

# Statute of the Technical University of Munich on Safeguarding Good Academic Practice and Procedures in Cases of Academic Misconduct (TUM-SGwP)

On the basis of Art. 13(1) Sentence 2 and in conjunction with Art. 6(1) Sentence 3 of the Bavarian Higher Education Act (*BayHSchG*) of 23 May 2006 (GVBl. p. 245, BayRS 2210-1-1-WK), most recently amended by § 1 of the Act of 9 April 2021 (GVBl. p. 182), and in accordance with the memorandum “Safeguarding Good Research Practice” of the German Research Foundation (DFG, 1998), its amendments (2013) and the DFG’s Code of Conduct “Guidelines for Safeguarding Good Research Practice” (2019), the Technical University of Munich (TUM) adopts the following statute:

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## Principles

### § 1 Principles of Good Research Practice

- (1) Scientists working at TUM are obliged to
  1. work *lege artis* (according to the law of the art), meaning they must observe standards of good academic practice recognized in their field of research activity,
  2. document processes and results in an understandable manner,
  3. critically examine all results and allow and promote critical discourse in the academic community,
  4. maintain strict honesty regarding their own contributions and the contributions of third parties,
  5. avoid and take precautions against academic misconduct and
  6. observe the principles described below.
- (2) <sup>1</sup>TUM scientists are to conduct themselves in a scientifically exemplary manner and must make themselves familiar with the content of this statute. <sup>2</sup>The TUM Departments and Schools are called upon to appropriately address academic misconduct as part of its science-related curriculum. <sup>3</sup>They are to inform young researchers and students about the codes of conduct and statutes in force at TUM.
- (3) In the interest of their own future planning, young scientists and students must themselves also be vigilant against possible misconduct in their environment.

### § 2 Professional Ethics

<sup>1</sup>TUM scientists have a responsibility to demonstrate and promote the fundamental values and standards of scientific work. <sup>2</sup>The teaching of good scientific work begins at the earliest possible time in academic teaching and scientific education. <sup>3</sup>TUM scientists at all career levels regularly refresh their knowledge regarding the standards of good academic practice and the state of research.

### § 3 Responsibility of the TUM Board of Management and Those in a Supervisory Role

<sup>1</sup>The TUM Board of Management creates the prerequisites enabling TUM scientists to observe legal and ethical standards. <sup>2</sup>The TUM Board of Management is responsible for promoting good research practice and creates a framework for identifying publicly available research services. <sup>3</sup>Those in a supervisory role are responsible for ensuring that the tasks of management, supervision, conflict resolution and quality assurance are clearly assigned within areas of work and within work groups. <sup>4</sup>The framework conditions for scientific work include clear and written procedures and principles for personnel selection and personnel development and equal opportunity (see in particular the TUM Diversity Code of Conduct, TUM Research Code of Conduct, TUM Faculty Recruitment Code of Conduct and TUM Dual Career Code of Conduct).

### § 4 Actors, Responsibilities and Roles

<sup>1</sup>The roles and responsibilities of TUM scientists and scientific support staff involved in a research project must be clear at all times. <sup>2</sup>Scientists and scientific support staff interact on a regular basis. <sup>3</sup>They specify their roles and responsibilities in an appropriate manner and, if necessary, modify them. <sup>4</sup>An adjustment is particularly appropriate when the main focus of work is changed.

### § 5 Support for Junior Scientists and Career Promotion

- (1) <sup>1</sup>From when they commence academic work, students should acquire, and supervisors should convey, not only technical skills, but also ethical standards in scholarly work, in collaborative work with other researchers and the responsible application of research results. <sup>2</sup>Students and young scientists are entitled to regular academic mentoring and the support of advisers and academic supervisors; they are in turn obligated to perform their work responsibly and contribute to a collegial working environment. <sup>3</sup>In addition, part of the responsibilities of those in supervisory functions is to promote the career development of scientists and support staff.

