



HSBA HAMBURG SCHOOL OF BUSINESS ADMINISTRATION

Guidelines for good scientific practice at HSBA

Preamble

Scientific work carried out at Hamburg School of Business Administration gGmbH (“HSBA”) is subject to the Guidelines for good scientific practice, which are based on the rules, recommendations and principles to safeguard good scientific practice put together by the General Assembly of the DFG [“Deutsche Forschungsgemeinschaft”: German Research Foundation] in January 1998.

The members of the university council of HSBA decided in their meeting dated 14 February 2018 that HSBA will adopt these guidelines to safeguard good scientific practice based on the DFG recommendation.

§ 1 Good scientific practice

- (1) Scientists at HSBA are obliged to observe the rules of good scientific practice. These include
 - observing professional standards in the respective scientific discipline,
 - documenting results and consistently questioning one's own findings,
 - not infringing on third-party intellectual property,
 - practising strict honesty with regard to the contributions of partners, competitors and predecessors,
 - avoiding and preventing scientific misconduct and
 - observing the rules described below.
- (2) In addition to measures to determine and punish scientific misconduct, suitable measures should be taken or enhanced in order to prevent the occurrence of scientific misconduct. The university as a place of research, teaching and promoting the next generation has an institutional responsibility in this context.
- (3) Each head of a working group must exhibit exemplary scientific conduct. In the interest of their plans for their own future, students and up-and-coming scientists must also be vigilant in respect of potential misconduct in their surroundings.

§ 2 Scientific misconduct

- (1) Scientific misconduct occurs if – in a scientifically significant context – incorrect disclosures are consciously made, the intellectual property of others is consciously infringed upon or the research activities of others are consciously restricted, in particular due to:
 - a. misrepresentations, such as:
 - fabrication of data,
 - falsification of data, e.g. by using data incompletely and by failing to take into account undesired findings without disclosing these, or by manipulating a presentation or portrayal,
 - false information in a job application or a grant application (including misrepresentations on the publishing medium and on publications in print).
 - b. infringement of intellectual property in relation to a copyright-protected work created by a third party or key scientific findings, hypotheses, theories or research approaches through
 - unauthorised use with appropriation of authorship (plagiarism),
 - exploitation of research approaches and ideas of others, in particular as a reviewer (theft of ideas),
 - appropriation or unfounded assumption of scientific authorship or co-authorship,
 - falsification of content,

- unauthorised publication or granting of access to third parties as long as the work, finding, hypothesis, theory or scientific approach has not yet been published, or
 - c. asserting a claim of (co-) authorship of another without their consent,
 - d. sabotaging research activities, including damaging, destroying or manipulating scientific testing arrangements, devices, documents, hardware, software, chemicals or other items that others need in order to carry out an experiment, and
 - e. failing to preserve primary data, if this constitutes an infringement of statutory provisions or generally accepted discipline-related principles of scientific work.
- (2) Scientific misconduct also comprises conduct that results in shared responsibility for the misconduct of others, in particular by means of active participation, knowledge of falsification, co-authorship of falsified publications or gross negligence of the supervisory duty.

§ 3 Avoiding scientific misconduct

In order to safeguard good scientific practice and avoid scientific misconduct, the following rules apply at HSBA:

- (1) Particular attention must be paid to the education and promotion of young scientists. This includes teaching the rules of good academic practice to students and the next generation of scientists and providing appropriate supervision to them.
- (2) Working groups must be organised such that the responsibilities are clearly allocated and are accepted. Arrangements must be made for quality assurance and conflict resolution.
- (3) Primary data from own research activities should be securely stored for ten years in a durable form in the institution to the extent that they form the basis for publications.
- (4) The resources, findings and documents of third parties cannot be used. They cannot be removed, damaged, destroyed or altered without authorisation.
- (5) In the case of empirical research in particular, the following must be ensured:
 - a. Disclosure of the methods used to the extent that they have not yet been presented to the scientific community,
 - b. Presentation of the research findings in a way that allows for systematic control,
 - c. Complete documentation of the data significant for a publication to the extent that they were collected as part of the underlying research work, and
 - d. Compliance of the research findings presented with the researched data.

§ 4 Authorship of publications

- (1) All authors bear responsibility for a joint publication to the extent that their contributions in the publication are not denoted by their name.
- (2) Only those who have made a significant contribution to a scientific publication are authors. For example, this excludes “honorary authorship” or persons who have only made corrections or provided notes to a manuscript.

§ 5 Performance and evaluation procedure

In research and teaching, in particular also in the case of promotion, recruitment and appointment, originality and quality take priority over quantity.

§ 6 Impartial mediator

- (1) The university council will appoint an independent and impartial mediator/contact person as well as a deputy from the group of full-time professors at HSBA as an impartial mediator and contact person who scientists at HSBA can turn to in cases of conflict or suspicion of scientific misconduct. The appointment is for three years with an option to be reappointed once only. The impartial mediator cannot hold a management position at the university.

The impartial mediator and the deputy will be appointed from the members of the Scientific Board. In cases where the counsellor is biased or unable to attend, the deputy will attend. Assertions of bias can be made by the mediator and deputy or by the persons affected by the complaint.

- (2) The mediators must provide advice to those who turn to them. They pass on allegations of scientific misconduct in confidence to university management, preserving confidentiality to protect the complainants and those affected. The mediators should provide an anonymised report to university management once a year.

