

Network of Research Integrity Offices in Germany

HANDBOOK

FOR OMBUDSPERSONS

at higher education institutions &
non-higher education research institutions

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FOREWORD

Ombudspersons have been a permanent institution at almost all research institutions in Germany for some time. With its "Guidelines for Ensuring Good Research Practice", updated in 2019, the DFG reaffirms the importance of ombuds work. At the same time, the guidelines specify a limited term of office for ombudspersons and the appointment of deputy ombudspersons. In practice, this means that in the long term, more academics will come into contact with (the) ombuds work and that the need to train new ombudspersons will increase as a result of the regular changes in office.

Against this background, this handbook is intended to provide targeted support for ombudspersons in the performance of their duties. A preliminary version of the handbook was initially published for the ombudspersons of the University of Göttingen by the Ombuds Office for Good Research Practice. With the aim of taking into account the information requirements of *all* ombudspersons - irrespective of the institution at which they work - the *Network of Research Integrity Offices in Germany* has now developed the handbook further and converted it into a general template.

The network expressly welcomes the use and dissemination of this handbook for ombudspersons by higher education institutions and non-university research institutions. In order to take account of the local specifics of the ombuds system at the various institutions, individual additions can be made to the handbook - *limited to the sections specifically marked for this purpose*. The guiding questions and background information provided at the relevant points are intended to support the institutions in this. An editable template of the handbook can be downloaded [here](#).

If you have any questions regarding the use or adaptation of the handbook, please contact the [Office of the Ombuds Committee for Research Integrity in Germany \(until 2023 The German Research Ombudsman\)](#), which is a member of the Network of Research Integrity Offices in Germany.

Network of Research Integrity Offices in Germany, July 2023

1. CENTRAL DOCUMENTS & CONTACTS FOR THE OMBUDS WORK

LOCAL STATUTES/REGULATIONS

All members and affiliates of universities and non-university research institutions in Germany are obliged to comply with the principles of good research practice (GRP). To this end, each institution adopts its own statutes or regulations on GRP, which describe the rules and procedures laid down for this purpose. The statutes/regulations are intended to help promote the quality of academic work and avoid research misconduct. Among other things, they define central principles of research activity, but also specify concrete rules, e.g., for the allocation of authorships, the handling of research data or the supervision of early career researchers.

You can insert a link to your institution's statutes/regulations relating to GRP here.

Background information:

The duties and procedures of the ombudsperson(s) at each institution are also mostly described in the statutes/regulations, as are the procedures for reviewing allegations of research misconduct and sanctioning it.

OTHER GRP-RELATED DOCUMENTS

Here is space for information about other documents at your institution that supplement the statutes/regulations.

Background information:

In addition to the GRP statutes/regulations, some institutions have supplementary procedural regulations (e.g., rules of procedure for investigation or misconduct committees), specific catalogs on research misconduct, or other supplementary or explanatory documents to the GRP regulations that also have to be observed and complied with by research staff.

DFG-CODE OF CONDUCT (2019) & ONLINE PORTAL "RESEARCH INTEGRITY"

The "[Guidelines for Safeguarding Good Research Practice](#)" (Code of Conduct) are aimed at all research professionals. The Code of Conduct consists of 19 guidelines (level 1) and associated explanations (level 2). It summarizes the central standards of GRP and defines the framework for dealing with suspected cases of research misconduct.

The Code of Conduct replaces the "[Memorandum](#)", which was last revised by the DFG in 2013. However, the latter can still be used as an interpretation aid, as can the "[Rules of Procedure for Dealing with Scientific Misconduct](#)" (DFG 2019).

The Code of Conduct is supplemented by the online portal "[Research Integrity](#)" (so-called 3rd level). This contains, among other things, subject-specific information, case studies, and FAQs that are continuously updated. The portal thus represents a further important source of information for ombuds work.

DFG PROCEDURAL GUIDELINES FOR GOOD RESEARCH PRACTICE

The "[Procedural Guidelines for Good Research Practice](#)" (available in German only), which was updated by the DFG in 2023, explains "step by step" possible procedures available to whistleblowers for reporting suspected research misconduct and provides information on responsibilities and procedures for investigating suspected cases. It also discusses possible consequences of such an investigation process and the protection of whistleblowers.

OMBUDS COMMITTEE FOR RESEARCH INTEGRITY IN GERMANY

The [Ombuds Committee for Research Integrity in Germany](#) - known until 2023 as "The German Research Ombudsman" - is a body established by the DFG to assist all researchers in Germany with questions and conflicts in the field of GRP. The Ombuds Committee is supported in its consultations and conflict mediation by a Berlin-based office. Those seeking advice or providing information and, of course, ombudspersons can contact this office with any questions. The Ombuds Committee also publishes [annual reports](#) (available in German only) that focus on selected topics of ombuds work and provide important impulses for this work.

2. GENERAL CONDITIONS OF OMBUDS WORK

TERMS OF OFFICE & APPOINTMENT OF OMBUDSPERSONS

Here is space for information on the tenure and appointment of ombudspersons at your institution.

Background information/text modules:

The institution's local statutes/regulations determine the length of the ombudspersons' terms of office. This is usually between three and five years. According to DFG guidelines, ombudspersons may serve a maximum of two terms. The local GRP regulations also stipulate the appointment of deputies. The DFG Code of Conduct requires that there must be at least one ombudsperson and one deputy.

Depending on the institution's specifications, ombudspersons are either elected by the institution's members or appointed by a governing body (e.g., senate, executive board) upon proposal.

PREREQUISITES FOR BECOMING AN OMBUDSPERSON

Here is space for further information on your institution's defined requirements for the ombudspersons' work.

Background information/text modules:

For the most part, prerequisites for becoming an ombudsperson are written in very general terms. Typically, ombudspersons are expected to be well acquainted with the relevant GRP issues, to have research standing, to have experience in independent research, including internationally, to have already taken on leadership responsibilities, and to be familiar with teaching and training researchers in early career phases.

Although less frequently addressed, personal factors also play a significant role. Ombudspersons should be researchers of integrity and trustworthiness and have good communication and social skills. In addition to listening skills, they should have empathy and, last but not least, a certain amount of diplomatic skill (see section 5.2).

When appointing ombudspersons, appropriate representation of the disciplines represented at the institution should be ensured. To ensure that the ombudsperson can exercise his or her office independently, many GRP statutes/ordinances stipulate a permanent employment contract or civil servant status, or the position is filled by persons who have already retired. In the case of smaller institutions, the appointment of external researchers (i.e., persons from outside the institution) as ombudspersons may be considered in order to rule out possible concerns about bias (see section 4.2.1).

The DFG does not require a doctorate for the ombudsperson position. Experience in research or research-related fields, management experience, and acceptance and approachability are at least as important for the office as the level of research qualification attained. However, it is advisable not to delegate the ombuds office exclusively to employees below the doctoral level or to persons who are still in the research qualification phase, but to assemble a team of ombudspersons that combines different qualification levels and profiles. In this way, bias can be avoided and it can be ensured that each person seeking advice finds a suitable contact person.

3. TASKS & LIMITS OF OMBUDS WORK

TASKS

The task of the ombudsperson(s) is to advise and mediate in questions and conflicts related to GRP and, in case of allegations, to check that research misconduct can be ruled out.

The work as an ombudsperson is performed on a voluntary basis. The ombudspersons should receive the necessary content-related support and acceptance from their institutions in the performance of their tasks. In addition, guideline 6 of the DFG Code of Conduct recommends that research institutions take measures to support ombudspersons in other ways, e.g., a reduction in teaching duties or other committee activities; however, administrative and content-related support, e.g., by an office/ombuds office, can also support ombudspersons (see Chapter 9).

DUTIES OF THE OMBUDSPERSON

Ombudspersons perform their duties independently and are not bound by instructions; this must be ensured by the institution. They must maintain confidentiality at all times, even after their term of office as ombudspersons has ended, about matters that come to their attention in connection with their work. This is important to protect the parties involved from loss of reputation, among other things,

Ombudspersons are not permitted to be a member of a central governing body of their research institution (e.g., university/faculty management, board of directors) during their term of office in order to avoid conflicts of interest.

Ombudspersons are obliged to disclose reasons that could give rise to doubts about their impartiality. If there is a concern of bias with regard to an ombudsperson (see section 4.2.1), he/she is to be replaced by a substitute.

