

DIW Berlin's Principles of Ethical Research and Procedures for Handling Scientific Misconduct

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Preamble

The adherence to ethical research principles is a basic requirement for all scientific work. Scientists handle their freedom of research responsibly. They respect rights and obligations, especially ones of a legal nature, but also those from contracts with third parties. As a research institute, DIW Berlin is responsible for protecting both itself and science from falsification and takes action against the misuse and manipulation of scientific results. The research department heads, research staff, fellows, and guest researchers' conducting research at DIW Berlin are required to adhere to the Principles of Ethical Research when conducting scientific activities. The Principles of Ethical Research apply to all of DIW Berlin's scientific tasks in research and consulting.

Researchers state they will comply with DIW Berlin's Principles of Ethical Research upon finalization and signing of the work contract. Every scientist is responsible for ensuring that their conduct is in adherence with the standards of good scientific practice.

The following regulations are based on existing guidelines for good scientific practice, namely the DFG's *Leitlinien zur Sicherung guter wissenschaftlicher Praxis* from September 2019, the Leibniz Association's *Guidelines for Good Scientific Practice* from November 2019 and their *Code for Good Research Practice* from November 2021, and the *Ethikkodex des Vereins für Socialpolitik* from December 2021. On November 18, 2021, the General Assembly of the Leibniz Association adopted the *Code for Good Research Practice*. The Leibniz Code is based on the *DFG-Kodex gute wissenschaftliche Praxis (2019)* and was prepared in close consultation with the DFG and modified to fit the structure and requirements of the Leibniz Association. Following the General Assembly's decision, all Leibniz Institutes recognized and implemented the DFG Code in a legally binding and timely manner. The Leibniz Code, like the DFG Code, is therefore binding for DIW Berlin. Thus, the following regulations supplement the Leibniz Association Code.

Part I

Principles of Ethical Research at DIW Berlin

§ 1 Good Scientific Practice

(1) Good scientific practice means working *lege artis* and always following current best practice. It requires knowledge of and utilization of current literature as well as the use of proven and new methods and findings in compliance with the Principles of Ethical Research and the current data protection regulations.

(2) Good scientific practice is characterized by consistent doubt and self-criticism as well as transparency regarding assumptions and the degree of uncertainty. It is also characterized by critically examining the findings obtained and their verification, for example by mutual review within a working group, and by honesty toward contributions from colleagues, employees, competitors, and predecessors.

¹ In this document, *research department heads, research staff, fellows, and guest researchers at DIW Berlin* will be collectively referred to as *researchers or research staff*.

(3) Meticulous quality assurance is an important component of scientific probity. In addition to basic honesty toward oneself and others, quality assurance is the basis of scientific professionalism. It is ensured by (critical) cooperation in scientific working groups and clearly defined responsibilities.

(4) As a component of good scientific practice, quality assurance also includes the documentation of essential steps and of all information relevant to producing a research result as well as the secure storage of all essential records. It is also necessary to ensure reproducibility prior to publication and to make this documentation accessible for authorized third parties. This also applies to individual results that do not support the hypothesis. Documentation and research results may not be manipulated and should be protected against manipulation as much as possible.

§ 2 Organizational Structures and Management Tasks

(1) The Executive Board and the department heads are responsible for the management, supervision, conflict resolution, and quality assurance of DIW Berlin's scientific work. They create the conditions for good scientific work and ensure that

- all researchers are aware of the importance and content of the Principles of Ethical Research
- the objectives of the research work and the tasks of the individual researchers are determined, defined, and distributed in accordance with the regulations in force at DIW Berlin
- scientific management tasks are performed responsibly in the Institute as a whole as well as in their respective departments. Acting responsibly includes ensuring transparent organizational structures, providing a clear division of responsibilities and tasks, and consistently avoiding abuses of power and exploitation of dependent relationships

(2) Management tasks also include, in particular, ensuring appropriate mentorships—a core concept at DIW Berlin—for young researchers and supporting the career advancement of both research and service staff. This is done by having transparent processes with regard to personnel selection and development, especially with regard to gender equality and diversity.

