OMBUDSMAN
FÜR DIE
WISSENSCHAFT

Procedural Guidelines of the *German Research Ombudsman* (*Ombudsman für die Wissenschaft*)

(Version as of 5 March 2021)

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

1. With the DFG Code of Conduct entitled "Guidelines for Safeguarding Good Scientific Practice" (2019), the scientific community established rules for dealing with scientific misconduct. The Code of Conduct both formulates and explains these rules, as well as identifying a need for bodies to enforce them.

2. Guideline 6 of the DFG Code of Conduct provides for the appointment of the *Research Ombudsman* as a means of enforcing the rules for safeguarding good scientific practice. In addition, each institution is to appoint local ombudspersons.

3. The DFG Senate appoints four researchers as members of the *Research Ombuds Committee* for a period of four years. They may be re-elected. The members of the *Research Ombudsman* (hereinafter also: Ombuds Committee) act on a voluntary basis.

4. The activities of the *Research Ombudsman* are based on the rules to ensure good scientific practice formulated in the DFG Code of Conduct which the DFG member institutions have adopted as part of their own regulations. Many other research institutions in Germany have also undertaken to comply with and enforce comparable rules for the protection of scientific integrity.

5. The *Research Ombudsman* committee is supported by an office. The office stores the documents regarding enquiries and on the ombuds procedure. The individuals working in the office are obliged to maintain confidentiality, as are the members of the Ombuds Committee.

II. The remit of the *Research Ombudsman*

1. The *Research Ombudsman* works independently, and is not bound by instructions.
2. The *Research Ombudsman* provides advice and support in matters related to good scientific practice, and in the event of suspicion arising with regard to scientific misconduct. Should conflicts occur arising from a purported infringement of good scientific practice, the Ombuds Committee acts on an advisory, mediatory basis. The ombuds proceedings are focussed on solution-orientated conflict moderation, in line with the rules of good scientific practice.
3. All researchers who are connected to the German research system may approach the *Research Ombudsman* requesting advice or mediation (in accordance with II. 1). The *Research Ombudsman* acts in an advisory capacity vis-à-vis local ombudspersons on matters related to sets of local proceedings. The *Research Ombudsman* also provides information to the interested public on matters related to scientific integrity.
4. The *Research Ombudsman* may be approached as an alternative to the local ombudspersons of universities and research institutions. It does not act as a superior body to local ombudspersons. Whistleblowers are free to decide whether to approach the local ombudspersons or the *Research Ombudsman*.
5. The *Research Ombudsman* does *not* take action alongside other responsible bodies as a matter of principle.

    a) It does not take action alongside local ombudspersons, commissions on misconduct, or other bodies investigating scientific misconduct at universities and non-university research institutions if the same or similar information relating to the same matter has been submitted there.

    b) It does not consider enquiries that are being reviewed in a *wider context* by other bodies, for example if the same or related aspects of the same set of facts are pending in court proceedings.

    c) It will not advise or represent individual persons or institutions with regard to proceedings being pursued elsewhere. This having been said, the Ombuds

Committee may notify the institution of a possible infringement of the procedural rules applicable to such institution, such as of their own rules of procedure.

d) The *Research Ombudsman* is not an appeal body for proceedings being pursued elsewhere.

6. The *Research Ombudsman* takes action in cases of *remediable* infringements of the rules of good scientific practice.

   a) The *Research Ombudsman* examines and assesses the information presented to it. The investigation of the facts aims to mediate in conflicts between researchers based on the rules of good scientific practice (II. 1 above); there is no provision for the *Research Ombudsman* to impose measures constituting sanctions.

   b) The *Research Ombudsman* is not an investigative body for determining *ir*remediable scientific misconduct. In line with the self-regulation applicable in science, it is a matter for the competent (local) commission of the institution in question, and/or the DFG, to examine information submitted in order to identify serious, irremediable scientific misconduct. If the *Research Ombudsman* has well-founded initial suspicion of irremediable scientific misconduct, the *Research Ombudsman* forwards a matter submitted to it that is related to a DFG-funded project to the DFG's Committee of Inquiry on Allegations of Scientific Misconduct. If there is no link to the DFG, it will propose the implementation of formal investigation proceedings at the institution in question where there is well-founded initial suspicion.

III. Principles

Confidentiality, impartiality and *fairness* vis-à-vis all involved parties constitute the principles of the work of the *Research Ombudsman*.