Here is space for supplemental comments on the duties and operation of ombudspersons as defined in your institution's statutes/regulations.

Background information:

Non-university research institutions often have central ombudspersons in addition to local ombudspersons. The relationship between these bodies and their respective responsibilities are usually governed by the institution's own guidelines, which implement the DFG's Code of Conduct at the central level in a binding manner.

OMBUDS COMMISSION/OMBUDS COMMITTEE

At institutions with several ombudspersons, the statutes/regulations sometimes provide for them to jointly conduct an ombuds procedure as an ombuds commission or ombuds committee for alleged violations of the rules of GRP. Depending on the statutes/regulations, the ombuds procedure may include the following aspects in the sense of a preliminary review:

- Obtaining statements from the whistleblowers and the persons affected by the allegations;
- Examining the allegations of research misconduct regarding plausibility, seriousness and concreteness;
- Exploring the possibilities for mediating and resolving the allegations;
- Leading mediation discussions;
- Confirming an initial suspicion of research misconduct;
- If necessary, decision to refer the case to the misconduct/investigation committee (see Chapter 10).

Ideally, the ombudspersons meet regularly as an ombuds commission/ombuds committee to exchange ideas and experiences and jointly develop standards on how to deal with particular cases. They reflect on their own views, advise each other and thus support each other in difficult situations.

There is space here to explain in more detail the tasks and functions of the ombuds commission or ombuds committee that may have been set up at your institution.

LIMITS

Ombudspersons do not proactively take investigative action and do not pursue "rumors" unless they are approached with specific information or an investigation is necessary at their discretion in order to protect the persons concerned. Furthermore, ombudspersons can only take action if certain conditions are met, which must be checked by the ombudsperson(s) at the beginning of an inquiry. Some matters, for example, do not fall within the remit of ombudspersons. Under certain circumstances, ombudspersons cannot take action, i.e., they cannot initiate mediation, for example if the parties to the conflict assert their (alleged) claims through legal channels (see background information/text modules). In this case, it is nevertheless necessary to check whether there are indications of research misconduct that cannot be dispelled (a preliminary examination is not equivalent to the opening of proceedings). If this is the case, the ombudsperson(s) should forward the inquiry to the responsible investigation committee (see Chapter 10) so that the matter can be examined as part of a formal procedure.

There is space here to explain the limits that apply to ombuds work at your institution.

Background information/text modules:

It is up to the facilities to determine whether the ombudspersons should also investigate anonymous reports. It must be taken into account that an anonymously raised suspicion can only be investigated if reliable and sufficiently concrete information is provided.

The responsibility of the ombudsperson/the ombuds panel usually ends when:

- the conflicts described have no relation to GRP. However, as this boundary is not always easy to draw, the circumstances of the individual case must be examined;*
- the suspicion of research misconduct is substantiated in the course of the preliminary examination/clarification of the facts or there is already a suspicion of particularly serious misconduct before the case is taken up. In these cases, some institutions may refer the proceedings directly to a misconduct/investigation committee (see Chapter 10);*
- a party to the conflict takes legal action, i.e., focuses on asserting its (alleged) claim by engaging a lawyer. The involvement of a lawyer does not necessarily mean that the ombudsperson is no longer responsible; the decisive factor is whether the ombudsperson believes that mediation/resolution between the parties involved is still possible (see Chapter 4);*
- it is known that another institution has already initiated ombuds or investigation proceedings regarding the same issue and the same person(s);*
- mediation is not possible in compliance with the standards of GRP. If, for example, the manipulation of an image in a published journal article has been established, there is nothing to mediate, but a corresponding correction or, in serious cases, a retraction of the article is required;*
- there is a suspicion of research misconduct in connection with a research qualification process (doctorate, habilitation). In this case, in some institutions the procedure must be submitted directly to the responsible faculty/department. In other institutions, the formal investigation procedure by the responsible ombuds body must be completed first.*

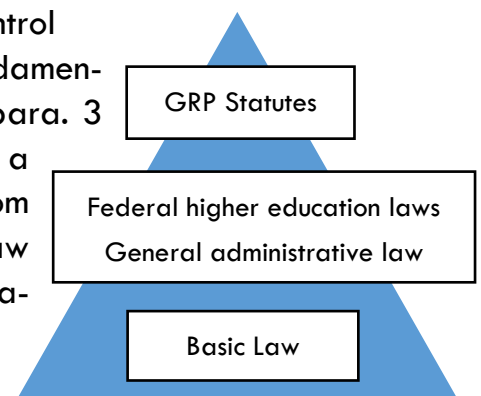
4. LEGAL BASIS FOR THE WORK OF OMBUDSPERSONS

In the course of their work, ombudspersons repeatedly encounter legal issues. This is due to the fact that self-regulatory bodies, which are set up at universities and non-university research institutions to prevent and investigate research misconduct, operate in an area that is protected by fundamental rights. The following descriptions are intended to provide a rough overview of the legal framework in Germany that applies to the work of ombudspersons. This can only be presented here in outline form and is therefore by no means exhaustively. In case of doubt, ombudspersons should always seek legal advice from their institution.

4.1 APPLICABLE LAW

To clarify which legal framework applies to the work of ombudspersons, reference should first be made to the (national) **hierarchy of norms**:

The self-regulation procedures are ultimately about control of researchers. Researchers enjoy an unconditional fundamental right, the freedom of research pursuant to Art. 5 para. 3 sentence 1 Basic Law (Grundgesetz), which gives them a great deal of freedom of action that is protected from state interference. As a "lex superior", the Basic Law (Grundgesetz) enjoys precedence over subordinate national regulations. Art. 5 para 3 sentence reads: "*Art and science, research and teaching are free.*" This gives rise to a certain responsibility, because "Research is based on honesty. [...] Only honest research can ultimately be productive research and lead to new knowledge. [...]"ⁱ



Against this backdrop, in Germany, provisions relating to research misconduct can be found in some higher education laws of the federal statesⁱⁱ. In exercising their right to self-administration, higher education institutions are free to create regulations regarding compliance with the rules of GRP and on how to deal with allegations of research misconduct. If the higher education institution has issued such a

ⁱ Excerpt from the DFG Memorandum (2013), foreword to the supplemented edition.

ⁱⁱ E.g. HessHG, SächsHSFG, HSG LSA, BremHG.

regulation, it is bound by this and the procedural principles contained therein. Where the respective statutes are silent on procedural principles, the principles of general administrative procedural law can be used as a supplement, in particular the Administrative Procedure Act (Verwaltungsverfahrensgesetz).

CLASSIFICATION OF THE DFG CODE OF CONDUCT

With its 2019 Code of Conduct, the DFG has established "Guidelines for Safeguarding Good Research Practice". As the framework conditions at universities and non-university research institutions are essential for good research work, it has also stipulated that the institutions have to implement these guidelines in a legally binding manner in order to remain eligible for funding. The Code of Conduct is implemented by the institutions by adapting their statutes or regulations in accordance with the DFG guidelines. Upon implementation of the statutes/regulations by the respective institution, the guidelines of the Code of Conduct implemented therein become valid vis-à-vis its members and affiliates.

4.2 SPECIAL PROCEDURAL PRINCIPLES

The procedural principles that apply in the context of ombuds work are primarily derived from the applicable statutes/regulations of the institution. Only the principles of impartiality and confidentiality are emphasized below. It should be noted that the regulations set out in the statutes/regulations of the institution are binding, take precedence over the descriptions shown here and that the principles formulated below are not exhaustive.

4.2.1 IMPARTIALITY

In order to guarantee the implementation of independent ombuds proceedings, the ombudspersons - as well as the members of any investigating commission - must be impartial and unbiased. Only in this way can the influence of extraneous considerations be avoided, the acceptance of the ombudsperson by the parties involved in the proceedings be established and a fair procedure in which the ombudsperson does not act as a representative of the interests of one party be guaranteed. Ombudspersons should therefore not be members of a central management body of their institution while exercising their office (see Chapter 3). The statutes of the respective institutions should also contain regulations on how to deal with bias in individual cases.

Bias exists if there is a reason to justify mistrust in the impartial exercise of office. This requirement is met if, based on objectively ascertainable facts and from the

perspective of the parties involved in the proceedings, the concern cannot be ruled out that the ombudsperson will not make an impartial and unbiased decision on the matter. The perspective of the parties involved is decisive for the determination of bias: the objective facts must reasonably justify the concern of bias for the individual parties. The subjective feeling of being treated unfairly, on the other hand, is not sufficient. What matters is whether, under the given circumstances, a reasonable party could be concerned that the ombudsperson would not conduct the proceedings objectively, impartially and with the necessary distance and would instead be guided by prejudices and unobjective considerations. Actual bias is not required.

