

Procedural guidelines of the German Research Ombudsman (*Ombudsman für die Wissenschaft*) (version as of 4 November 2016)

I. Rules of good scientific practice and the appointment of the German Research Ombudsman

1. With the [DFG white paper on “Safeguarding Good Scientific Practice”](#) (supplemented and updated in 2013), the scientific community defined rules for dealing with scientific misconduct. The white paper formulates and explains the rules, and identifies a need for bodies to enforce them.
2. Recommendation 16 of the white paper provides for the appointment of the *Research Ombudsman* committee as a means of enforcing the rules for safeguarding good scientific practice. In addition, each university and research institution should appoint a local ombudsperson (Recommendation 5 in the white paper).
3. The DFG Senate appoints four researchers as members of the *Research Ombudsman* committee for a period of four years. An additional term is possible. The members of the ombudsman committee operate on a voluntary basis.
4. Ombudsman activities are based on the [DFG rules for safeguarding good scientific practice](#), which DFG member institutions have adopted as part of their own statutes. Many other scientific institutions in Germany have also made a commitment to apply and enforce similar rules for the protection of scientific integrity.

II. Remit of the German Research Ombudsman

1. The *Research Ombudsman* committee can be contacted as an alternative to the local ombudspersons of universities and research institutions. It is not a superior body to the local ombudspersons. Researchers are free to decide whether to approach the local ombudsperson of his or her own institution or the *Research Ombudsman* committee.
2. The *Research Ombudsman* committee does not take action alongside other responsible bodies.

- a) It does not take action alongside local ombudspersons, commissions or other bodies investigating scientific misconduct at universities or research institutions, if information relating to the same matter has been provided there.
 - b) It does not consider enquiries that are being reviewed in a wider context by other bodies, for example if a matter is already subject to litigation.
 - c) It will not advise or represent individual parties with regard to proceeding being pursued elsewhere, unless these proceedings are not in line with the procedural rules of that particular institution. If that is the case, the ombudsman may notify the institution of a possible infringement of their own procedural rules.
 - d) It is not an appeal body for proceedings pursued elsewhere.
3. The *Research Ombudsman* committee takes action in cases of remediable infringements of the rules of good scientific practice.
- a) It examines the information presented to the committee. The investigation aims at a conflict mediation between researchers based on the rules of good scientific practice; the *Research Ombudsman* does not impose sanctions.
 - b) The ombudsman is not an investigative body for determining irremediable research misconduct. If the *Research Ombudsman* is able to confirm indications of irremediable misconduct, it immediately forwards those matters related to DFG funding to the DFG's committee for matters of scientific misconduct. If there is no link to the DFG, the *Research Ombudsman* will forward the matter to the local university or research institution responsible for the investigation.

III. Principles

Confidentiality and impartiality are the principles of the ombudsman committee's work.

All enquiries submitted to the *Research Ombudsman* are treated in strict confidence.

1. The ombudsman does not inform other persons than those directly affected about the content and result of an investigation, unless the investigation reveals a reasonable

suspicion of irremediable scientific misconduct. In such a case, the matter is forwarded to the responsible commission for the investigation of scientific misconduct.

2. Safeguarding confidentiality serves to protect all those involved in a procedure, and especially to avoid a potentially unjustified loss of reputation of those involved. This protection also remains in place after a case has been closed.
3. Support from the ombudsman committee may also include advice for people who wish to provide or have provided information about scientific misconduct (“whistleblowers”) and, therefore, may face sanctions by other institutions.
4. The ombudsman committee informs all involved and informed parties that they, for their part, must maintain strict confidentiality. If this principle is not followed, with the possible aim of causing harm to the opposing side, the ombudsman committee considers the breach of confidentiality itself as an infringement of the rules of good scientific practice.
5. Especially the following is to be treated confidentially: suggestions or recommendations of the involved parties on how to resolve the matter, recommendations or statements of the ombudsman committee, and the fact that the involved parties did or did not agree to a solution proposed by the ombudsman committee.
6. The involved parties are required to not name any involved parties or the *Research Ombudsman* (i.e., its committee members or its staff) as witnesses in future proceedings. This applies to potential legal proceedings or other procedures related to the conflict matter.

The principle of impartiality

1. One of the basic principles of the *Research Ombudsman* is to take up an impartial position among the parties involved in a procedure. The final evaluations and recommendations of the ombudsman committee are always based on the information obtained by consulting all involved parties.