§ 3 Mentorship of Young Researchers

(1) Special attention shall be paid to training and promoting young researchers. When training and/or professionally mentoring young researchers, special emphasis is placed on the Principles of Ethical Research.

(2) This includes mentoring young researchers during their qualification phases, imparting expertise and skills, and continuous individual support.

(3) Mentorships also include a proper, documented evaluation of young researchers' final papers as well as transparent criteria for being offered a permanent contract.

§ 4 Original Work and Scientific Publications

(1) Original scientific papers communicate new research results including conclusions. Multiple publications of the same results without disclosure are not allowed. In principle, all relevant research results are introduced into the scientific discourse.

(2) To ensure the verifiability of the scientific research, the publication must contain a sufficient description of assumptions and the degree of uncertainty as well as an exact description of the methods

and results, unless the particular form of the publication (abstract, short communication, etc.) explicitly excludes this.

(3) Both findings that support and reject the authors' hypothesis must be reported adequately in equal measure.

(4) Findings and ideas of other researchers as well as relevant publications by other authors must be cited adequately.

§ 5 Data and Methods

(1) In compliance with legal and data protection requirements and DIW Berlin's data protection regulations, research data must be collected, processed, and stored in its entirety for at least ten years unless this conflicts with mandatory legal regulations or contractual or statutory data protection requirements.

(2) The legal framework of a research project also includes documented agreements on the rights of use of research data and results, if necessary beyond the duration of the project.

(3) Scientifically sound and comprehensible methods are to be used. When developing and applying new methods, researchers must focus on quality assurance and establishing standards in particular.

(4) When interpreting findings, methods to avoid (unconscious) bias (such as blinding) shall be used whenever possible. This also applies to testing the significance of gender and diversity. When interpreting findings, the respective conditions are taken into account.

§ 6 Authorship and Publication Method

(1) Responsibility in (co-)ownership is an essential aspect of good scientific practice. The roles and responsibilities of the researchers involved in a research project as well as of the non-research personnel must be clearly defined at all times during a project. The authors of scientific publications are jointly responsible for the contents; honorary authorships are not possible. Each author is accountable, stands behind the results, and takes responsibility for the content of the publication. If an author is responsible for only part of the publication, this must be justified and indicated explicitly.

(2) Authors of a scientific publication are those persons who have contributed substantially to the conception of the study; to the preparation, analysis, and/or interpretation of the data; and/or to the formulation of the manuscript; and those who have also consented to its publication and thus share responsibility. Where appropriate, authorship arrangements should be the subject of a cooperative agreement.

(3) Funding the research, being the head of the department or working group in which the research was conducted, or reading and commenting on the manuscript do not constitute authorship. In regard to participation in data collection and preparation, please see the principles laid out in point 2 above.

(4) The authors select the method of publication carefully. The scientific quality of a research paper does not depend on the type of publication in which it is made available.

§ 7 Other Publications

As a part of DIW Berlin's adherence to quality assurance, the Principles of Ethical Research also apply to research-based consulting and services. Statements that are not based on scientific findings and represent a personal opinion must be identified as such.

§ 8 Conflicts of Interest and Transparency

- (1) Researchers shall immediately notify DIW Berlin's Executive Board of any conflicts of interest or biases (e.g., caused by memberships or committees) that could be justified in regard to peer-reviewed research projects or consulting projects (client or subject).
- (2) In addition, all scientific papers must indicate funding sources, research infrastructure, and any other external support used.
- (3) In scientific papers and popular science publications and commentaries, facts that could lead to conflicts of interest or bias on the part of the author must also be disclosed.
- (4) If a scientific paper, a report, or an expert opinion may only be published with the prior consent of the client or other third parties, this must be clearly indicated in the publication.
- (5) When reviewing and evaluating scientific work and funding applications, biases and conflicts of interest must be disclosed to clients and to others who may be affected. The contract may only be carried out if the client has agreed after being informed of possible reasons for bias or conflicts of interest.

