



**MAX PLANCK FOUNDATION**  
for International Peace and  
the Rule of Law

## **Bylaws for Safeguarding Good Scientific Practice and Avoiding Scientific Misconduct**

### PRELIMINARY REMARKS

The Max Planck Foundation for International Peace and the Rule of Law gGmbH (Foundation) has resolved to adopt the following Bylaws which reflect the recommendations issued by the German Research Foundation. The Bylaws are binding on all research fellows of the Foundation.

### **§ 1**

#### **Good Scientific Practice**

- I. Scientific work is based upon basic principles that apply equally in all academic disciplines. Being truthful towards both oneself and others as well as striving for new scientific knowledge belong to these basic principles in equal measure. These basic principles form both the ethical norm and the basis for the rules governing scientific professionalism, which may vary from discipline to discipline.
- II. Examples of good scientific practice are in particular:
  1. general principles of scientific practice, in particular:
    - a. work *lege artis*;
    - b. always document both the research process and research results;
    - c. always critically evaluate and challenge their own findings;
    - d. maintain absolute honesty with regards to contributions from project partners, competitors, and predecessors;
  2. assuming responsibility for leading research groups and strengthening scientific cooperation;
  3. supporting and supervising young researchers;
  4. securing and storing of primary data;
  5. respecting the intellectual property of others;
  6. compliance with ethical standards when conducting surveys.

- III. Good scientific practice may only be achieved when all staff members of the Foundation cooperate. Each individual researcher is first and foremost responsible for upholding and communicating the rules governing good scientific practice, including when they have the function of project leader, supervisor or any other kind of superior. Departments and units shall carry out the task entrusted to them of organizing research and academic matters in equal measure to their task of training and supporting young researchers. They are thus responsible for creating the organizational, institutional and infrastructural conditions for good scientific practice.

## **§ 2**

### **Scientific Misconduct**

- I. Scientific misconduct occurs when the standards of good scientific practice are breached either knowingly or through gross negligence. This includes, in particular, situations in which ethical norms are violated, information is falsified and manipulated, the intellectual property of others disregarded, and when the research activities of others are compromised or impeded in any way. What constitutes misconduct is determined by the circumstances of the individual case.
- II. The following situations in particular constitute cases of scientific misconduct:
  1. Falsification of information by:
    - a. fabricating data;
    - b. distorting data and sources, for example, by:
      - i. suppressing sources, data, evidence, or texts relevant to research questions;
      - ii. manipulating sources, data, interpretations, or depictions;
      - iii. selecting and rejecting undesired results without disclosure;
    - c. providing incorrect information in either a job or funding application (including false information regarding publisher and forthcoming publications);
    - d. providing incorrect information relating to the academic performance of applicants in selection and review committees;
  2. Infringement of intellectual property rights with respect to the copyright-protected work of another person or to important scientific findings, hypotheses, teachings, or research approaches of others through:
    - a. unauthorized use under the pretence of authorship (plagiarism);
    - b. unauthorized use of research approaches and ideas, in particular during the review process (intellectual theft);
    - c. the pretence of scientific authorship or co-authorship without any individual scientific contribution;
    - d. the falsification of content, for example, the arbitrary omission or addition of results and/or information relevant to the topic;

- e. publication without prior authorization or the unauthorized disclosure to a third party while the work, finding, hypothesis, curriculum, or research approach remains unpublished;
  - f. claiming (co-)authorship by another person without their prior consent;
3. Compromising the research activities of others by:
- a. maliciously misplacing or stealing books, archival documents and objects, manuscripts, and data sets;
  - b. intentionally rendering scientifically relevant sources of information unusable;
  - c. removing primary data, insofar as this violates legal provisions or the mutually accepted principles of scientific practice within a discipline;
  - d. destroying or passing on research material without authorization.
- III. Co-responsibility for scientific misconduct can arise from actively taking part in the misconduct of others, possessing knowledge of acts of falsifications by others, co-authoring falsified publications, and grossly breaching the duty of supervision.