If ombudspersons have doubts about their own or other ombudspersons' impartiality, they should discuss this with other ombudspersons or - if available - with the ombuds office (see Chapter 9) of their institution. It is also possible to seek advice from the *Ombuds Committee for Research Integrity in Germany* or its office. If the consultation reveals that there is no bias, ombudspersons should document this for themselves in their own notes.

Biases or reasons that could give rise to doubts about the impartiality of an ombudsperson must be reported and disclosed immediately. A biased ombudsperson must be excluded from further proceedings and replaced by a deputy.

4.2.2 CONFIDENTIALITY

The principle of confidentiality - enshrined centrally in guideline 18 of the Code of Conduct, but also in other places - is an indispensable prerequisite for ombuds work and applies equally to all parties involved in the proceedings. In the context of ombuds work, maintaining confidentiality covers not only the identity of the persons involved and questions of content, but also the consultation itself, even beyond the conclusion of the consultation or the ombuds procedure.

There are very few exceptions to the principle of confidentiality. In some statutes/regulations, for example, such an exception is assumed in the event of reasonable suspicion of particularly serious research misconduct, in which case a duty to inform the committee appointed to investigate (see Chapter 10) is indicated.

The principle of confidentiality means that, as a rule, ombudspersons have **no duty to report** on their work - not even to other parties involved in the proceedings, a superior or other committees of the institution.

If the person seeking advice withdraws their consent, the ombudsperson no longer has a mandate to act. The ombudsperson cannot always comply with the request

for **anonymity** of the person seeking advice. Unless the statutes/regulations indicate otherwise, anonymity can be maintained as long as this does not hinder the enquiry and plausibility check of the facts. However, if the identity of the person seeking advice is necessary for the proper defense of the person affected by the allegations, the request can no longer be complied with.

If a party to the proceedings has breached the principle of confidentiality, e.g., by involving the **public**, the ombudsperson must decide on a case-by-case basis whether counselling or mediation can still take place. The ombudsperson should again adhere to the principle of confidentiality and not provide any information or take a position themselves.

The **documentation** of ombuds work is not dealt with in the DFG Code of Conduct, but the statutes/regulations of the institutions do in some cases stipulate requirements for this. In principle, at least rudimentary documentation of the ombuds activities is strongly recommended, to safeguard qualitative standards (see section 5.4). The documentation is not considered a so-called "case file" in the sense of administrative procedural law ("Verwaltungsverfahrenrecht") and as such is not to be handed over to lawyers of the parties involved, their superiors or other persons. Due to the possibility of inspection under procedural law (e.g., in the context of court proceedings), the documentation should nevertheless be kept brief. It must be stored in accordance with data protection regulations and can be passed on to the next ombudsperson if necessary.

A **factual exchange** between ombudspersons from the same institution is strongly recommended and does not contradict the principle of confidentiality. On the contrary, such an exchange ensures the quality of their work and is implemented wherever there are ombuds commissions/bodies (see Chapter 3). In external networks, this exchange can only take place abstractly and anonymously; in the case of the supra-regional *Ombuds Committee for Research Integrity in Germany*, however, it can also take place concretely.

There may be exceptions to the principle of confidentiality in the context of legal proceedings. Each individual case must be considered carefully and examined by the respective legal department.

5. PRACTICAL ASPECTS OF THE WORK OF OMBUDSPERSONS

Ombudspersons not only have to be familiar with the standards of GRP and the ethical and legal principles of the office, but also need to have appropriate communication skills. The aim of this chapter is to provide an overview of the key practical aspects of ombuds work.

5.1 DEALING WITH WHISTLEBLOWERS & THOSE AFFECTED BY ALLEGATIONS

Allegations must be made in good faith and supported by concrete evidence. Deliberately making false allegations can itself constitute research misconduct. When investigating allegations, ombudspersons, like the members of misconduct/investigation committees (see Chapter 10), have the task of taking appropriate action to protect both the person making the allegation and the person affected by the allegation. Otherwise, there is a risk that whistleblowers will not turn to ombudspersons in the first place.

In principle, whistleblowers must not suffer any disadvantages as a result of having contacted an ombudsperson or a commission of inquiry; this also applies beyond the conclusion of proceedings. In addition, the persons involved must not suffer any disadvantages for their own research or professional advancement as long as research misconduct has not been formally established. Particularly in the case of whistleblowers who are in the qualification phase, care must be taken to ensure that their research work is not delayed and that their research activities are not hindered, e.g., due to insufficient resources or the fact that a contract extension that is possible in principle is denied.

The protection of whistleblowers and persons affected by allegations against disadvantages must also be ensured if a suspicion is not confirmed in an ombuds and/or investigation procedure. In this case, appropriate rehabilitation of the person(s) affected by the allegations must be ensured.

When working with whistleblowers and persons affected by allegations, ombudspersons should pay particular attention to the following points:

- The investigation of a whistleblowing allegation takes place in compliance with confidentiality and the basic principle of the presumption of innocence. Ombudspersons generally treat the names of whistleblowers confidentially

and do not pass them on to third parties without their consent (see section 4.2.2). An exception is only permitted if there is a legal obligation to do so or if the person affected by the allegations needs to know the identity of the whistleblower for their proper defense. In this case, the person making the allegation must be informed in advance of the disclosure of their name to the other party or third party so that they can withdraw the allegation if necessary for their own protection.

- If conclusions about the identity of the person providing the information cannot be ruled out in the course of an investigation, this circumstance must be discussed with them. Particularly in the case of whistleblowers in dependent relationships or in the qualification phase, it must be carefully examined whether an investigation could be detrimental to their research advancement.
- If whistleblowers decide against an investigation or withdraw their request after weighing up the personal risk involved, this decision must be accepted. Even if the ombudsperson considers the report to be plausible, he or she may not follow up on it without the consent of the person making the report.
- The confidentiality of the procedure is restricted if the person making the allegation or the person affected by the allegation makes information about the case public. The investigating body must decide on a case-by-case basis how to deal with such a breach of confidentiality in the ombuds procedure.
- Universities and non-university research institutions should generally also investigate anonymous allegations.ⁱⁱⁱ However, these can only be investigated in an ombuds procedure if sufficiently concrete facts are presented.
- The person making the allegation must also be protected in the case of unproven research misconduct, provided that the allegation was not demonstrably made against better knowledge.

There is space here for additional information on how to deal with whistleblowers or persons affected by allegations, which may result from the respective GRP statutes/regulations of your institution.

ⁱⁱⁱ See the "Act for Better Protection of Whistleblowers and for the Implementation of the Directive on the protection of persons who report breaches of Union law" (German Whistleblower Protection Act - Hinweisgeberschutzgesetz), which came into force on July 2, 2023).

5.2 HOLDING DISCUSSIONS WITH COLLEAGUES

Since advising and mediating in conflicts is a central task of ombudspersons (see sections 7.1 and 7.2), it is inevitable that conflict discussions will also have to be held with colleagues. If there are several ombudspersons or deputies in an institution, it can be avoided that ombudspersons have to confront colleagues from their immediate area of work. Nevertheless, it can be a challenge to approach colleagues with whom you are on the same level in the organizational unit about conflicts or problematic behavior. Ombudspersons should consider the following points in order to be able to deal with such situations confidently:

- Reflect on your own position or relationship with the colleague you wish to address: Are there any biases (see section 4.2.1) that stand in the way of an open, honest conversation?
- Explain your role as ombudsperson at the start of the conversation (independence, impartiality): Especially if the position/viewpoint of the other person is particularly familiar to the ombudsperson (e.g., due to a similar field of activity or a comparable position in the research system) and thus may seem particularly understandable/comprehensible, ombudspersons should consciously protect themselves from a "solidarizing partisanship" and maintain their impartiality.