- (2) Abuse of power and exploitation of dependency relationships must be prevented through appropriate organizational measures.
- (3) The legal form of the doctoral relationship is defined in the doctoral regulations and statutes of the TUM Graduate School applicable in each case.

## § 6 Performance and Evaluation Criteria

<sup>1</sup>A multidimensional approach is required for the evaluation of TUM scientists: <sup>2</sup>In addition to purely scholarly achievements, additional aspects can be taken into account so that performance, especially in the categories research and development, teaching, and academic engagement, is taken into account (see also the basic principles for evaluation in the TUM recruitment and career development system). <sup>3</sup>High-quality research is oriented to discipline-specific criteria. <sup>4</sup>The evaluation of performance is primarily based on qualitative standards whereas quantitative indicators are only taken into account in the overall evaluation in a differentiated and reflected way. <sup>5</sup>Additional criteria are openness to new ideas/findings and interest in scientific exploration. <sup>6</sup>Personal, family- or health-related leaves of absence, or extended education and qualification periods resulting from such leaves of absence, alternative career pathways or comparable circumstances will be taken into account in an appropriate manner after careful consideration, so that they do not lead to disadvantages.

## Research Processes and Misconduct

### § 7 Research Design and Quality Assurance

- (1) In planning a research project, TUM scientists take into account the current state of research in a comprehensive manner in identifying relevant and appropriate research questions.
- (2) <sup>1</sup>In investigating and processing research questions, TUM scientists apply well-founded and transparent methods and standards. <sup>2</sup>In developing and applying new methods they place particular value on quality assurance and establishment of standards. <sup>3</sup>Transparent and accessible documentation of all relevant information on how research findings were obtained is required in order for them to be checked and evaluated, as well as for them to be replicated. <sup>4</sup>The source of any data, organisms, materials or software used in the research process is designated as such and how they were subsequently handled demonstrated; original sources will be cited. <sup>5</sup>If documentation of research results does not satisfy relevant (specialized) requirements, its limitations and the reasons for these are presented in an understandable way.
- (3) <sup>1</sup>When they publish research results, TUM scientists carry out every *lege artis* step and document the methods for ensuring the quality of their work (see the Guidelines of the Technical University of Munich for Handling Research Data). <sup>2</sup>Replication of results and findings by other scientists is an essential component of quality assurance.
- (4) <sup>1</sup>As a rule, TUM scientists also document individual results that do not support their research hypothesis. <sup>2</sup>Results may not be selected according to the research hypothesis.
- (5) <sup>1</sup>As far as possible, they follow procedures for avoiding conscious and unconscious distortions in interpreting findings, for example, double-blind research designs. <sup>2</sup>They check whether and, if so, to what extent gender and diversity are a significant factor in their research design.
- (6) <sup>1</sup>In developing research software they document the source code. <sup>2</sup>Open access source code is consistently documented in a citable form.
- (7) <sup>1</sup>When TUM scientists have published findings and discrepancies and errors are subsequently detected, they correct these. <sup>2</sup>Where discrepancies or errors warrant withdrawal of a publication, they work with the publisher or Internet provider without delay to have the correction or withdrawal carried out and this made publicly known.

## § 8 Protection and Storage of Primary Data

<sup>1</sup>Primary data, analyzed data and software used to evaluate it for purposes of publication are to be stored in permanent and secure data media in the organization where they were collected. <sup>2</sup>Where there are justifiable reasons not to store certain data, scientists advise TUM of these. <sup>3</sup>Data retention periods depend on the discipline involved and, as a rule, should be 10 years from the date of any publication based on the data. <sup>4</sup>Where possible, preparations and samples used in developing primary data should be stored for the same period of time. <sup>5</sup>The TUM Board of Management makes the required infrastructure available, whereas the costs of data management must already be included in applications for research funding (see the Guidelines of the Technical University of Munich for Handling Research Data). <sup>6</sup>Where storage times are reduced, the reasons are presented in an understandable way.

