Bundesinstitut für Risikobewertung

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Principles of "Good Scientific Practice" in the Federal Institute for Risk Assessment (BfR)

I. General

To help meet its responsibility in research and the tasks directly linked to the same, the BfR has adopted the following rules and regulations for dealing with cases of scientific misconduct. These are based on the recommendations of the German Research Foundation (DFG) dated July 9, 1997 and July 3, 2013.

The recognised guidelines for good scientific practice within the respective specialized disciplines are the binding foundations for scientific tasks within the BfR. The following commitments to good scientific practice are intended to help assure the quality of scientific work and prevent scientific misconduct:

1. All staff members working in a scientific capacity at the BfR are obligated to observe the rules of good scientific practice.

2. They shall follow the general principles of scientific work.

3. Investigations must be conducted according to the current status of knowledge. It is imperative to have current knowledge of the literature and the appropriate methods.

4. Experimental research tasks shall be conducted in accredited laboratories. The BfR is certified according to DIN EN ISO 9001. Working and process instructions regulate the procedures in various work areas, including the publication of scientific findings or research concerning technical, scientific information.

5. The methods used and the findings must be documented and kept for a period of ten years. Precise recording and documentation of scientific procedures and in particular of the results serves the purpose of guaranteeing reproductibility of investigations.

6. Scientific results should be communicated to the scientific public in the form of publications; the publications are thus an integral component and result of the research process – as are the scientific observations or the experiment. The publications are made in accordance with in-house policy order No.14 – BfR scientific publications.

With regard to the scientific staff, young scientists and academics and its technical staff, the BfR exercises its responsibility by informing this group of people at organisational unit level at regular intervals regarding the principles of scientific work and good scientific practice – whilst referencing these guidelines; a written record of the instruction is kept and confirmed by signature.

Newly employed staff in the scientific areas within the BfR shall also be obligated to uphold these principles.

II. Scientific misconduct

Scientific misconduct arises if in scientific works false information is given either intentionally or through gross negligence or if the intellectual property of others is violated or their research activity compromised in any manner.

The following are to be considered as misconduct in particular:

1. Misrepresentations

   - inventing or falsifying data,
   - inventing or falsifying evaluations,
   - inventing or falsifying results,
   - incorrect statements made in an application for employment or for funding,
   - fictitious information regarding publications and/or research reports.

2. Violation of intellectual property with regard to a work created by a third party and protected by copyright or of third party major scientific findings, hypotheses, teachings or research approaches especially by means of:

   - Unauthorised use under the pretence of authorship (plagiarism),
   - Exploitation of research approaches and ideas, especially in the capacity of expert/reviewer (theft of ideas),
   - Presumption or unfounded acceptance of scientific authorship or co-authorship,
   - Falsification of content,
   - Deliberately delaying the publication of a scientific work, especially in the capacity of editor or reviewer, or
   - Unauthorised publication or facilitation of unauthorised third party access whilst the work, findings, hypotheses, teachings or research approach has not yet been published.

3. Claiming the (co-) authorship of another person without his/her consent.

4. Impairment of research activity (including the damaging or manipulating of experimental arrangements, apparatus, documents, hardware, software, chemicals, cell and microorganism cultures or any other equipment needed by a third party to conduct his/her scientific activity).

5. Disposal of original data, provided that this is not the result of legal regulations.

Joint responsibility for misconduct may amongst other things arise given:

- Involvement in the misconduct of others.
- Co-authorship of publications containing falsifications.
- Gross neglect of supervisory duties.

III. Individual Regulations

1. All those engaged in scientific activities are obligated to comply with these guidelines. In the framework of research projects, responsibility for compliance rests with the person responsible for the project.

2. All responsible parties must ensure through appropriate organisation of their area of work that the tasks of management, supervision, conflict-resolution and quality assurance have been clearly allocated and that it is guaranteed that these roles will be effectively fulfilled.

3. Appropriate supervision of scientific and non-scientific staff, including those with fixed-term contracts is to be ensured. This, amongst other things, shall include regular meetings and the monitoring of working progress. Also as part of the BfR doctoral training programme, junior academics and scientists are to be given an introduction to the essentials of scientific work. The BfR has developed a support concept for graduate students studying for a doctorate which also includes extensive further training opportunities.

4. Performance and assessment criteria for evaluations, recruitment, appointments and allocations of funds are determined in such a manner that originality and quality always take precedence as evaluation measures over quantity.

5. The person responsible for a research project has to ensure that original data is documented in an appropriate manner and kept for a period of ten years within the BfR as the basis for publications on stable and secure carriers. Any lengthier obligations to retain data on the basis of legal requirements or measures for the protection of personal data shall remain unaffected by this.

6. Authors of a scientific publication shall together bear the responsibility for the content thereof. The exceptions are to be identified. Persons having made considerable contributions to the conception, planning, implementation or analysis of the research project shall have the opportunity to be co-authors. Persons having made small contributions, which do not exceed the threshold of a creative contribution, shall be mentioned in the credits (acknowledgements). An “honorary authorship” shall not be an option. Details are regulated via the relevant BfR in-house policy order.