5.3 FREQUENT OMBUDS ISSUES

Experience has shown that ombudspersons are confronted with a wide variety of issues. This may sometimes give the impression that no two cases are the same. Nevertheless, most GRP-related inquiries can be assigned to one or more of the subject areas described below. The chapter provides an overview of these basic topics without suggesting that there is a "standard procedure" for the concerns brought to the ombudspersons. Rather, each case requires individual examination and processing, which is all the more successful the better ombudspersons are prepared for possible consultation topics and conflict scenarios. This also includes keeping an eye on recent developments in academia, such as predatory publishing, ghostwriting or text generation based on artificial intelligence (e.g., using ChatGPT). Even if the GRP-related handling of these practices has not yet found a conclusive answer, the considerations of the *Ombuds Committee for Research Integrity in Germany* (e.g., in the context of the [annual reports](#)) or the DFG (e.g., in the context of the ["Research Integrity"](#) portal) can provide initial guidance in such cases.

5.3.1 AUTHORSHIP

A typical issue with which researchers turn to ombudspersons is conflict around authorship. For example, a person may approach an ombudsperson with a request for advice/mediation, if

- they are of the opinion that they are entitled to (first/last) authorship but are being denied this;
- they do not agree with the order of the co-authors named on a publication;
- they are of the opinion that the contributions of other co-authors do not justify authorship (e.g., reference to merely technical-supporting contribution or suspicion of honorary authorship);
- they were denied the opportunity to contribute to a manuscript or were excluded from (further) collaboration;
- co-authors refuse to agree to publication without sufficient reason.

Persons seeking help often ask ombudspersons to evaluate the contributions or relative contributions of individual co-authors and to decide whether or not authorship or a particular authorship sequence is justified. Ombudspersons can only make such assessments with difficulty, as they do not know the project context and (usually) do not have the necessary subject-specific expertise. However, they should obtain statements (e.g., from first or last authors or corresponding authors) and check them for plausibility. In most cases, it is also necessary to ask co-authors for concrete evidence of their contributions in order to be able to assess who has contributed to a research project (and to what extent) and whether this contribution was knowledge-generating. On the basis of this information, ombudspersons can initiate mediation between the conflicting parties.

Guideline 14 of the DFG Code of Conduct formulates minimum requirements for authorship, which should cover all disciplines. When dealing with authorship conflicts, however, it is important to take into account the guidelines and practices of the discipline concerned, which may in some cases go well beyond the requirements set out in the Code of Conduct. Information on this is provided, for example, on the DFG's online portal "[Research Integrity](#)". There are also authorship guidelines from professional societies, specialist publishers, specialist journals and associations of editors that can be used as a guide. In particular, the [International Committee of Medical Journal Editors \(ICMJE\)](#) and the [Committee on Publication Ethics \(COPE\)](#)

have issued helpful criteria and guidelines for awarding authorships. As the requirements of the various guidelines are not always congruent, it must be clarified in each case of conflict, which criteria should serve as the basis for a decision.

Authorship conflicts often occur in situations of upheaval (e.g., after a change of working group or institution). Authorship conflicts also occur more frequently in interdisciplinary research projects, as very different cultures clash when dealing with authorship. Here it can help to take the target group of the planned publication as a starting point and use their specialist culture as a criterion for determining authorship. As a compromise, it is also conceivable that an interdisciplinary research group could distribute its planned publications across publication media belonging to different disciplines in order to meet the requirements of all participants.

5.3.2 USE OF RESEARCH DATA

A frequent topic in ombuds work is the question of who "owns" which research data or who is allowed to use and publish which data. For example, researchers turn to ombudspersons, when

- they are denied access to the data they have collected (alone or in a team) and are thus denied the opportunity to continue/finish their research and publish accordingly;
- they wish to "take data with them" or continue to have access to data in the course of a change of supervisor and/or institution;
- data access or data use is only granted "in exchange" for authorship.

While the conflicts often seem to relate to questions of data ownership from the perspective of the person seeking help, in most cases the ombudspersons are concerned with clarifying questions of data use or data access. This is because research data generally remains at the institution where it was collected or processed. This means, on the one hand, that the institution must provide the appropriate infrastructure for archiving the data and, on the other hand, that the principal investigators (PIs) or project leaders usually (co-)decide what happens to the data. From a GRP point of view, however, researchers should be allowed to continue using data that they have collected independently (see Guideline 10 of the DFG Code of Conduct). This applies in particular to researchers who have collected data as part of qualification projects. Depending on the individual case, the following aspects also have to be taken into account when processing and assessing data use issues: type of data, financing of data collection or the research project, labor law, copyright, data protection, patent law, and contractual regulations.

Data use conflicts also often arise in situations of upheaval, such as when a qualification project is completed, when researchers change institutions or when collaborations turn into competitive situations. System-inherent power structures can also contribute to conflicts over the handling of research data. In addition, experience has shown that data usage conflicts are closely linked to authorship conflicts and often also to supervision conflicts.

5.3.3 PLAGIARISM

Ombudspersons repeatedly receive - sometimes anonymously or from external sources - reports of suspected plagiarism in academic work. The reports often relate to verbatim copying without proper citation (classic text plagiarism), but also to disguised forms of plagiarism, such as translation, idea, structure or illustration plagiarism.

Ombudspersons generally carry out a preliminary review of the information. In doing so, they have to check whether the work in question contains borrowed material that has not been correctly identified as such. Correct citation indicates the origin and scope of a textual or other takeover with sufficient accuracy.

If ombudspersons consider the evidence of plagiarism to be sufficiently substantiated and plausible (i.e., if the suspicion of research misconduct is substantiated), they usually refer the matter to their institution's misconduct/investigation committee (see Chapter 10), which can then initiate a formal investigation.

Plagiarism software is often used to check qualification theses and other academic publications. This makes it possible to examine the entire length of the work to be checked for possible text plagiarism in a time-saving manner. However, not every text match identified in this way is actually plagiarism. And vice versa: even if there is no literal match, it may still be plagiarism (e.g., plagiarized ideas or the text source used is not accessible to the plagiarism software). The benefit of so-called plagiarism software is therefore limited. It is always necessary to check the software-supported results manually and to assess for each reference whether plagiarism has actually occurred - taking into account the discipline-specific standards. It can also be helpful to compare the results of different plagiarism software.

Inquiries often also concern the topic of "self-plagiarism". This refers to the reuse of one's own academic work without appropriate disclosure, which is also discussed under the term "text recycling" (cf. Hagenström 2022). The handling of secondary publications of results and data is also a recurring topic in ombuds inquiries.

Researchers in qualification phases in particular are increasingly turning to ombudspersons with a need for clarification on the subject of plagiarism, whereby the concern is often to ensure the GRP conformity of their own handling of third-party and/or their own content.

5.3.4 SUPERVISION DURING QUALIFICATION PHASES

The regular scientific guidance and support of researchers in qualification phases by their supervisors is also a topic of GRP (see guideline 4 of the DFG Code of Conduct) and thus also a topic in ombuds work. This is particularly the case if there is a suspicion that mentoring duties are being grossly neglected or dependency relationships are being exploited to achieve the self-serving interests of the supervisor. The topic of supervision is often mentioned in passing in the context of inquiries, while a conflict of authorship or data use (or another conflict) is reported in the foreground. Sometimes it only becomes apparent during the course of processing the case that the problem was caused by inadequate support or a lack of communication between the parties involved.

As many GRP statutes/regulations do not specify, or do not specify clearly enough, what constitutes appropriate academic supervision or when supervision duties are deemed to have been neglected, there is often little scope for ombudspersons to address the problem of inadequate supervision. It is not uncommon for them only to be able to mediate between the parties involved (possibly with regard to authorship or data use) and come to an amicable solution on a professional level. It can also be helpful to refer to other advisory bodies (such as counsellors, conflict counselling/arbitration bodies, equal opportunities officers or the Staff Council).

Structured doctoral programs, multiple supervision (e.g., as part of Thesis Advisory Committees), binding supervision agreements and GRP training opportunities for supervisors and researchers in qualification phases are measures that can contribute to the effective prevention of supervision conflicts.

5.4 DOCUMENTATION, ARCHIVING & REPORTING

If higher education institutions provide regulations on the documentation and archiving of investigation and, if applicable, ombuds proceedings, these are usually made as part of the GRP statutes/regulations. Responsibility for documentation and archiving generally lies with the committees involved in the case (ombuds committee or misconduct/investigation committee) or, if applicable, the ombudsperson(s). In institutions that have an office supporting the ombudsperson's work (see Chapter 9), documentation and archiving is often carried out by this office.