### **§ 3**

#### **Avoiding Scientific Misconduct**

In order to safeguard good scientific practice and to avoid scientific misconduct, the following rules must be adhered to at the Foundation:

- I. The basic principles of scientific work and good scientific practice should be communicated to all research fellows, in particular junior research fellows. The importance of honesty and responsible behaviour in the academic context need to be addressed in an appropriate manner in order to alert the staff to these issues.
- II. Scientific working groups should be formed whenever possible when carrying out research. Cooperation within such working groups should be organized in such a manner that the results obtained by means of a specialized distribution of tasks are shared, subjected to critical discourse, and integrated into a common *acquis*.
- III. The Foundation will provide an organizational set-up that ensures, depending on the size of the research or project unit, that the tasks of coordination, supervision, dispute settlement and quality assurance are clearly and unequivocally assigned to individuals and fulfilled by them.
- IV. Adequate supervision of junior researchers is to be guaranteed.
- V. Concerning the assessment criteria used in exams, granting of academic grades, promotions, hiring and allocation of funds, quality and originality should always be given more weight than quantity.
- VI. Primary data forming the basis of publications must be stored on durable and secure storage devices for ten years in the institution of origin.

- VII. Contributions by partners, competitors and predecessors have to be treated with utmost honesty. Only those individuals who have contributed to a research project in a meaningful way may be named as authors.

#### **§ 4**

##### **Ombudsperson**

- I. The Works Council shall propose an Ombudsperson which shall then be appointed by the Foundation's Directors for the duration of one year. All scientific staff of the Foundation have access to the Ombudsperson. The Ombudsperson will hear claims of scientific misconduct and is the contact person for all Foundation staff in matters of good scientific practice. He or she may be reelected once. Staff who, due to the information available to them, are subject to specific obligations, such as the Directors, may not be appointed as Ombudsperson.
- II. Any staff member of the Foundation shall have access to the Ombudsperson at short notice. The Ombudsperson will analyse in a summary manner whether the claims are true, whether they are of importance, what could be the motivations behind them and how the allegations might be eliminated.
- III. The Ombudsperson shall have full support of the Foundation in the fulfilment of his or her task. The name of the Ombudsperson shall be published on the Foundation's website.

#### **§ 5**

##### **Commission**

- I. If the Ombudsperson in accordance with the provisions above is unable to achieve a peaceful settlement of the conflict, or if he/she suspects a grave breach of the rules of good scientific conduct, he/she will inform the Directors. These will instruct the Commission to clarify, while observing all legal requirements, whether there has been scientific misconduct. The Commission will be appointed by the Directors for the duration of two years. It has two members. The Ombudsperson is an advisory member of the Commission. The Ombudsperson may recommend persons to be appointed to the Commission.
- II. The Commission will elect a chairperson. Depending on the case the Commission may call in up to three advisory experts.
- III. The Commission will convene as required, usually once a year upon request of one of the members or upon invitation by the chairperson. It delivers an annual report to the Directors.
- IV. The Commission's meetings are closed. Decisions will be taken by simple majority. In case of a tie the chairperson decides.

## § 6

### Procedure in Cases of Scientific Misconduct

- I. General rules of procedure are:
  1. The aggrieved party shall have the opportunity to make representations at any stage of the proceedings;
  2. both the aggrieved party and the investigator (Ombudsperson, member of the Commission) him- or herself may claim that an investigator is biased;
  3. until scientific misconduct has been proved, any details about the involved persons and findings are strictly confidential;
  4. proceedings and results of the investigation have to be documented in writing.
- II. If the Ombudsperson receives specific information concerning scientific misconduct, he or she will inform the chairperson of the Commission in writing and in a confidential manner about the allegations, keeping the interests of both the informant and the aggrieved party in mind.
- III. The Commission has the right to request such information and statements as are necessary to ascertain the facts and, in individual cases, to hear reviewers from the same department or other experts. The Commission decides after free consideration of the evidence whether there has been scientific misconduct.
- IV. Any incriminating facts and evidence shall immediately be disclosed to the aggrieved party. He or she shall be given the opportunity to comment and to make an oral statement if he or she wishes. The aggrieved party may ask to be supported by a person of his or her confidence.
- V. If the identity of the informant is not known to the aggrieved party, it is to be disclosed if the aggrieved party is unable to adequately defend him-/herself without this information, in particular if the credibility of the informant is of importance for the assessment of whether or not there has been scientific misconduct. Disclosure of the informant's identity is not necessary if there is no doubt as to the facts and evidence.
- VI. The Commission will present the results of their investigation to the Directors and make recommendations concerning further action. At the same time it will inform the aggrieved party and the informant(s) about the results of its investigations.
- VII. On the basis of the Commission's presentation and recommendations, the Directors decide whether the charges should be dismissed or whether there is sufficient proof of scientific misconduct. In the latter case they will also decide which steps to take. These may be measures based on labour, civil or criminal law or academic rules. If the allegation of scientific misconduct was false, the Directors will ensure that the aggrieved party is rehabilitated.

These Bylaws were approved by the Management of the Foundation on 13 October 2016.