## § 9 Reporting Inventions

<sup>1</sup>Transfer of knowledge and technology into society is a duty of the university (Art. 2(5) *BayHSchG*). <sup>2</sup>Consequently, TUM scientists comply with their legal obligation to report inventions made in the course of their employment in accordance with § 5 of the German Employee Inventions Act (ArbEG), unless the scientists enforce their negative publication right in accordance with § 42(2) ArbEG.

## § 10 Legal and Ethical Provisions, Rights of Use

- (1) <sup>1</sup>TUM scientists make responsible use of their constitutionally guaranteed freedom of research. <sup>2</sup>They respect rights and duties that arise from legal requirements and contracts with third parties. <sup>3</sup>Prior to commencement of research projects any required approvals and ethical clearances are obtained. <sup>4</sup>The legal conditions for a research project include documented agreements on user rights in connection with research data and findings arising from the project.
- (2) TUM scientists bear the additional responsibility for recognizing and assessing risks, especially in the case of security-related research.
- (3) <sup>1</sup>Agreements on user rights in connection with data and research findings are formalized and documented as early as possible in accordance with applicable legal and internal regulations of TUM. <sup>2</sup>Documented agreements are especially desirable in situations where several academic and/or non-academic institutions are involved in a research project, or where it is likely that scientists will change employers and wish to continue using data they have generated for their (own) research purposes. <sup>3</sup>TUM scientists who collect the data or generate the research findings are specifically entitled to such use, as long as there are no legal or contractual provisions that prohibit such a right of use. <sup>4</sup>In cases where research projects are in progress, the persons authorized to use the research results also have the authority (subject to the relevant legal and contractual provisions) to decide whether third parties are granted access to data.

## § 11 Scientific Publication

- (1) <sup>1</sup>As a rule, TUM scientists make all their results available for scientific discussion. <sup>2</sup>In individual cases, however, there may be reasons for not making results publicly available, but the decision should in principle not depend on third parties.
- (2) <sup>1</sup>TUM scientists decide independently whether, how and where they publish their results. <sup>2</sup>Authors select the source in which they publish carefully, keeping in mind its quality and security in the particular field. <sup>3</sup>The scientific quality of a publication does not depend on the source in which it is published. <sup>4</sup>In addition to books and specialist journals, in particular specialized repositories and software repositories as well as blogs and open access sources are regarded as publication sources, in accordance with the open access policy of the TUM. <sup>6</sup>TUM should be correctly named as the affiliation (see the TUM Publication Guidelines).

- (3) <sup>1</sup>Publication of the results of externally financed projects is governed by the provisions of the particular contract or provisions governing grant allocations. <sup>2</sup>TUM scientists are responsible for ensuring compliance with these regulations.
- (4) <sup>1</sup>In accordance with § 42(1) of the German Employee Inventions Act (ArbEG), when an invention is part of a publication, the publication of the invention must be reported to the employer in a timely manner. As a rule, this means two months in advance, so that the employer can implement legal measures to protect its interests, for example, by registering a patent. The prerequisite for this is the registration of the invention according to § 5(1) ArbEG. <sup>3</sup>Extended delay of publication can be mutually agreed upon by the TUM scientist and TUM in specific cases following the registration of the invention.
- (5) Subject to various criteria required by specific disciplines, the following guidelines are to be observed in the publication of scholarly work
  1. <sup>1</sup>The term “original work” is restricted to the first-time publication of new scholarly findings. <sup>2</sup>Accordingly, multiple publications of the same scholarly results, with the exception of announcement of preliminary results prior to publication such as in conference proceedings, is only permitted if the publication of the original work is disclosed. <sup>3</sup>Inappropriate publications of partial results are to be avoided.
  2. <sup>1</sup>Scholarly research must be verifiable. <sup>2</sup>Consequently, the publication of results must contain an exact description of methods and outcomes comprehensible to subject-matter experts. <sup>3</sup>Where possible and reasonable, the research data, materials, information, methods, and software on which results are based should be made publicly available. <sup>4</sup>Similarly, procedures should be extensively described and even programmed software made publicly available through citation of the source code.
  3. Findings that support the authors’ hypotheses as well as those that cast doubt on them should be reported with equal emphasis.
  4. <sup>1</sup>Findings and ideas of other researchers as well as relevant publications of other authors should be cited (see TUM Citation Guidelines). <sup>2</sup>Already published, publicly available findings do not fall under the duty to cite sources if the particular discipline allows them not to be cited. <sup>3</sup>Self-citations are to be kept to a minimum.