The documents relating to the procedures carried out by the above-mentioned bodies must be secured against unauthorized access and stored for a defined period of time; many institutions stipulate a 30-year period for this. An electronic copy should be stored on a suitable storage medium with access restrictions or password protection. Case-related documents should be stored in lockable filing cabinets.

Insofar as the statutes/regulations of some higher education institutions grant the person affected by allegations of research misconduct and, if applicable, their counsel a right to inspect files under certain conditions, it is important to differentiate between the so-called "case file" (decision/final report of the ombudsperson or the respective committee) and the internal communication preceding this decision (so-called "hand file"), which may include, for example, minutes of hearings or internal consultations. The inspection of files must be organized in such a way that no internal information relating to the legitimate interests of third parties (e.g., the whistleblower or personnel matters) is disclosed. According to the general principles, only the so-called final report can be inspected.

At some institutions, ombuds proceedings (see Chapter 3) are exempt from the rules on documentation and archiving that apply to the documents of the misconduct/investigation commission or no explicit rules are made for them. However, it is recommended that the documents of cases that have been concluded at the level of an ombuds procedure also be documented and archived in accordance with the above-mentioned security standards and deadlines and in compliance with the instructions set out in section 4.2.2.

The following aspects in particular speak in favor of this^{iv}:

- Due to the regular rotation of ombudspersons stipulated by the DFG, documenting and archiving past cases ensures a certain continuity and standardization of decision-making practice and can also help new ombudspersons to familiarize themselves with the office and its associated tasks. This presupposes that ombudspersons who leave the office carry out a handover with the new ombudspersons.
- The conclusion of an ombuds procedure does not preclude a case from being resubmitted, e.g., because a new allegation is made with reference to a previous investigation. In such a case, it is important that the current ombudspersons have access to the previous documents and can understand the overall context of a case.
- If persons are named in connection with research misconduct but are not involved (e.g., co-authors on a publication suspected of research misconduct) or if the innocence of the persons accused of research misconduct is proven in the course of the investigation, they are entitled, for the duration of the retention period, to be issued with a document exonerating them.

Consultations and inquiries as well as proceedings carried out by the ombudspersons, the ombuds commission and the misconduct/investigation commission can be processed anonymously for an annual report to the institution management, the academic senate or the public of the higher research institution. Possible categories for reporting are: topic of the consultations/inquiries, measures taken, subject discipline and status group. Suggestions for the preparation of such reports can be found, for example, in the [annual reports](#) of the *Ombuds Committee for Research Integrity in Germany*.

5.5 NETWORKING WITH OTHER COUNSELLING FACILITIES

Ombudspersons and ombuds offices (see Chapter 9) are not the appropriate contacts for all problems and conflicts that are sometimes brought to them. Nevertheless, they can take on a "pilot function" for inquiries that are not related to the GRP by referring people seeking advice to the right offices. To this end, it is necessary

^{iv} See also the information on long-term archiving on the [website](#) of the *Ombuds Committee of the German Psychological Society (DGPs)*.

for ombudspersons to gain an overview of the existing advice centers at their institution and make themselves known to them (e.g., staff councils, equal opportunities officers, diversity counselling, psychological/social counselling, conflict management, complaints office, doctoral counselling, arbitration offices, etc.). This helps to ensure that the existing counselling centers know which topics the ombudsperson is responsible for and can forward GRP-related inquiries to them.

On the other hand, in individual cases it may make sense to discuss the next steps with other advice centers on a confidential basis - provided that the person seeking advice agrees - not least to prevent requests from being processed in parallel by different centers. Parallel processing of cases by several agencies not only ties up resources unnecessarily, but is also problematic because the respective agencies - depending on the information available to them – may arrive at different assessments and be played off against each other in this way.

6. UNDERSTANDING CONFLICTS

This chapter first examines conflicts and possible causes of conflict in general terms (independent of the GRP). It has been shown that this can help as a basis for categorizing conflicts in the area of GRP, as there is often an overlap between GRP issues and other kinds of conflicts.

WHAT IS A CONFLICT?

Differing views alone do not constitute a conflict. As a rule, a conflict only exists when the behavior, interests or goals of person A are perceived by person B as unacceptable or detrimental. It is sufficient for one side to perceive the behavior of the other side as disruptive.

TYPES OF CONFLICT

There are different types of conflict. As there is no standardized system for differentiating between them, the following selection is limited to types of conflict that are mentioned in almost all systems (cf. Kreyenberg 2005). It should be noted that conflicts do not necessarily occur in "pure form", but can combine aspects of different types of conflict. Despite this lack of clarity, it makes sense for ombudspersons who are asked to mediate in a conflict to gain an impression of the nature of the conflict (What is the probable cause? What is the actual issue for the parties involved? How is the conflict currently being played out?) This "conflict diagnosis" is an important basis for finding a solution to the conflict together with the parties involved.

Factual conflicts

There are differences of opinion on the matter, which can be traced back to different knowledge, preferences, perspectives or even interpretations of information.

Example: A project team cannot agree on a method or there are differences regarding the evaluation of the quality of a research paper.

Pure conflicts of fact can usually be resolved without involving an ombudsperson.

Relationship conflicts

Relationship conflicts are always emotionally based and are usually caused by an attitude or action that is perceived as hurtful, derogatory or dismissive by one of the parties to the conflict. In the work environment, relationship conflicts can spread to entire work groups due to the involvement of other colleagues. Unresolved

smouldering relationship conflicts tend to escalate to such an extent that the conflicting parties find it difficult to communicate with each other.

Example: Two members of a research group who have to work closely together have very different working styles: While the more reserved person tends to approach professional challenges in a structured and planned manner, the more extroverted colleague tends to rely more on flexibility and quick reactions. In the discussion about the supposedly correct course of action, the calmer colleague regularly finds him/herself on the defensive and, after a while, feels overrun and personally devalued.

Many cases dealt with by ombudspersons also involve relationship conflicts. These are usually only acknowledged when asked directly and can hardly be resolved within the framework of an ombuds procedure. In cases that are clearly overlaid with relationship conflicts, the ombudsperson should at all times demand that the parties to the conflict treat each other objectively and respectfully.

Distribution conflicts

Distribution conflicts arise, for example, as a result of a perceived arbitrary or unfair allocation and distribution of resources, competencies or responsibilities. Hierarchical differences and external conditions can cause and exacerbate distribution conflicts.

Example: The position of authors on a publication is extremely important in the natural and life sciences. Therefore, there are often conflicts about who has contributed the most to a research paper intended for publication and should therefore be the first or last author. Experience has shown that there are different assessments of this by those involved.

Distribution conflicts are often linked to power and status issues. The ombudsperson should ensure that the dispute is conducted on a factual level (and not with arguments of authority) and that an agreement is reached in compliance with the applicable rules for the allocation of authorship.

Conflict of objectives or interests

Conflicts of objectives or interests arise when the parties involved pursue different objectives or have different interests in the context of a collaboration.

Example: A doctoral student wants to complete their doctorate soon and is therefore reluctant to start further complex experiments. The supervisor, on the other hand, wants to publish the data as highly as possible and knows that this will not succeed without these additional experiments.

Conflicting objectives or interests can also lead to relationship conflicts, especially if there is a hierarchy gap between the parties involved in the conflict, which further exacerbates the conflict. The ombudsperson should try to make the parties involved aware of the underlying conflict of interest and support them in finding a solution that takes the interests of both sides into account appropriately.

HOT AND COLD CONFLICTS

Another distinction for analyzing conflicts is between hot and cold conflicts (cf. Glasl 2011).

Hot Conflicts

Hot conflicts are carried out openly; the lines of conflict are also recognizable to outsiders. The aim of the conflict is to convince the other side that one's own point of view is correct. As each person is convinced of their point of view, they have no inhibitions about openly defending it to the other side.

According to Glasl, it is helpful to resolve heated conflicts by,

- bringing rationality into the conflict, controlling emotions and thus avoiding escalation (e.g., by setting up rules of discussion; moderation by a mediator).

Cold Conflicts

Cold conflicts are largely invisible and characterized by frustration and disappointment on the part of those involved. They are carried out using subtle means (e.g., hidden teasing, obstructing the other party). The causes of the conflict are difficult to recognize for outsiders, but sometimes also for the conflict parties themselves. Cold conflicts are often the result of previously hot conflicts: if the parties involved have found that open conflict does not lead to a solution, they resort to covert forms of conflict resolution.

