusion. Whether there is a conflict of interest is determined according to general rules. Any conflict of interest must be disclosed in advance; concerns of the like may be expressed by voting members of the Committee, by the ombudsperson, or by the respondent. The Committee must make a decision without the person whose presence might give rise to a conflict of interest. The quorum requirements remain unchanged (see § 25 para 6). Any urgent matter that cannot be postponed may be handled nonetheless.
- (6) The Committee is quorate if at least half of its members are present. Each member of the Committee is entitled to one vote. Voting rights may not be delegated.

#### **§ 26 Formal Investigation**

- (1) The Investigation Committee has to schedule a meeting as soon as possible. The respondent has to be informed in a timely manner and be given the opportunity to make an oral statement to the Committee (i.e. hearing) or a statement in writing. § 24 para 1 sentence 6 applies accordingly. The complainant must also be given another opportunity to comment. If the respondent refrains from making a further statement, this may not be considered to their disadvantage by itself but must be based on the record.
- (2) The Committee may, at its discretion, ask others to make an oral statement if this could be useful for the investigation. Whether a person has the right to refuse to disclose information or provide evidence is determined by current regulations.
- (3) Every person making a statement before the Committee may choose to be accompanied by a person they trust. If they wish to do so, they must inform the Committee in a timely manner.
- (4) The Investigation Committee has to establish whether misconduct has been proven; this must be based upon a free and critical assessment of the evidence (*freie Beweiswürdigung*). An allegation of misconduct is upheld by majority vote. Consultations are confidential. The Committee may discontinue the proceedings if there is no sufficient suspicion or if the instance of misconduct is deemed insignificant. If the proceedings are discontinued, the complainant has no right to appeal.
- (5) Any disclosure of the complainant's identity is subject to § 22 para 8 and § 22 para 9.

- (6) The proceedings are not automatically suspended in the event of a possible violation of labour law.
- (7) The Investigation Committee has to submit a final report to the Rectorate in a timely manner. The report must include the Committee's proposed sanctions and the main reasons for the decision.
- (8) The documentation of any formal investigation is kept at the University for ten years.

### **§ 27 Concluding an Investigation**

- (1) The Rectorate establishes, at its discretion, whether the respondent has committed misconduct and whether sanctions will be imposed. The Rectorate also establishes which sanctions will be imposed.
- (2) If the respondent is a member of the Rectorate or a governing body, their function in this body has to be suspended as long as the proceedings are still ongoing and as long as the body is involved in the proceedings.
- (3) The decision and the main reasons for the decision must be communicated to the complainant and to the respondent after the meeting; this must be in written form.
- (4) The decision may also be communicated to any institutions and third parties directly or indirectly affected by the decision, or having legitimate interest in knowing the decision. The Rectorate decides, at its discretion, whether this will be done and how. The Rectorate also decides whether and how the public is to be informed. Any notice in accordance with this paragraph must include a statement of reasons.
- (5) If a withdrawal of an academic degree is being considered, then this must involve all the relevant bodies.

### **§ 28 Possible Actions or Sanctions**

- (1) If the Rectorate concludes that the misconduct is proven, it may take the following actions and/or impose the following sanctions (even cumulatively) in accordance with the principle of proportionality:
  - 1. written reprimand;
  - 2. request to the respondent to retract or correct incriminated publications or to refrain from publishing incriminated manuscripts;
  - 3. revocation of funding-related decisions made by the University or termination of grant contracts signed by the University; this may include reclamation of funds;
  - 4. temporary or permanent removal or ban from committees or expert positions at the University;
  - 5. warning notice in accordance with labour law, dismissal, termination of contract;

6. report to the police or public prosecutor;
7. report for the initiation of an administrative penal proceeding;
8. civil claim, e.g. for damages, restitution, or negligence; this may include a request for interim legal protection (*einstweiliger Rechtschutz*);
9. initiation of proceedings for the withdrawal of an academic degree or suggestion to initiate such proceedings.

(2) The actions and sanctions mentioned in § 28 para 1 may take place only if they are proportionate with regard to the legal interests and legitimate interests of the respondent.

#### **§ 29 After leaving SFU**

An investigation may also take place if the respondent is no longer working for SFU but used to work for SFU at the time of the offence.

### **Chapter IV: Entry into Force**

#### **§ 30 Entry into Force**

This Code will come into force upon publication on the University website.