## § 12 Authorship

- (1) An author is someone who has made a genuine, recognizable contribution to the content of a scientific text, dataset or software publication, i.e., who has contributed to
  1. defining the problem, drawing up the research plan, collecting the data, evaluating or interpreting research outcomes, or
  2. <sup>1</sup>the draft or critical review and revision of manuscript content. <sup>2</sup>Co-authorship does not apply to persons who merely made a technical contribution to the collection of data, merely provided funding, or merely served as the head of the department or institution in which the research was carried out. <sup>3</sup>The same applies to persons who merely read the manuscript without contributing to its content. <sup>4</sup>Honorary authorships are prohibited. <sup>5</sup>Furthermore, it should be observed that
    - a. the contributions of individual groups be identified as clearly as possible where reports are drawn up by several working groups; incorrectly attributing contributions of individual authors amounts to academic misconduct.
    - b. <sup>1</sup>TUM scientists agree, if necessary, with scientists from other institutions, on who is to be an author of research reports. <sup>2</sup>When there are several authors, agreement is reached on who will be first and who last author and who will be corresponding author. <sup>3</sup>Agreement is reached at an early stage, at the latest when the manuscript is prepared, and is based on rational criteria.
    - c. all co-authors confirm that a manuscript is ready for publication.
    - d. apart from other acknowledged discipline-specific practice, written statements of agreement are obtained if a manuscript contains unpublished ideas, methods and findings of third parties.

3. Where a contribution is not sufficient to justify authorship, recognition of support is possible in footnotes or a foreword or acknowledgment.
- (2) <sup>1</sup>Agreeing to acknowledgment of co-authorship implies accepting responsibility for compliance of the publication with academic standards. <sup>2</sup>This applies in particular to those sections provided by a co-author. <sup>3</sup>Co-authors are thus responsible for the accuracy of their own contributions as well as for these being introduced into the publication in a way that complies with academic standards.
- (3) If TUM scientists are named as (co-)authors in a publication without their consent and are unwilling to grant retroactive approval, they must lodge an objection to their inclusion in the group of authors with objective and comprehensible reasons with the first or last author (as the primary person responsible) or in more explicit form with the publisher.

## § 13 Academic Misconduct

- (1) Academic misconduct occurs when a scholar, deliberately or through gross negligence, makes false statements, infringes upon intellectual property rights of others, or interferes with their research activities in any way, including, but not limited to:
  1. incorrect statements based on
    - a. fabrication of data,
    - b. falsification of data and sources, such as
      - failure to acknowledge relevant sources, references, or literature,
      - selective use or ignoring of undesired outcomes without disclosure,
      - manipulation of sources, presentations, or diagrams,
    - c. false statements in letters of application or funding applications (including incorrect information concerning a publisher or pending publications),
    - d. incorrect statements to a selection committee concerning academic achievements,
  2. infringement of intellectual property rights in connection with copyrighted work or key scholarly findings originating with others, hypotheses, teachings, or research approaches
    - a. unauthorized use or claims of authorship (plagiarism),
    - b. exploitation, particularly of unpublished research methods and ideas, especially in the role of reviewer (intellectual theft),
    - c. assumption or unjustified acceptance of scholarly authorship or co-authorship,
    - d. tampering with content,
    - e. unauthorized publication or provision of access to third parties of works, findings, hypotheses, instructional contents, or research methods that have not yet been published,
    - f. listing other persons as (co-)author without their permission,
    - g. incorrect statements concerning the contribution of individual authors to a publication,
  3. impeding the research activities of others by
    - a. sabotaging the research of others, for example, by
      - damaging, destroying, or manipulating research designs, equipment, documents, hardware, software, chemicals or other materials required by others to carry out an experiment,
      - malicious misplacing or stealing of books, archived materials, manuscripts, data sets, or laboratory or experiment protocols,