According to Glasl, it is helpful to resolve cold conflicts,

- by bringing emotional warmth back into the conflict, e.g., by addressing feelings and making them visible;
- by possibly holding individual discussions first in order to give the parties involved a protected space and get them "out of hiding".

7. OMBUDSPERSONS' ROLE & APPROACH IN GRP-CONFLICTS

One of the tasks of ombudspersons is to mediate in GRP-related conflicts and to work with the parties involved to find a solution that is acceptable to all and meets the standards of GRP. Mediation efforts take place in various ways. In general, the ombudsperson first listens to the persons involved in the conflict in separate individual discussions and then, if requested by the persons seeking advice, conducts one or more discussions with them together. In these discussions, ombudspersons take on the role of neutral mediators and pay particular attention to ensuring that the rules of GRP are taken into account when finding a solution.

In addition to this mediation role, ombudspersons are also asked to act as advisors in conflicts related to GRP. The persons seeking advice often do not wish the other side to be contacted. In the context of such counselling sessions, the main aim is for those seeking help to experience relief by describing the conflict to a neutral body, to be able to better classify the conflict within the framework of GRP and to open up ways in which they can possibly defuse or resolve the conflict on their own.

Both the mediation and the counselling role require the ombudsperson to have communication skills and a reflective approach to the conversation. With this in mind, it is helpful for ombudspersons to familiarize themselves with some techniques for conducting conversations and the structure of mediation and counselling sessions. The processes and tips described below for the two roles are intended as suggestions that can be adapted to the individual interview situation.

Even if there are certain overlaps in the course of mediation and counselling interviews, these are dealt with in a separate section for the sake of clarity.

7.1 THE OMBUDSPERSON AS MEDIATOR

When talking about conflict mediation, the term mediation is often used. Mediation is a voluntary out-of-court mediation process in which a neutral third party helps the parties involved in the conflict to work together to find a mutually acceptable solution to their conflict. Mediation is particularly useful if the parties to the conflict want or need to continue working together in the future.

The mediation work of ombudspersons differs from the setting of traditional mediation. In this case, the conflict parties are not completely free to develop a solution to the conflict, but the agreement must be within the framework of the GRP rules. The role of the ombudsperson is therefore not identical to that of a mediator; in

their mediating role, however, ombudspersons draw on the instruments of mediation.

In the following, the acceptance of the assignment and the establishment of contact with the other party to the conflict (in relation to the situation where separate discussions are initially held with the parties to the conflict) followed by the conduct of a mediation meeting in the presence of all parties to the conflict are discussed.

ACCEPTANCE OF THE ASSIGNMENT

In the majority of cases, one party to the conflict first approaches the ombudsperson and describes the problem. The following aspects should be examined:

- Why is there a request (right now) for help or mediation by a third party?
- What measures have already been taken to resolve the conflict, and with what results?
- What is the current state of the conflict? Is mediation still possible as part of an ombuds procedure? (see Chapter 3)

Note: Not every conflict is suitable for mediation. To gain an impression of the existing conflict intensity and conflict dynamics, the stages of conflict escalation according to Friedrich Glasl (1997, 2011) provide orientation. Glasl distinguishes three conflict levels, each of which has three escalation stages. The escalation levels are shown in the form of a descending staircase to illustrate the pull and momentum of conflicts.

- Who are the parties to the conflict? Who should take part in the mediation meeting?
- What is the willingness of the other side(s) of the conflict to actively participate in mediation and cooperation in conflict resolution?
 - If the conflict parties express doubts about the usefulness of a mediation meeting, scaling questions can help: On a scale of 1 to 10, how high do you think the chances are that a joint discussion can lead to an improvement in the situation? - As long as the person does not start from "0", it is at least worth a try.

Note: According to the GRP statutes/regulations of some higher education institutions, the participation of their members in such mediation by ombudspersons is mandatory.

- Who is responsible for inviting the other side? The following aspects must be taken into account:
 - If the parties to the conflict can still talk to each other, it is in the spirit of personal responsibility if the person who first contacted the ombudsperson informs the other party of their wish for a mediation meeting and invites them to attend.

- If the persons can no longer talk to each other, the ombudsperson can also contact the other party to the conflict.
- In order to create a level playing field and ensure that the ombudsperson is perceived as an impartial mediator, the other party to the conflict should also be offered the opportunity to have a preliminary discussion with the ombudsperson.

CONTACTING THE OTHER PARTY OF THE CONFLICT

Important questions before making contact

- Who is on the other side of the conflict (one person or several)? If there are several parties involved: Do they need to be asked to attend a meeting together or are individual meetings more suitable?
- How will contact be made (by telephone, video conference, email)?
- How much do you already reveal at this point about the background to the request for an interview?
- Where should the meeting take place?

Note: As a rule, the ombudsperson, as the person conducting the interview, determines the location of the interview. In some situations, however, it can build trust if the person contacted is allowed to decide the location of the meeting themselves.

- What time frame will the conversation require?

Note: It is advisable not to exceed the time frame of 90 minutes for mediation sessions, as experience has shown that the ability to concentrate diminishes after this time and such sessions are also emotionally demanding.

The following tips refer to the situation where the ombudsperson approaches the other party to the conflict after the conflict has already been described to them from the perspective of one of the parties. See section 7.2 for information on the procedure for individual counselling sessions.

TIPS FOR CONDUCTING THE MEETING

- Explain your own role as ombudsperson (neutral, mediating).
- Disclose the background to the contact (if not already done in advance).

Note: It cannot be ruled out that the mere mention of the topic/name of the person with whom there is a conflict will touch on a sensitive point with the other party. It is therefore advisable for the ombudsperson to describe the issue/problem objectively and impartially and to make it clear that the other party is interested in solving the problem.

- Precisely because the ombudsperson already knows the viewpoint of one side, they should signal to the other person involved in the conflict that they are prepared to accept their account of the conflict without bias. The technique of "active listening" is helpful here, i.e., engaging with the other party's thoughts and feelings without bias. This can be achieved, for example, through eye contact, an attentive posture, a brief, neutral summary of what has been said in your own words, reflecting perceived feelings and refraining from giving advice or making judgments.

CONCLUSION

- Making an appointment for a moderated mediation meeting.

7.1.1 CONDUCTING A MEDIATION MEETING

1. CREATE THE FRAMEWORK FOR THE MEETING

- Define the rules of the meeting: The parties to the conflict initially speak exclusively with the ombudsperson, not with each other; they do not interfere with each other, etc., explain the moderating role of the ombudsperson;
- Set a time frame;
- Confidentiality: Who may/should/has to be informed about the results of the discussion?
- Emphasize the binding nature of the agreed rules.

2. LISTEN TO AND UNDERSTAND POINTS OF VIEW, DEFINE TOPICS

- Have people report individually (active listening by ombudsperson, see section 7.1);
- Ask comprehension questions, e.g., ask about previous ways of dealing with the conflict/agreements reached;
- Ombudsperson summarizes consensus/dissent;
- Ombudsperson works with the parties to the conflict to identify the issues that need to be clarified and determines the order in which they are to be dealt with.

3. SHEDDING LIGHT ON THE BACKGROUND OF THE CONFLICT

- An in-depth look at the conflict: This can be achieved, for example, by asking both sides to each describe a specific situation that was experienced as particularly problematic. The ombudsperson's task here is to clarify the views of the persons and to name the needs and interests that become visible behind the feelings described or asked about. The aim is to translate negative feelings into "neutral/objective" needs that can be better understood by the other person.
- Summary of needs and search for consensus by the ombudsperson;
- Bring about a change of perspective: A change of perspective often initiates mutual understanding. By alternately asking the parties to the conflict to repeat the other party's account and then giving them the opportunity to add to or correct the account, they deal intensively and objectively with the other party's perspective. FOR EXAMPLE: "Can you, Mr. X, tell us what the problem is for Ms. Z with regard to the joint research project? How do you feel, Ms. Z, when you hear this description from Mr. X? Is that what you are concerned about?"

4. COLLECT & CHECK POSSIBLE SOLUTIONS

- Collect possible solutions openly (without judgment);
- Run through possible solutions and their consequences, weigh up alternatives;
- Select a GRP-compliant solution, check its feasibility and define concrete next steps.

5. REACH AN AGREEMENT

- Have conflict parties formulate a binding agreement with a time frame;
- Have conflict parties sign the agreement (strengthens binding nature);
- Final summary of what has been achieved by the ombudsperson;
- Arrange an appointment for a debriefing.