2. It is not possible for someone seeking help to approach the ombudsman committee in order to be represented by it in another procedure.
3. Usually, the ombudsman committee cannot come to a final assessment if an informant does not give his or her consent to ask the party affected by the allegations for a statement. In such cases, it may only be possible for the ombudsman committee to provide a limited assessment or a recommendation that is based on the described matter, without having cross-checked the information by consulting the opposing party.

IV. Contacting the *German Research Ombudsman*

- Enquiring researchers can provide the *Research Ombudsman's* office with information that, in their opinion, substantiates or provides grounds for suspicion of scientific misconduct. The office forwards all enquiries directly and completely to the members of the ombudsman committee. The information submitted should describe the suspicion as comprehensively as necessary and as purposefully as possible. For initial advice, researchers can also contact the ombudsman's office directly by telephone or by email.

V. Procedure

1. *Research Ombudsman* consultations and procedures do not take place in public. Investigations can only be successful if all matters are treated in strict confidence. The ombudsman allows the inspection of records only if it is considered helpful for a mediation and if all involved parties give their explicit consent. The ombudsman acts as a confidential person, to whom researchers may express themselves freely, without having to assume that what they say may be made public.
2. After an enquiry has been submitted, the ombudsman committee examines whether it can confirm evidence for a scientific misconduct in the specific matter. It is

discussed which additional information may be needed and how to proceed in the matter.

3. In order to receive a full picture of the matter, the ombudsman committee may decide to contact third parties or institutions in the particular matter. However, the informant is always asked for their consent first. The ombudsman committee does not contact third parties without their consent.
4. Once the informant has given his or her consent, the ombudsman committee usually contacts those person(s) affected by the allegations, informing them about the allegations and asking them for a statement on the matter. The principle of fairness demands that those affected by the allegations should have the opportunity to make a statement. With the consent of all parties involved, additional persons may also be asked for a statement, if this is deemed necessary for the ombudsman committee to evaluate the matter.
5. Upon request, the informant may remain anonymous. Should this be incompatible with the character of the specific matter or the interests of other parties involved, the ombudsman committee will discuss the further proceedings with the informant. It may not be possible to keep the informant's identity anonymous, if the informant does not only seek advice but also an arbitration. The ombudsman committee may need to inform the person(s) affected by the allegations and ask for their statement on the matter, in order to evaluate the matter.
6. If the written statements are not sufficient enough to evaluate the matter and make recommendations, the ombudsman committee may invite the involved parties for a mediation meeting, in order to discuss possible solutions. The committee may hold individual meetings and/or joint meetings with the parties involved.
7. After completing the investigation, the ombudsman committee will inform the involved parties about its evaluation of the matter and its recommendations, based on the rules for good scientific practice. The ideal scenario for a successful investigation is the removal of the causes leading to the enquiry. In suitable cases, the ombudsman

committee proposes an agreement regarding the future handling of the matter to the parties involved.

8. If the ombudsman committee intends to forward an issue to the DFG Committee of Inquiry on Allegations of Scientific Misconduct or to encourage a university or research institution to carry out an investigation, the ombudsman committee will inform the informant about these actions. Should other parties have already been contacted by the ombudsman committee, they will also be informed of this step. Having forwarded a case to the institution responsible of the investigation, the ombudsman committee will then consider the case as “concluded”, meaning that the ombudsman committee does not process it any further.
9. In order to protect or rehabilitate a party involved, and after balancing the interests of all involved parties, the ombudsman committee may also make a statement to third parties or even to the public. Given the principles of confidentiality and impartiality towards those involved, this occurs very rarely. However, experience has showed that the opportunity to provide a statement – especially to third parties – may be useful for the appropriate handling of a matter.

VI. Transparency of the Research Ombudsman’s activities

1. Each year, the *Research Ombudsman* committee reports on its work to the DFG Senate and to the public. The report summarises, in anonymous form, the cases with which the ombudsman committee has been involved during the period covered by the report. In addition, it describes national and international activities of the ombudsman committee and the office of the *Research Ombudsman*, as well as current matters in the field of “scientific integrity”. In order to protect persons or institutions involved in ombudsman matters, case studies are only published anonymously.
2. The ombudsman committee considers informing the public about its work an important task. If science and research wish to retain the public's trust, the public must

have access to information on how science and research deal with the problem of possible scientific misconduct.

3. The *Research Ombudsman* publishes the annual report on its website.
4. Enquiries brought to the ombudsman committee, or the characteristics or content of ombudsman matters can provide information on current developments in the research system. It is possible that new rules and guidelines for good scientific practice will emerge. The ombudsman committee therefore uses the cases presented to it as an opportunity to offer general public information, beyond the annual report, regarding the standards of good scientific practice or recommendations on the possible development of new standards.