- willfully tampering with scientific records, such as books or documents or other data and records,
  - b. disposing of primary data, to the extent that this violates statutory regulations or standard principles of scientific practice in a particular discipline.
  - c. <sup>1</sup>termination of joint research activities without reasonable cause or prevention of publication of results as a co-author whose approval is required, without urgent reason (obstructive refusal of consent). <sup>2</sup>Publication refusals must be justified by verifiable criticism of data, methods or measurement results.
4. False accusations
- <sup>1</sup>Frivolous accusations of academic misconduct, in particular willfully making false accusations, may also be considered academic misconduct. <sup>2</sup>Lodging a complaint of academic misconduct must be carried out in good faith. <sup>3</sup>Accusations may not be made based on unverified evidence or without adequate checking of the facts.
- (2) Academic misconduct also occurs when behavior leads to shared responsibility for misconduct of others, in particular through
1. active participation in their misconduct,
  2. knowledge of misconduct by others,
  3. co-authorship of falsified publications or
  4. gross negligence of supervisory obligations.
- (3) Breaking up investigations into parts to make the number of publications seem larger also constitutes academic misconduct.

## §14 Confidentiality and Impartiality in Assessing and Advising

<sup>1</sup>In particular TUM scientists who assess submitted manuscripts, research grant applications, or assessments of people's scholarly standing are obliged to maintain strict confidentiality. <sup>2</sup>The confidentiality of other people's work to which assessors or committee members have access prohibits passing material on to third parties or making personal use of it. <sup>3</sup>Conflicts of interest or bias must be reported to the appropriate authority immediately. <sup>4</sup>Even concerns that there may be bias must be revealed and clarified.

## Responsibility and Trust

### § 15 TUM Compliance Office

- (1) <sup>1</sup>TUM has established an independent Compliance Office (TUM CO) that reports directly to the Board of Management (Vice President Compliance). <sup>2</sup>All proceedings of TUM CO are treated confidentially.
- (2) <sup>1</sup>In addition, the Senate, acting on the advice of the Board of Management, appoints a contact person for members of the university who wish to lodge a complaint about academic misconduct (ombudsperson) and at least one deputy. <sup>2</sup>The term of office is three years with the possibility of one re-election. <sup>3</sup>As a rule, TUM scientists with experience in a leadership position should be appointed as ombudsperson, preferably members of the TUM Senior Excellence Faculty.
- (3) <sup>1</sup>The ombudsperson is a member of TUM CO and is supported by one or several support staff. <sup>2</sup>The ombudsperson provides advice as a neutral and qualified contact in questions concerning good academic practice and in cases where academic misconduct is suspected, and to the extent possible, contributes to solution-oriented conflict resolution.
- (4) <sup>1</sup>The office of ombudsperson is incompatible with the office of Vice President or Dean. <sup>2</sup>The regulations on ineligibility on account of personal vested interest (Art. 20 and 21 of the Bavarian Administrative Procedure Act (*Bayerisches Verwaltungsverfahrensgesetz*)) apply to the ombudsperson.