1. All enquiries and sets of proceedings submitted to the *Research Ombudsman* are treated in strict confidence.

   a) The *Research Ombudsman* does not inform any other persons than those directly affected regarding the content and outcome of an investigation, unless the latter reveals a well-founded suspicion of irremediable scientific misconduct. In such a case,

the matter is forwarded to the responsible commission for the investigation of scientific misconduct (see II. 5. d).

b) Safeguarding confidentiality serves to protect all those involved in a set of proceedings, and especially to avoid potential, unjustified reputational damage being caused to those involved. This protection also remains in place after a case has been closed.

c) Support from the *Research Ombudsman* particularly also includes advising persons who wish to provide or have provided information regarding scientific misconduct ("whistleblowers").

d) The *Research Ombudsman* informs all persons involved and who have been informed that they, for their part, must maintain such strict confidentiality. If this principle is not complied with, with the possible aim of causing harm to the opposing party, the *Research Ombudsman* considers the breach of confidentiality itself as constituting an infringement of the rules of good scientific practice.

e) The following in particular is to be treated confidentially: the opinions or recommendations expressed by the involved parties concerning how the matter may be resolved, proposals or statements of the Ombuds Committee, and whether or not involved parties have agreed to a solution proposed by the Ombuds Committee.

f) The involved parties undertake not to name either other involved parties, or the *Research Ombudsman* or its members of staff, as witnesses in subsequent proceedings with regard to matters occurring within the ombuds proceedings. This applies to potential court proceedings or to other proceedings related to the conflict situation discussed before the *Research Ombudsman*.

2. One of the fundamental rules of the *Research Ombudsman* is to take up a neutral position between those involved in a set of proceedings.

a) The concluding evaluations and recommendations of the *Research Ombudsman* are always based on the information that it has obtained by questioning all parties with a significant involvement.

b) The *Research Ombudsman* is to involve the person in the proceedings as early as possible to whom the information relates regarding a possible infringement of the rules of good scientific practice. The persons affected by the information must be

afforded the opportunity to make a statement before the *Research Ombudsman* is able to reach an assessment of the facts.

c) The *Research Ombudsman* is unable as a rule to reach a conclusive assessment if a whilstleblower does not consent to the party affected by the information being requested to make a statement. The *Research Ombudsman* may, in such cases, be able to reach an assessment or make a recommendation which explicitly refers solely to the facts presented, without having examined the information by questioning the opposing party.

d) Each member of the Ombuds Committee is to examine whether reasons for possible conflicts of interest may apply with regard to a set of proceedings. If the member of the Ombuds Committee is of the opinion that the appearance of a conflict of interest exists, he or she may not take part in the proceedings. If there are reasons for a conflict of interest being presumed on the part of a member of the *Research Ombudsman*, these may be notified to the *Research Ombudsman* in written form. The Ombuds Committee is to decide whether the indications put forward justify the member of the body concerned in abstaining in such matter.

3. In the interest of transparent proceedings, all parties involved in ombuds proceedings are to be informed of the state of the proceedings and of the steps planned at each stage (where appropriate on request).

IV. Contacting the *German Research Ombudsman*

Enquiring researchers may submit information to the *Research Ombudsman's* office which, in their opinion, substantiates or provides grounds for the presumption of scientific misconduct. The contact form on the Ombudsman's website (German/English) can be used to send enquiries to the *Research Ombudsman*. Alternatively, enquiries may be sent to the office by e-mail or by post, whilst making sure that the completed enquiry form (German/English) is also submitted, as this constitutes consent to the Ombudsman's rules of procedure. The information submitted should describe the suspicion as comprehensively as necessary and as factually as possible. The office forwards all enquiries to the members of the Ombuds Committee directly and in full. Researchers may also contact the office of the *Research*

Ombudsman directly by telephone in order to obtain initial advice. If suspicion is reported orally, or if persons provide information in oral form which is relevant to the proceedings, this is entered in a file note. In the event of individuals reporting alleged misconduct, they are requested to submit the information in written form.

V. Procedure

1. Consultations and proceedings with the *Research Ombudsman* are not held in public. In particular, investigations can only be successful if all matters are treated in confidence. All acts are documented at the Ombudsman's office. These documents are used to internally document the case or to record the actions of the *Research Ombudsman*, and are handled in strict confidence. There is no provision for inspection of the files at any point in the proceedings. The *Research Ombudsman* permits the involved parties to inspect the files only if this appears to be helpful for mediation, and if all involved parties give their consent to inspection of the files being permitted. The *Research Ombudsman* is to act as a person enjoying the trust of the involved parties, to whom they may express their views without having to anticipate what they say being divulged to others.

2. After an enquiry has been made and/or documentation has been submitted by a whistleblower, the *Research Ombudsman* deliberates as to whether scientific misconduct may have been committed in the matter submitted, on additional information that is to be sought, as well as on the procedure moving forward.

3. In order to receive as full a picture of the matter as possible, it is necessary as a rule for the Ombuds Committee to contact the persons or institutions concerned by the information (in confidence) by enquiring as to the matter. The whistleblower is always asked for consent first. The *Research Ombudsman* does not contact third parties without such consent.