IV. Principles of the procedure in case of scientific misconduct

Given suspicion of scientific misconduct, contact shall first be established with the ombudsperson. The further process encompasses, if required, a preliminary examination by

the ombudsperson approached, as well as a formal investigation by a commission for cases where the ombudsperson is unable to achieve clarification. This in turn can then lead to a recommendation of action being made to the president. The entire procedure is confidential.

V. Ombudsperson

The institute management shall appoint an ombudsperson who can be approached by BfR staff at any time. The ombudsperson has a deputy who shall become active should the appointed ombudsperson be actually or legally prevented from acting (replacement in case of absence). Details of the ombudsperson and their deputy shall be made known on the intranet. The ombudsperson acts as confidential advisor for those reporting any presumed scientific misconduct and examines in consultation with them, whether a suspected case should be dealt with. In the performance of his/her duties the ombudsperson shall act independently and is sworn to confidentiality in all matters arising from service and/or labour legislation. In relation to conduct towards third parties the ombudsperson shall act where possible in agreement with the person reporting the suspicion of scientific misconduct (reporting party).

Once the ombudsperson has received indications of scientific misconduct, the ombudsperson will, whilst consulting with the reporting person and within the scope of a preliminary examination, check the facts of the case to determine plausibility, concreteness and significance and with regard to the possibilities of dispelling the suspicion.

The ombudsperson will consult with the reporting party with regard to further proceedings. It may not go further than an advisory consultation, in which case further possibly steps are explained to the reporting party, especially if this person is directly affected.

After consultation with the reporting person the ombudsperson can also take action with regard to the person concerned in the allegation, for example, by the ombudsperson explaining his/her view of the problem to the person concerned and by asking for comment. In this case the ombudsperson will, upon receipt of the comment (or after expiry of a reasonable deadline without response) discuss with the reporting party whether further clarification measures are necessary within the scope of the preliminary examination.

If no such clarification measures are deemed necessary, the ombudsperson shall decide in consultation with, and where possible in agreement with the reporting party, regarding further proceedings. It may be decided to terminate proceedings. Should the reporting party not be in agreement with ending the proceedings, he/she may bring the matter before the Commission. If after preliminary examination and - if applicable - after an attempt at conciliation, facts are found to exist which justify concrete suspicion of scientific misconduct, the ombudsperson shall hand the case over to the Commission for formal investigation should the reporting party so wish. Should there be reason to assume serious breach of duty pertaining to service or labour law, the ombudsperson shall put the facts of the case to the Executive Committee of the BfR.

Should additional persons be involved in the preliminary examination, and provided these persons are themselves affected by the decision, the ombudsperson shall inform them in writing of the decision, stating the reasons.

Should the ombudsperson actually (absence) or legally (concerning conflict of interest) be unable to act, the process of the preliminary examination shall be assumed by the deputy ombudsperson. In case of doubt, the deputy ombudsperson shall decide whether there is reason for concern regarding the impartiality of the ombudsperson.

VI. Formal investigation by the Commission

The Commission is comprised of the Head of Research Coordination and one person nominated by the Head of Personnel on a case-by-case basis. In the event that a member should declare themselves disqualified on the grounds of bias or is rejected on reasonable grounds of conflict of interest, the Head of Personnel shall appoint a replacement member. The ombudsperson may be permitted to participate in the formal investigation in an advisory capacity.

The Commission shall record oral proceedings on camera. It shall examine in free consideration of the evidence whether scientific misconduct exists. The Commission may further clarify the facts of the case if it deems this to be necessary. To this end it may gather the required information and opinions and in individual cases may consult experts from the field of the respective scientific matter, as well as from experts in the handling of such cases. The person concerned shall – in an appropriate manner - be given the opportunity to respond. This party may, on request, bring in a full member of the staff council or the equal opportunities officer as a person of trust. If the person concerned is severely disabled or has the status of severely disabled, the ombudsperson acting on behalf of the severely disabled individual may also be called in. The details regarding those involved in the process and the findings established, shall be kept strictly confidential. The name of the reporting person shall be revealed as part of the proceedings, if the person concerned is otherwise unable to appropriately safeguard his/her own interests. The Commission shall reach a decision in this regard.

If the Commission considers that scientific misconduct has not been proven, the proceedings shall be terminated. If scientific misconduct is found to exist, the Commission shall communicate the outcome of its investigation to the Executive Committee along with a proposal regarding the ruling and further course of action. Given less severe scientific misconduct the Commission shall attempt to settle through arbitration.

The Commission shall communicate the outcome of its investigation and its decision (to terminate proceedings or inform the Executive Committee) immediately in writing to the person concerned and the reporting party. Those persons involved in but not directly participating in the proceedings shall receive notification of the outcome in so far as they are affected themselves. The files pertaining to the formal investigation shall be kept on record for a period of 30 years.

If there is evidence of a serious breach of duty pertaining to service or labour law, the Commission shall present the facts of the matter to the BfR Executive Committee.

VII. Possible rulings and action in the case of scientific misconduct

If scientific misconduct is established, the corresponding action shall be determined by the Executive Committee in consideration of the Commission's proposal. The decided action shall be carried out (e.g. further instructions, organisational measures).
Scientific misconduct may, in addition, lead to the following:

- consequences pertaining to labour and service law,
- consequences pertaining to civil service law,
- consequences in civil law, as well as
- criminal consequences.

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