## § 16 Access to the Ombudsperson

- (1) <sup>1</sup>Access to the ombudsperson is open to anybody who wishes to report suspicion of academic misconduct at TUM (informant). <sup>2</sup>This also applies to persons who are concerned that they may be open to suspicion of academic misconduct. <sup>3</sup>Information on suspected academic misconduct must be submitted in writing; in the case of verbal information, the ombudsperson is required to make a written note of the complaint and supporting material.
- (2) In addition, it is possible to refer questions and conflicts in the area of good scientific practice or scientific integrity to the supraregional "Research Ombudsperson" body (*Ombudsman für die Wissenschaft*) established by the DFG.

## § 17 Informant Lodging the Complaint and the Accused

- (1) An anonymous complaint can only be investigated if reliable and sufficiently concrete evidence is provided.
- (2) <sup>1</sup>The informant's complaint must be made in good faith. <sup>2</sup>Accusations made wantonly or that are deliberately false can themselves constitute academic misconduct.
- (3) The ombudsperson and the ombudsperson committee (see § 20) who review the suspected academic misconduct in accordance with the following provisions commit themselves in an appropriate manner to protecting the interests of both the informant and the person against whom allegations are made.
- (4) <sup>1</sup>Investigation of charges of academic misconduct is carried out specifically in accordance with confidentiality and the basic idea of presumption of innocence. <sup>2</sup>A complaint should not lead to the informant or the person against whom a complaint is made being placed at a disadvantage in their personal scholarly or professional career.
- (5) <sup>1</sup>Without the agreement of the informant the ombudsperson may only refer a matter to other parties in cases where serious harm for TUM, its members, or for third parties can be expected. <sup>2</sup> Such grave harm includes in particular encroachments on the right to life and physical well-being or harm that would be arise from not taking action despite well-founded suspicion of serious academic misconduct. <sup>3</sup>In such cases the ombudsperson is to inform the TUM Board of Management.

## § 18 Investigation of Academic Misconduct

- (1) TUM will review every substantiated allegation of academic misconduct by its current or former members provided that the work or services in question were carried out at TUM.
- (2) <sup>1</sup>The procedure for the investigation of academic misconduct according to this statute does not replace or prejudice any other legal or statutory proceedings (e.g., academic procedures, legal proceedings relating to employment in the civil service, civil or criminal proceedings); where necessary these will be initiated by the appropriate official bodies. <sup>2</sup>The process of investigating academic misconduct as defined in this statute has the purpose of making it possible to resolve conflicts at a purely technical level while taking the special features of the specific field into account. <sup>3</sup>This should make it possible for all parties involved to work out discipline-specific solutions. <sup>4</sup>The people involved are permitted to be supported by a legal adviser. <sup>5</sup>As soon as the focus of the procedure is no longer at the technical level, the procedure for the investigation of academic misconduct, will, as a rule, be interrupted or closed by the ombudsperson and the procedure taken over by the TUM bodies responsible for the legal and statutory procedures laid down in Section 1.

## § 19 Preliminary Procedures

- (1) <sup>1</sup>The ombudsperson should examine whether and to what extent the suspicions presented represent misconduct. <sup>2</sup>Insofar as the allegations are not considered convincing, the informant will be given the opportunity to provide concrete evidence within a period of four weeks.



- (2) If allegations are not substantiated within the defined period, the ombudsperson will notify the informant that no formal proceedings will be instituted and give reasons for this decision.
- (3) <sup>1</sup>Where there are sufficient grounds for opening proceedings, the ombudsperson will advise the person accused of misconduct of the allegations and give the person the opportunity to respond to the allegations in a written statement within a period of four weeks. <sup>2</sup>In addition, the informant and the person accused of misconduct will have the possibility of making a statement at any stage of the proceedings. <sup>3</sup>The ombudsperson may seek information from other parties, if desired, while maintaining confidentiality. <sup>4</sup>If the statements of the person accused of misconduct or of a third party refute the allegations, the ombudsperson will close the proceedings.
- (4) <sup>1</sup>The ombudsperson may attempt to mediate between the person accused of misconduct and the informant, even during the preliminary hearing. <sup>2</sup>Where mediation between the parties involved leads to an amicable resolution of the allegations the proceedings will be discontinued and filed with a note for the record.
- (5) <sup>1</sup>If the investigation is discontinued an informant who does not agree with the discontinuation may notify the ombudsperson of this within a period of two weeks. <sup>2</sup> If there are new reasons or new facts, the ombudsperson will reconsider his or her decision.
- (6) If the proceedings are not terminated in accordance with (3) or (4), the ombudsperson should promptly convene an ad hoc ombudsperson committee in accordance with § 20.