4. The principle of fairness requires that the persons affected by the allegations should have the opportunity to make a statement. Once the whilstleblowers have consented, the *Research Ombudsman* will as a rule correspondingly inform those persons affected by the allegations of the information that has been submitted, enabling them to present their view of the matter. With the consent of all parties involved, additional

persons may also be asked for a statement if this is deemed necessary in order for the *Research Ombudsman* to form an opinion.

5. It may appear to be expedient in very rare cases to commission an external expert report on a set of facts. The Ombuds Committee only rarely makes use of this measure due to the need to maintain confidentiality.

6. The whilstleblower(s) may remain anonymous should they so request. Should this be incompatible with the character of the proceedings or with the interests of other parties involved, the *Research Ombudsman* will discuss the further proceedings with the whilstleblower. In all cases in which not only mere advice on abstract questions is desired, the lack of direct information regarding the allegations that have been submitted against other parties involved, resulting from maintaining confidentiality, must always be compensated for by the *Research Ombudsman* informing those concerned of the subject of the allegations that have been made. As a rule, and above all when a mediation is requested, this also includes the identity of the party making the referral.

7. Should the written statements not yet be sufficient to form an evaluation, the *Research Ombudsman* may invite the involved parties to attend an oral meeting in order to discuss potential solutions. It may hold individual meetings and/or joint meetings with the parties involved in such cases.

8. After completing the ascertainment of the facts, the *Research Ombudsman* will announce an evaluation, as well as giving a recommendation with regard to the matter, on the basis of good scientific practice. The evaluation is to be notified to all persons involved in a set of proceedings. If the conflict results from a remediable infringement of the rules of good scientific practice, those concerned are to be informed of the steps that need to be taken in order to remedy the impropriety. The ideal scenario for successful mediation is the remediation of the causes leading to the submission of the matter, or an amicable settlement of the conflict. The *Research Ombudsman* proposes an agreement regarding future conduct to the parties involved in suitable cases.

9. It may happen that a person or institution involved in ombuds proceedings fails to consent to implement to the corrective steps proposed by the *Research Ombudsman*

(in accordance with V. 8), so that the infringement of good scientific practice remains in place and the resulting conflict cannot be settled within the ombuds proceedings. In such cases, the Ombudsman is to examine in coordination with the persons concerned by the impropriety whether the matter should be passed on to another body for evaluation (in accordance with II. 5. b and V. 10).

10. If the *Research Ombudsman* intends to submit a matter to the DFG Committee of Inquiry on Allegations of Scientific Misconduct, or to propose that an investigation body or other research institution initiate proceedings, it will inform the whilstleblower accordingly. Should other parties have already been contacted by the *Research Ombudsman*, it will also inform these persons of this intended step. Having forwarded a case, the *Research Ombudsman* will then consider the matter to be concluded, unless the *Research Ombudsman* takes any further steps in this regard.

11. In order to protect or rehabilitate parties involved, and after weighing up the interests of all involved parties, the *Research Ombudsman* may also make a statement to third parties, or even to the public. Given the principles of confidentiality and impartiality vis-à-vis those involved, this occurs very rarely. It has however already been shown that the opportunity to provide a statement – especially vis-à-vis third parties – may be useful for the appropriate handling of a matter.

12. If those involved in ombuds proceedings, or the whistleblower(s) themselves, breach confidentiality as to the content of the proceedings, the *Research Ombudsman* is to examine the statements made in public with regard to the proceedings. The *Research Ombudsman* reserves the right in such cases to correct the content of the proceedings which, in the view of the Ombuds Committee, have not been presented objectively or correctly, in public or vis-à-vis third parties, in particular in order to protect the other persons involved in a set of proceedings against unjustified loss of reputation.

VI. Informing the public regarding the *Research Ombudsman*'s activities

1. The *Research Ombudsman* reports on its work to the DFG Senate and to the public on a yearly basis. The report summarises, in anonymised form, the cases with which the Ombuds Committee has been involved during the period covered by the report. In addition, it describes national and international activities of the Ombuds Committee

and of 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 ombuds matters, case studies are as a matter of principle only published in anonymised form, and in such a manner that third parties cannot conclude identities.

2. The *Research Ombudsman* considers informing the public about its activities to be an important task. If science and research wish to retain the public’s trust, the public must be able to seek information on how cases of possible scientific misconduct are dealt with.

3. The *Research Ombudsman* publishes the annual report on its website.

4. Enquiries that are brought to the Ombuds Committee, or the characteristics or content of ombuds matters, can provide information on current developments in the research system. A need for new rules and guidelines for good scientific practice will emerge on occasion. The *Research Ombudsman* therefore uses the cases presented to it as an opportunity to also offer general information to the public, beyond the annual report, regarding the standards of good scientific practice, or recommendations on the possible development of new standards.