Section II

Procedures for Handling Scientific Misconduct

§ 9 Scientific Misconduct

- (1) Scientific misconduct shall be deemed to have occurred if false statements are made in a scientific context or the intellectual property of others is infringed or their research activities are impaired in any way. Scientific misconduct may also result from the negligent neglect of the requirements of good scientific practice specified in Section 1(1). However, not every violation of the Principles of Ethical Research constitutes scientific misconduct.
- (2) Misconduct shall be deemed to include, in particular:
 - Incorrect information such as
 - a) Fabricating data
 - b) Falsifying data, for example:
 - by selecting and rejecting unwanted results without disclosure
 - by manipulating charts or figures
 - c) Not deleting data that must be deleted
 - d) Incorrect information in application documents, publication lists, or a funding proposal (including misrepresentation of the publication organ and publications in press)
 - e) Multiple publications of data or text without appropriate disclosure
 - f) Faking quality assurance procedures (e.g., peer review)
 - Intellectual property infringement
 - a) With respect to a copyrighted work by another author or substantial scientific findings, hypotheses, doctrines, or research methods originating from another author:
 - Unauthorized use under presumption of authorship (plagiarism),

- The use of others' research methods and ideas, especially as a reviewer (idea theft)
 - The presumption or unfounded assumption of scientific authorship or co-authorship
 - Falsifying content
 - Publishing or making the work available to third parties without prior authorization and before publication of the finding, hypothesis, doctrine, or research method
- b) Claiming another person is a (co-)author without their consent
- c) Not acknowledging the (co-)authorship of another researcher
- Interference with others' research activities
 - (a) Sabotaging research activities (including damaging, destroying, or tampering with records, hardware, software, or other materials that another person needs to do their job)
 - b) A grossly erroneous, deliberately false, or misleading expert evaluation of research activities of others and providing favorable expert opinions
 - c) Neglecting scientific management responsibilities
 - Misuse of research data
 - a) Use of research data without consent or citation of the author or owner
 - b) Disposing of primary data unless its destruction is required by law or other accepted principles of scientific work
- (3) Shared responsibility in scientific misconduct may result, among other things, from
- Actively participating in others' misconduct
 - Tolerating misconduct
 - Knowing others have falsified information
 - Co-authorship of publications containing falsifications
 - Grossly neglecting supervisory duties

§ 10 Trusted Third Parties (Ombuds Office)

- (1) DIW Berlin's research staff will elect one or more ombudspersons to mediate or settle disputes or disagreements related to good scientific practice. Research staff includes all employees with a degree who are employed by DIW Berlin for remuneration and who perform research tasks.
- (2) The Ombuds Office is elected from among DIW Berlin researchers. In exceptional cases, a researcher who is not a member of the Institute may also be elected. Senior DIW Berlin researchers are not eligible for election.
- (3) All DIW Berlin research staff are entitled to nominate candidates. However, a nomination will only be considered if the nominee has declared willingness to accept the office.
- (4) The Ombuds Office may have a maximum of three ombudspersons. Terms last for three years and re-election is permitted. A back-up shall be provided for each ombudsperson in case they are incapacitated or there are concerns of bias.

(5) The Ombuds Office shall perform its duties independently on an honorary basis, free from instruction. It is given the time it requires to perform its duties. It cannot be held liable under labor law for the activities performed within the scope of its ombudsperson function. It shall be supported in the performance of its duties by all involved parties.

(6) The Ombuds Office's main duties include:

- Informing researchers about the Principles of Ethical Research
- Advising DIW Berlin employees who are reporting or have questions about scientific misconduct as a trusted third party
- Receiving relevant information directly or indirectly via third parties and attempting to clarify the facts
- Examining whether allegations are plausible in terms of concreteness, significance, and possible motives, and clarifies whether the allegations can be dispelled. In this process, it may invite the involved parties to verbal meetings to discuss possible solutions while maintaining confidentiality. The Ombuds Office may conduct one-on-one interviews and/or discussions with the involved parties together
- Informing the Executive Board or the Chair of the Board of Trustees if the allegations cannot be resolved
- Documenting its actions and maintaining the confidentiality of the informing party and other involved parties
- Proposing further developments for the Principles of Ethical Research and their application

(7) The Ombuds Office is bound by confidentiality.