## § 20 Ombudsperson Committee

- (1) <sup>1</sup>The ad hoc investigation committee will consist of:
  - two professors named by the dean in the department or school concerned in the specific case,
  - two additional professors appointed by the Senate,
  - a representative named by research assistants in junior ranks,
  - the ombudsperson;
  - the ombudsperson's proxy;

<sup>2</sup>For the seven members of the ombudsperson committee, the regulations regarding confidentiality specified in § 17(4) and regarding impartiality in § 14 of these regulations apply accordingly.
- (2) <sup>1</sup>Members of the ombudsperson committee are required to attend meetings of the committee in person. <sup>2</sup>Members may not send a proxy to these meetings; for a quorum, at least five members must be present. <sup>3</sup>Based on the facts and circumstances investigated in the individual case, the ombudsperson committee will reach a decision based on personal conviction; decisions require a simple majority.
- (3) <sup>1</sup>Contrary to (2), the ombudsperson may, in well-founded exceptional cases, arrange for the members of the ombudsperson committee to participate in necessary meetings without being present in person at the meeting and to exercise their voting rights by means of electronic communication and also, in the case of a secret ballot, subsequently to submit their vote in writing. <sup>2</sup>This applies only if consultation and, in the case of taking of a decision by means of electronic communication, such a decision is based on simultaneous transmission of image and sound using suitable technical means, in particular in the form of a video conference. <sup>3</sup>Such a decision without the personal presence of all members will then be valid if all members were involved, at least half the members cast their votes by electronic communication (in the case of a secret ballot also in text form by the deadline set by the ombudsperson), and the decision was taken based on the required majority of votes cast.
- (4) Meetings of the ombudsperson committee will be chaired by the ombudsperson or his or her proxy.
- (5) Meetings of the ombudsperson committee are not open to the public.

- (6) <sup>1</sup>The ombudsperson committee has the right to take all steps necessary for establishing the facts of the case. <sup>2</sup>For this purpose, while drawing attention to the requirement to maintain confidentiality the committee may obtain all necessary information, opinions, and representations and in individual cases involve the equal opportunity officer(s) and/or experts in the scientific discipline being considered.
- (7) <sup>1</sup>If the identity of the informant is not known to the person accused of misconduct, it will be disclosed if this information appears necessary for an adequate defense of this person or if there is a legal obligation to disclose it. <sup>2</sup>This applies in particular if the credibility of the informant is of substantial importance for the determination of misconduct.
- (8) The ombudsperson committee will make a decision within a period of six months unless the complexity and difficulty of the facts and circumstances justify a longer period.
- (9) <sup>1</sup>If the investigation is discontinued the informant, if he or she does not agree with the discontinuation, may notify the ombudsperson or proxy within a period of two weeks. <sup>2</sup>The ombudsperson committee will reconsider its decision if new reasons or new facts are available. <sup>3</sup>Reconsideration of the decision and decision making by committee members does not require a separate meeting but may be carried out by way of circular vote.