§ 7 Commission of enquiry

- (1) If the mediator is not in a position to find a solution to a conflict or if the mediator suspects serious scientific misconduct, he/she should inform the President of HSBA. In this case, the President can establish a commission of enquiry to clarify whether scientific misconduct has occurred. The mediator and the Vice President for Research and International Affairs can make proposals to the President regarding the composition of the commission.
- (2) The commission of enquiry appoints one of its members to the role of Chairperson. The Chairperson is appointed from the group of full-time professors. The commission of enquiry should comprise three members from the group of university lecturers that does not include the mediator as well as one member from the academic staff, one member from the non-academic staff and one member from the student body. The mediator has

an advisory function only and therefore does not have a vote. The commission of enquiry can call on further suitable persons with an advisory role.

- (3) Members of the commission of enquiry who are biased will not partake in the commission's consultation and decisions. Instead, a deputy with full rights will be appointed by the President of HSBA. Bias is determined by the commission of enquiry. Members of the commission of enquiry are considered biased in particular if the commission member and the person accused of scientific misconduct belong to the same department or work together in joint research projects.
- (4) The proceedings by the commission of enquiry do not substitute other, legal or statutory proceedings (e.g. academic proceedings, labour law proceedings). These will be initiated by the respective bodies responsible as appropriate.

§ 8 General procedural rules

- (1) The commission of enquiry does not meet in public.
- (2) Resolutions by the commission of enquiry are passed by simple majority; in the event of a tied vote, the Chairperson of the commission has the deciding vote.
- (3) The commission of enquiry is entitled to take all steps that serve to clarify the matter. To this end, it can obtain necessary information and statements and in individual cases can also call on the equality officer and/or the expert examiner from the scientific field concerned.
- (4) The legal right of those affected to be heard must be protected. Like the complainants, they can demand to be heard in person.
- (5) Unless already determined in the following, the deadlines to be set for statements, hearings, negotiations and decisions must be set such as to ensure expedient proceedings.
- (6) The commission of enquiry must clarify the matter brought before it in accordance with its possibilities and taking into account relevant legal regulations in free consideration of evidence.

§ 9 Preliminary review procedure

- (1) As soon as the commission of enquiry learns of specific grounds for suspicion of scientific misconduct, it will give the person affected an opportunity to make a statement within two weeks of suspicions being raised. The incriminating and exculpatory facts and evidence must be documented in writing.

- (2) All information concerning those involved, statements submitted by those involved and insights gained otherwise must be treated with strictly confidentiality until culpable misconduct has been proved.
- (3) After receipt of the statement by the person affected and/or after the deadline has expired, the commission of enquiry will make the decision within two weeks regarding whether the preliminary review procedure should be closed – notifying those affected and the complainants of the grounds – because the suspicion is not adequately confirmed or whether the proceedings should progress to formal enquiry proceedings.

§ 10 Formal enquiry

- (1) The Chairperson informs university management of the initiation of formal enquiry proceedings.
- (2) The commission of enquiry investigates the matter officially. To do this, it can obtain statements from all members of the university and from other parties involved and invite them to an oral discussion; the person affected must be given an opportunity to be present at the oral discussion.
- (3) The commission of enquiry reports to university management on the findings of its work and presents a recommended resolution. If scientific misconduct is ascertained, it should make a proposal for further action by the Rector's office.
- (4) The proceedings by the commission of enquiry do not substitute other, statutory proceedings (e.g. labour law proceedings, civil law or criminal law proceedings).

§ 11 Decision by university management

- (1) University management decides, based on the report and recommendation of the commission of enquiry, whether the proceedings should be closed or whether there is adequate proof of scientific misconduct.
- (2) Depending on the severity of the proven misconduct, university management can apply the following penalties: verbal warning, written warning, cautioning, dismissal with notice or immediate dismissal. On request from the shareholders, the person affected is obliged to correct or withdraw publications proved to be incorrect.
- (3) The person affected and the complainant must be informed of the decision. They must also be notified in writing without undue delay of the main grounds for the decision.
- (4) At the end of formal enquiry proceedings, the impartial mediator identifies all those involved in the case. It advises those persons who were embroiled in cases of scientific misconduct without fault in relation to protecting their scientific and personal integrity.

§ 12 Protecting the interests of the whistleblower and the person affected

- (1) The whistleblower cannot suffer any professional disadvantages or restrictions to their scientific career as a result of reporting the scientific misconduct; in particular in the case of up-and-coming scientists, reporting scientific misconduct cannot lead to any impediments in their education.
- (2) The report by the whistleblower must be made in good faith and must not be made in the absence of sufficient knowledge of the facts.
- (3) Reports as well as in particular the identity of the whistleblower must be treated confidentially by all those involved in order to guarantee protection of the persons affected. The commission of enquiry must decide on a case-by-case basis how it will handle a confidentiality breach. The identity of the whistleblower can only be disclosed to the person affected in exceptional cases where the person affected cannot provide proper defence otherwise. It is essential to avoid prejudgement of the person affected before the outcome of the enquiry is known.
- (4) In the event that the report of scientific misconduct proves unfounded, the whistleblower must nevertheless be protected unless the allegations are obviously baseless.