7.2 THE OMBUDSPERSON AS COUNSELLOR

Ombudspersons are not only asked to act as mediators, but often also as advisors with regard to GRP conflicts. During such consultations, it is usually necessary to explain the provisions of the statutes/regulations of GRP and to classify the circumstances described. People seeking advice often confuse several aspects, which must then be separated during the consultation (e.g., authorship and quality of supervision). In-depth knowledge of the GRP statutes/regulations cannot usually be assumed on the part of those seeking advice and they are therefore grateful for a classification of the conflict described by them along the lines of the statutes/regulations by the ombudsperson.

With regard to conflicts, counselling means first of all listening and holding back with one's own assessments. However, even if the perspective of the person seeking advice is in the foreground, it helps if the ombudsperson structures the conversation. This makes it possible to act professionally from a certain distance. The following sections are intended as suggestions for structuring a counselling session.

1. ESTABLISH A RELATIONSHIP & SET FRAMEWORK

- Create a welcoming/conversational atmosphere;
- Set the framework:
 - Explain the role of the ombudsperson/objectives of the ombuds system;

Note: It can be helpful to send the person seeking advice key documents on GRP and the functioning of the ombuds system before the meeting.

- Assure confidentiality;
- Emphasize impartiality and make boundaries clear ("I am only hearing your perspective now. The advice is therefore subject to change.").

Note: Naturally, the person seeking advice describes the conflict from their very personal perspective, which must be taken seriously, but should be objectified as far as possible by the ombudsperson.

- Clarification of the mandate:
 - What is the person's concern? Why are they coming now? What are their expectations of the ombudsperson? The ombudsperson should summarize the mandate again in their own words before the consultation begins.
 - What has the person done so far to resolve the conflict? Have there been any counselling sessions with other persons/institutions?

Note: It is not uncommon for people to "spread their concerns widely" and thus engage various counselling facilities in parallel without them knowing about each other. This can be avoided by

making targeted inquiries. In addition, knowing about other advice centers that are already involved means that they can agree on how to proceed if the person seeking advice agrees.

- If people express a suspicion of research misconduct during the consultation, they should be asked in what form this is documented (e-mails, witnesses, previous manuscript versions, etc.). This helps to assess how promising an ombuds procedure would be, if desired (see Chapter 2).

2. HAVE THE PROBLEM DESCRIBED

- Clarify issues and facts:
 - What has happened?
 - How long has the problem/conflict existed?
 - Who are the parties involved in the conflict?
- "Active listening" is recommended for this (see also section 7.1), in which the ombudsperson gives short, neutral summaries of the core content of what has been reported in their own words, verbalizes perceived feelings (and reassures themselves of the accuracy of their perception) and refrains from giving advice or evaluating what they have heard.

Note: As an ombudsperson, it is advisable to take notes on the case and the course of the conversation. Counselling cases can sometimes extend over longer periods of time. In order to be able to revisit the case at a later stage and, for example, recognize thematic shifts in the conflict, the key points of each conversation should be recorded and questions asked to ensure that everything has been understood correctly (see section 5.4).

- Work out the goals, interests and needs of the person making the enquiry
 - This is specifically about uncovering the interests and needs behind the issue that the person seeking advice may not be aware of. To make these visible, the following questions can be helpful: "What do you fear will happen if the situation does not change?", "What does this situation mean for your current/future work?", "What would have to change for you to be (more) satisfied with the work situation?", "What do you expect from the other party?"
- Bring about a change of perspective
 - In order to give the person seeking advice a different perspective, "circular questions" can be helpful: "What would your colleague say if someone asked her how well the cooperation in your research group works?", "What would your boss say if someone asked him who did the main work for this paper?", "What do you think your boss would say if someone asked her why she didn't want to renew your contract?", "What do you think your colleague would say if someone asked him why he published the article in his name alone?"

3. DEVELOPMENT OF SOLUTION STRATEGIES

- Classification of the problem described in the GRP context
 - Work out which aspects of the conflict actually affect GRP: If several areas of GRP are affected, these should be "sorted" and named as individual aspects that play a role in the conflict (e.g., data manipulation, quality of supervision, etc.).
- Ask for suggested solutions
 - Find out what the person seeking advice can contribute to resolving the conflict: What options do they see for themselves? To do this, it is useful to invite the person seeking advice to collect ideas openly and without judgment as to how the problem could be tackled/solved.
 - Check ideas for solutions with regard to compliance with GRP standards or duties arising from the respective roles (e.g., doctoral candidate, supervisor, project manager, etc.) for usefulness and sustainability. (Supporting questions: "What possible consequences would step A, B or C have?", "Does this promise to solve the problem satisfactorily?")
 - If an ombuds procedure is being considered by the person seeking advice, the ombudsperson should explain the procedures and steps involved in the procedure. This can help people to decide for or against initiating an ombuds procedure.

4. SPECIFYING THE NEXT STEPS

- Discuss with the person seeking advice what concrete steps they would like to take next: Where does the person see a need for support from the ombudsperson (e.g., obtaining a statement from the other party; preparing arguments for a clarification meeting together with the person seeking advice; advice on written communication, etc.)? Is an ombuds procedure an option for the person?

Note: Even if the case appears to be "clear", any recommendation for further action on the part of the ombudsperson should be formulated with reservations as long as the perspective of the other party in the conflict is not known (e.g., "Without having heard the other side, a final assessment is not possible. Based on what you have told me, I assess the situation as follows ..."). The decision on the next steps is left to the person seeking advice. Experience has shown that this decision is often only made after some reflection following the counselling session. The ombudsperson can support the decision-making process by being open to further questions.

5. CONCLUSION & OUTLOOK

- Offer of a follow-up meeting or to make contact again if further questions arise or the envisaged solution does not lead to success.
- How is the person feeling after the conversation? Was anything missing? What else might they need?

8. COUNSELLING & NETWORKING

Advice is a core task of ombudspersons. However, there are also situations in which ombudspersons themselves need advice. The following section outlines both counselling and networking opportunities for ombudspersons.

COUNSELLING SERVICES

- **Collegial advice within the team:** If there are several ombudspersons in an institution, it is possible for them to exchange information and advise each other. As all ombudspersons are equally bound to confidentiality, there is nothing to prevent such an exchange - especially if cases are discussed in anonymized form.
- **Collegial advice in ombuds networks:** In some places, there are regional networks of ombudspersons, for example the [Network of Ombudspersons at Universities and Research Institutions in Lower Saxony](#) or the [Ombudswesen@BUA project \(OBUA\)](#), which deals with ombuds work in the Berlin area and promotes the professional exchange and networking of ombudspersons. Within the framework of such networks, ombudspersons also have the opportunity to exchange information about cases or inquiries confidentially and anonymously.
- **Ombuds Committee for Research Integrity in Germany:** The [Office of the supra-regional Ombuds Committee for Research Integrity](#) also offers advice for ombudspersons. Every two years, a symposium organized by the Ombuds Committee is held in Berlin, focusing on various topics. In addition to lectures and workshops, the symposium also provides a space for informal exchange between ombudspersons. Documentation on past symposia can be found [here](#).
- **Mediation and conflict management for ombudspersons:** The DFG offers an annual training course for ombudspersons. The training comprises two workshops, each lasting one and a half days, which are conducted by an advisor from the DFG and a professional communication trainer and mediator. The first workshop focuses on the legal framework for the work of ombudspersons and the basics of conflict analysis and mediation. In the second workshop, communication techniques for dealing with conflicts are taught and various intervention options are tried out in role plays. Information on the DFG's further training program can be found [here](#).

The networking of ombudspersons also contributes to the professionalization of ombuds work. Networking opportunities exist at both national and international level.

NETWORKING AT NATIONAL LEVEL

- 2020 saw the founding of the [Network of Research Integrity Offices in Germany](#), which organizes monthly online meetings for employees in ombuds offices at German universities and other research institutions. The aim of the network is to further professionalize ombuds work and enable a regular exchange on current topics in this area ([contact](#)).
- Some of the ombudspersons employed at non-university research institutions exchange information within their own networks (e.g., Leibniz Association, Fraunhofer Society, Max Planck Society, Helmholtz Association).
- The [UniWIND Arbitration Network](#) includes employees of graduate institutions who act as low-threshold contact points for problems during the doctorate at their respective institutions. The topics addressed there often also touch on GRP issues. For ombudspersons, an exchange with this network, possibly also in the form of collegial advice, can therefore be useful.
- The German Society for Psychology (*Deutsche Gesellschaft für Psychologie e.V.*, DGPs) has founded the Commission on [Incentive Structures in Research and Research Misconduct](#) and is working on a handout containing suggestions on how to reduce structural incentives for the abuse of power in research.
- The [Network against Abuse of Power in Science](#) also deals with this topic and offers advice on it, among other things.

