

Guidelines for Ensuring Good Practice and the Prevention of Misconduct in Academic Research at Bard College Berlin

1. Introduction

Based on the recommendations of the German Research Foundation (DFG) Bard College Berlin has accepted the “Guidelines for Ensuring Good Practice and the Prevention of Misconduct in Academic Research.” These guidelines are binding on all those engaged in academic work at the college.

The chief purpose of these guidelines is to conserve and strengthen awareness of the fundamentals of good academic practice. They are intended to make clear that Bard College Berlin cannot accept academic misconduct. Such misconduct undermines public trust in academia and causes division between those engaged in academic work.

These guidelines were passed on 14 January 2019 by the Academic Senate of Bard College Berlin and are binding on all members of the college.

2. Good Academic Practice

1. All members of the college are obliged to adhere to the rules of good academic practice.
2. The rules of good academic practice especially include:
 - General principles of academic work, especially:
 - Working according to professional standards
 - Documenting research findings appropriately, so that they can be verified
 - Testing one’s own findings and results
 - Scrupulous honesty in respect to the contributions of research partners, competitors or predecessors in the field.
 - Cooperation and leadership responsibility in working groups
 - Supervision and guidance of the next generation of academics
 - The securing and storage of primary data
 - Publication of academic work, as a means of giving an account of one’s research
 - Respecting the intellectual property of others
 - Adherence to ethical standards in the conduct of investigations.

Good academic practice can only be realised through the common commitment of all members of the college to its implementation. Adherence to and communication of the rules defining its standards lie with individual academics, including in their capacity as leaders of projects, working groups, or in supervisory or other leadership roles.

3. Academic Misconduct

1. Academic misconduct occurs when, in an academic connection, whether intentionally or through gross negligence, misstatements are made, or the intellectual property of others is infringed, or their research activity is undermined. The circumstances of the individual case are decisive.
2. Academic misconduct is especially evident in the following instances:
 - a. Misstatement
 - The fabrication of data
 - The falsification of data and sources for example by means of:
 - Selective presentation or retraction of undesired results, without making this evident,
 - The manipulation of sources, or of modes of presentation and depiction,
 - The suppression of relevant sources, demonstrations, or texts,
 - Inaccurate statements in an application for funding (including false statements concerning organs of publication or forthcoming publications),
 - Inaccurate statements regarding the academic achievement of candidates in selection or evaluation committees.
 - b. Infringement of intellectual property rights in regard to a copyrighted work composed by someone else, or in respect to the fundamental scientific findings, hypotheses, theories or research approaches of others, by means of:
 - Unauthorized use under pretention of authorship (plagiarism)
 - Exploitation of research approaches and ideas, especially in the role of assessor (theft of ideas)
 - Claims of authorship or co-authorship for another person without their consent
 - Falsification of content
 - Unauthorized publication or unauthorized disclosure to a third party while the work, finding, hypothesis, theoretical content or the research approach remains unpublished.
 - c. Violation of the principle that the authors of an academic work bear responsibility for its content. Authorship of an academic work implies a substantive contribution to this content. Ehrenautorschaft, or the naming as author on a purely honorary basis, is therefore prohibited.
 - d. Undermining of the research activity of others through:
 - Sabotage of research activity for example by means of :
 - Damage to and manipulation or destruction of research components, machines, documentation hardware, software or other devices necessary to others in conducting their experiments,
 - Fraudulent rearranging or purloining of books, archive or handwriting materials and data,
 - e. Deliberately rendering scientifically-relevant information-bearing media unusable

- The disposal of primary data, in so far as this violates the legal determinants or recognised discipline-specific principles of academic work
 - Destruction or transfer of research material without permission.
3. Shared responsibility for misconduct can result from active involvement in the misconduct of others, through knowledge of the falsifications of others, co-authorship of publications tainted with falsification or gross negligence in the duty of supervision.

4. Prevention of Academic Misconduct

To ensure good academic practice and prevent academic misconduct in research Bard College Berlin upholds the following regulations:

1. The fundamental principles of academic work and best academic practice shall be communicated to all those engaged in academic work. The particular importance of honesty and responsibility in academia as well as the prevention of academic misconduct shall receive appropriate emphasis, in order to raise awareness of it among those engaged in academic work.
2. In the undertaking of research tasks, research groups should be constituted where possible. Collaboration in such groups should be so arranged, that the results sought in specialized areas of work can be mutually communicated, subjected to critical discourse, and integrated into a common understanding.
3. Bard College Berlin will strive for an organizational structure appropriate to ensuring that tasks of leadership, oversight, conflict resolution and quality assurance are clearly assigned and taken account of.
4. In the standards set for achievement and assessment in examinations, in the awarding of academic degrees, in promotion, employment and the allocation of funding, quality and originality should always take precedence over quantity.
5. The primary data that is the basis for publications must be preserved in sustainable and secured media for a ten year period. Those responsible for the project concerned carry responsibility for ensuring this.
6. Bard College Berlin ensures supervision and guidance of the next generation of academics and will train them in questions about good academic practice.