(8) Every employee and former employee has the right to speak to the Ombuds Office in person without a long wait.

(9) An ombudsperson can be voted out of office if they are no longer able to perform their duties reliably in the long term or if there is no longer confidence they can perform their duties properly. An ombudsperson is considered to be voted out of office if at least two-thirds of the researchers eligible to vote agree. The ombudsperson shall be given the opportunity to make a statement before the final decision is made.

§ 11 Initiating a Procedure

(1) In the event of concrete suspicions of scientific misconduct, the Executive Board must be informed. In appropriate cases, the Board shall then inform the Leibniz Association's Section B Spokesperson. Information shall be provided in writing; in the case of oral information, a memorandum shall be prepared by the Board.

(2) If a member of the Executive Board is suspected of misconduct, the Chair of the Board of Trustees must be informed.

(3) The facts on which the suspicion is based shall be established. It should be determined exactly what happened as quickly as possible. Investigations shall be initiated or conducted by the Executive Board or the Chair of the Board of Trustees and, at the request of the parties concerned, with the participation of the ombudsperson(s). Investigations shall be conducted in a manner maintaining the confidentiality and

protection of all parties concerned. The parties concerned and the ombudsperson shall be informed within a reasonable period of time about the start of the investigation and its progress.

(4) Researchers suspected of misconduct shall be given the opportunity to comment on the topic, addressing the incriminating facts and evidence, no later than one week after the suspicion has been reported. The period for providing this statement should not exceed two weeks.

(5) After receiving the statement from the concerned parties or the expiry of the deadline, the Executive Board or the Chair of the Board of Trustees shall make a decision within one week as to whether the findings invalidate or confirm the suspicion of misconduct. If the suspicion has increased as a result of the investigation, further investigation may be necessary. A report shall be made on the investigation.

(6) If the suspicion of misconduct has increased, the Executive Board or the Chair of the Board of Trustees—with approval of the ombudsperson—shall decide on the further necessary measures, e.g., involving the Leibniz Association's Inquiry Committee. Any labor law measures do not require approval of the ombudsperson.

(7) Investigations into scientific misconduct allegations shall be conducted expressly with due regard for confidentiality and under the presumption of innocence. Scientific misconduct allegations must be made in good faith.

§ 12 Measures in Case of Proven Misconduct

(1) Depending on the circumstances of each individual case and, in particular, the severity of the misconduct found, sanctions from a wide variety of legal areas are possible and, if necessary, also cumulatively, e.g., labor law consequences, academic consequences, civil law consequences, and criminal law consequences.

(2) If researchers notice discrepancies or errors after publication, they must correct their data and findings. Scientific publications that are erroneous due to proven scientific misconduct must be withdrawn if they are still unpublished and corrected if they have already been published (revocation). Cooperation partners are to be informed in an appropriate manner if necessary. In principle, the authors and editors involved are obliged to make these corrections; if they fail to take action within a reasonable period of time, the Executive Board or the Chair of the Board of Trustees will initiate appropriate measures.

(3) In cases of serious scientific misconduct, the Executive Board shall inform any other research institutes or research organizations concerned, including professional organizations if necessary. If, following the discovery of academic misconduct, the withdrawal of an academic degree is considered as a measure, the bodies responsible for this will be involved as well. The result will be communicated to the organizations concerned and, where appropriate, to third parties with a justified interest in the decision once the investigation has been completed.

(4) The Executive Board may be required to inform affected third parties and the public to protect third parties, to maintain confidence in scientific honesty, to restore DIW Berlin's scientific reputation, to prevent consequential damage, or in the general public interest.

(5) The rights of the persons involved are not restricted by these regulations.

§ 13 Effective Date

DIW Berlin's Principles of Ethical Research and Procedures for Handling Scientific Misconduct are effective upon internal announcement.