## § 21 Ruling of the Ombudsperson Committee

- (1) The ombudsperson committee should draw up a final report on the outcome of the investigation and submit it to the President of TUM or to the TUM body with legal responsibility or responsibility in accordance with the statute for a decision, together with a proposal for further action and any recommended sanctions or measures.
- (2) <sup>1</sup>The President of TUM or the TUM body that bears legal or statutory responsibility should inform the ombudsperson of its decision and should have the necessary steps taken to implement the measures. <sup>2</sup>The ombudsperson should notify the informant and the person accused of misconduct of the decision of the President or of the body that bears legal responsibility or responsibility in accordance with the statute.
- (3) To the extent that it appears necessary to protect third parties, to maintain confidence in scientific integrity, to restore TUM's scientific reputation or to prevent consequential harm, third parties involved, in particular also scientific organizations affected, must be appropriately informed of the outcome of the investigation.

## § 22 Information About TUM-SGwP

- (1) This statute must be handed to or communicated to students carrying out scientific work (bachelor's or master's thesis, etc.) by their supervisors and such notification documented.
- (2) This statute will be made known to all doctoral candidates and their supervisors by the TUM Graduate School.
- (3) At the beginning of any employment relationship TUM personnel should be made aware of the TUM-SGwP in an appropriate manner.
- (4) The current ombudspersons and the TUM-SGwP will be published on the TUM homepage.

## § 23 Entry Into Force

This statute enters into force on 1 December 2021 and replaces the previous Code of Conduct for Safeguarding Good Academic Practice and Procedures in Cases of Academic Misconduct at Technische Universität München of 15 July 2015.

Executed following a resolution of the Senate of the Technical University of Munich on 13 October 2021 and approval by the President of the Technical University of Munich on 18 November 2021.

Munich, 18 November 2021

Technical University of Munich

Thomas F. Hofmann

President

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Please note that only the German version is legally binding.

## Appendix

### Possible Decisions and Sanctions for Academic Misconduct

<sup>1</sup>Since each case may be different and the severity of the academic misconduct also plays a role in each decision, there can be no individual guideline or code of conduct on what consequences are appropriate; instead, these depend on the circumstances of the individual case. <sup>2</sup>If the ombudsperson committee formally established the existence of a case of academic misconduct, decisions of varying kinds and scope may be taken by the President or by the body responsible at TUM as specified by law or by statute:

- (1) Labor law consequences, in particular,
  1. a reprimand,
  2. termination without notice for cause,
  3. termination with customary notice,
  4. termination of contract,
- (2) consequences according to civil service law, in particular disciplinary measures,
- (3) academic consequences, in particular
  1. revocation of academic degrees or teaching authority,
  2. notification of non-university scientific institutions and associations,
  3. demand for withdrawal of scientific publications,
  4. in the case of academic misconduct in the sense of § 13 (1) 3.c.<sup>2</sup> Alt. other scientists may be permitted to publish on the basis of an ombudsperson's ruling, if the ombudsperson is satisfied that obstruction has occurred. The facts must be disclosed in the publication, including the permission to publish.
- (4) Civil-law sanctions, especially
  1. banning from TUM premises,
  2. claims against people guilty of misconduct, for example in connection with theft of scientific material,
  3. demand for compensation or cessation of activities under German copyright law, injury to personal development, patent law, and competition law,
  4. demands for repayment (for example, of grants, third-party funds, etc.),
  5. removal of published dissertation from library holdings and deletion of electronic access,
  6. claims for damages lodged by the university or third parties in the event of personal injury, damage to property, etc.;
- (5) Penal actions, in particular laying charges or requesting prosecution in the event of suspicion that the academic misconduct may constitute an offense under the German Criminal Code (StGB) or other punishable offense or misdemeanor, in particular
  1. infringement of copyright,
  2. falsification of documents (including forgery of technical reports),
  3. property damage (including the manipulation of data),
  4. offenses against property (such as stealing, fraudulently obtaining funding, misappropriation),
  5. violations of personal privacy and secrets (such as obtaining confidential data or exploiting confidential material),
  6. crimes against the life of a person or their physical well-being (such as those committed against research participants as a result of fraudulent data).