5. Ombudsperson

The Senate names an ombudsperson as well as a substitute, responsible for answering queries concerning good academic practice. In addition, the ombudsperson addresses accusations of academic misconduct. The period of office is 3 years. Renewal of the appointment is possible. Any member of the college who might as a result of information reaching him or her be required to act in a case of misconduct, for example due to holding a leadership position in the university, should not be named as ombudsperson.

The ombudsperson should receive appropriate support from Bard College Berlin for the task. This includes the naming of the ombudsperson on the website of Bard College Berlin. The ombudsperson keeps the identity of persons raising accusations of academic misconduct confidential. This is made

clear on the website of Bard College Berlin. The ombudsperson must take steps to address any allegation of academic misconduct within two weeks of its being raised.

6. Committee

1. In a case where the ombudsperson cannot bring an instance of conflict bearing on the abovementioned criteria to an amicable conclusion, or where there is suspicion of a grave violation of the rules of good academic practice, he or she informs the Dean. Within two weeks, the Dean summons a committee, which must determine, in reference to all constitutional requirements, whether academic misconduct has taken place. The ombudsperson can make proposals to the Dean for the membership of the committee. In a case where proposed members cannot be considered impartial, alternative members are proposed. The
2. The committee consists of 3 members, of which 2 are Professors.
3. The ombudsperson and his or her substitute contribute to the work of the committee only in an advisory capacity
4. The committee elects a chair from its members. Resolutions are taken by simple majority.
5. Meetings of the committee are not public.

7. Procedure in a Case of Academic Misconduct

1. The following obtain as general procedural regulations:
 - That the person accused in the case should be given the opportunity of a right of an official hearing every stage of the proceeding,
 - That conflict of interest affecting the objectivity of an investigator can be cited, by him or herself or by the accused,
 - That until the demonstration of guilt in a case of academic misconduct, the statements concerning those involved in the proceeding and the findings to that date should be kept strictly confidential,
 - That the proceedings and findings of individual stages of the proceeding should be documented and open to scrutiny.
2. Should the ombudsperson receive concrete indications of academic misconduct, he or she informs the Dean of the accusation raised, in writing and under advisement of confidentiality for the purposes of protecting the informant and the party or parties accused of misconduct.
3. The Dean appoints a committee.
4. The committee clarifies the matter in so far as it can do so. It is empowered to solicit all information and testimony requisite to clarifying the matter, and where necessary to involve experts for consultation.
5. The person accused of academic misconduct will be offered a right to an official hearing. He or she can ask— just as the informant can in a case of conflicting claims—to be given a hearing in person.
6. If the identity of the informant is not known to the accused, it is only to be revealed if the accused

cannot otherwise defend him or herself appropriately, especially if the credibility of the informant is of fundamental importance in the verification of the misconduct. Revealing the identity of the informant is only permitted in cases of justified exception and does not apply where the essential accusations can be scrutinised without reference to the identity of the informant.

7. The committee provides the Dean with a report on the result of its findings, including a recommendation for further action. Measures taken by Bard College Berlin in response to a breach of good academic practice may include: a written disciplinary notice of warning; termination of employment without notice; termination of employment with notice; cancellation of a contract. The action taken must be consistent with the provisions of German law, including German labor law. The determination of such consistency is the right of Bard College Berlin gGmbH (and any legal counsellors it may choose to consult). Bard College Berlin will inform other institutions or relevant parties of its findings in cases where a breach of academic ethics infringes the rights and privileges of those institutions or parties. It undertakes to inform the civil authorities in cases involving any breach of civil law. The committee informs the accused party or parties and the informant/s of the results of its investigations.
8. The Dean decides on the basis of the concluding report and the recommendation of the committee, if the procedure is to be closed or if an instance of academic misconduct has been sufficiently proven. In the latter case he or she also decides on the measures to be taken.
9. If the suspicion of academic misconduct has been made unfairly, the Dean seeks to ensure that any damage to the reputation of the accused person is allayed.