NETWORKING AT INTERNATIONAL LEVEL

- At European level, the [European Network of Research Integrity Offices \(ENRIO\)](#) was founded in 2008 and has been operating as an official association under Belgian law since 2021. The first ENRIO Congress on Research Integrity Practice took place in 2021. The network regularly organizes network meetings and offers working groups on the topic of research integrity for people involved in ombuds work. The network's website also provides literature references on GRP.
- Ombudspersons network throughout Europe in the [European Network of Ombuds Offices in Higher Education \(ENOHE\)](#), which has been organizing regular annual meetings, events and conferences on current topics since 2003.
- The [European Network on Academic Integrity \(ENAI\)](#) is an association of educational institutions and individuals interested in safeguarding and promoting academic integrity. ENAI has been organizing the *European Conference on Ethics and Integrity in Academia* since 2013 and offers support via a portal for people who are affected by academic misconduct and would like to receive answers from experienced people to their anonymously asked questions.
- The [All European Academies \(ALLEA\)](#) organization has a [Permanent Working Group on Science and Ethics \(PWGSE\)](#) that deals with a wide range of issues relating to GRP. One of the working group's most important publications is the [European Code of Conduct of Research Integrity](#), revised in 2023, which is the reference document for all EU-funded research projects.
- At international level, the biennial [World Conference on Research Integrity](#) offers presentations, also in online format, which are freely accessible. The conferences are organized by the [World Conference on Research Integrity Foundation](#), which was founded in 2017 - after the first five conferences - as a non-profit organization based in Amsterdam.

9. OMBUDS OFFICES FOR RESEARCH INTEGRITY

Guideline 6 of the DFG Code of Conduct stipulates that research institutions should take measures to relieve and support ombudspersons. As one way of doing this, ombuds offices are increasingly being set up at universities and non-university research institutions. Ombuds offices can be found, for example, at the Universities of Hamburg, Göttingen, Leipzig and Kassel, Saarland University, Freie Universität Berlin, the Technical Universities of Munich and Dresden, as well as at Charité - Universitätsmedizin Berlin and Hannover Medical School. Although the ombuds offices differ in terms of their organizational affiliation and staffing, they share a largely identical task profile.

TASKS

Ombuds offices generally act as central coordination points for all matters relating to GRP at the respective institution. The employees in the ombuds offices are not ombudspersons themselves, but rather support their work. The tasks of ombuds offices are defined in part by the statutes/regulations of the GRP. The tasks of ombuds offices typically include:

- advising persons who have questions about GRP, are involved in a conflict about GRP or wish to report suspected research misconduct;
- supporting and relieving the ombudspersons (and in some cases also the members of the misconduct/investigation committee, see Chapter 10), e.g., by organizing meetings/hearings, providing support in clarifying the facts, obtaining information, conducting consultations/mediation meetings, managing files, taking minutes, preparing annual reports, etc.;
- contact/exchange with other counselling offices within the respective institution, with the DFG, the supra-regional Ombuds Committee for Research Integrity in Germany and with networks relevant to the topic of GRP;
- the coordination and support of measures to safeguard research integrity (e.g., organization of teaching and training events, creation of information materials, etc.).

ADVISORY SERVICES AND PRACTICE

Ombuds offices are generally the first point of contact for questions and conflicts relating to GRP and for reporting suspected cases of research misconduct. However, persons seeking advice are free to contact an ombudsperson directly.

The aim of the advice provided by the ombuds offices is to,

- determine what compliance with the rules of the GRP requires in the specific research situation and thus contribute to the prevention of research misconduct;
- check whether a conflict described concerns GRP and, together with the person seeking advice, to explore possible ways of resolving the conflict (e.g., involving an ombudsperson, contacting other counselling offices, etc.);
- inform persons who express a suspicion of research misconduct about possible steps within the framework of the ombuds system.

Like the work of the ombudspersons, the advice provided by the ombuds offices is subject to strict confidentiality. Advice can be given in person, by telephone, online or in writing, depending on the wishes of the person seeking advice.

COOPERATION BETWEEN OMBUDS OFFICES & OMBUDSPERSONS

In research institutions with established ombuds offices, experience has shown that most inquiries are directed to them. Questions can often already be clarified at this level or it can be agreed with the person seeking advice whether and, if so, which further steps are necessary or advisable. At the request of the person making contact, an ombudsperson can be involved in the consultation. As a preliminary stage to a personal consultation with the ombudsperson, the ombuds office can obtain information from the ombudsperson on behalf of the person seeking advice on individual aspects of the case (e.g., on GRP issues, responsibilities or further action).

The ombudspersons have access to the staff of the ombuds offices for a confidential exchange on GRP issues and conflicts relating to GRP. In addition, ombudspersons can call in the ombuds office to support counselling or mediation meetings. As the staff in the ombuds offices get to know and deal with a large number of issues and conflicts relating to GRP over time, they can also use this experience to support ombudspersons who are new to the office. Ombuds offices also keep ombudspersons up to date on relevant documents, events and new developments and training programmes in the field of GRP.

It is advisable to establish a regular exchange between ombudspersons and the ombuds office on topics relating to GRP and ombuds work, irrespective of specific cases. The tasks and extent to which the staff of the ombuds offices support the ombudspersons' work depends not least on the extent to which the ombudspersons involve them in their activities.

There is space here for additions to the tasks and working methods of the ombuds office at your institution.

10. MISCONDUCT/INVESTIGATION COMMISSION

MEMBERS & TERMS OF OFFICE

Here you can enter information on the selection and term of office of the members of the misconduct/investigation committee at your institution.

Background information/text modules:

Misconduct/investigation committees generally comprise three to five members. They can be designed as permanent committees or as ad hoc commissions. There are significant differences between the institutions in terms of their specific composition. Specifications are usually made in the institution's statutes/regulations or, if applicable, in the rules of procedure. These documents typically also contain regulations on the appointment of deputy members.

The members of misconduct/investigation commissions usually include at least one lawyer (often with the requirement that they must be qualified to hold judicial office). Further selection criteria may relate to:

- the institutional affiliation (e.g., by providing for internal and external members);
- the professional expertise (e.g., by selecting representatives from different fields of work/faculties);
- membership of certain status groups (e.g., in addition to professors/heads of working groups, representatives from mid-level academic staff can also be represented);
- avoiding the simultaneous assumption of offices with management functions in the self-governing bodies of the institution in order to prevent conflicts of interest.

TASKS

Here is space to explain the tasks of the misconduct/investigation committee at your institution.

Background information/text modules:

- Misconduct/investigation commissions (sometimes also referred to as "Standing Commissions") are responsible for the formal investigation of allegations of research misconduct.
- If the suspicion of research misconduct is substantiated in the preliminary investigation by the ombudspersons or the ombuds committee, or if no agreement can be reached in mediation, the case is passed on to the misconduct/investigation commission. The latter must then consider whether to open a formal investigation.
- In the event of suspicion of serious research misconduct, the statutes/regulations of some institutions allow cases to be referred to the misconduct/investigation committee even without the ombudspersons/the ombuds committee having conducted a preliminary investigation.

- *The statutes/regulations of some institutions also provide for whistleblowers to contact the misconduct/investigation commission directly with a request to initiate proceedings.*

PROCEDURES

There is space here to explain the procedures and working methods of the misconduct/investigation commission at your institution.

Background information/text modules:

- *The members of the misconduct/investigation commission are independent in their work and are not subject to any instructions. The regulations on concerns about bias (see section 4.2.1) also apply to the members of the misconduct/investigation commission.*
- *In many institutions, cases are referred to the misconduct/investigation commission by the ombudsperson or the chairperson of the ombuds committee. In institutions that have an ombuds office, cases may also be referred by this office.*
- *If provided for in the statutes/regulations, the misconduct/investigation commission shall examine in its own preliminary proceedings whether there are sufficient grounds for suspicion to open formal investigation proceedings.*
- *The misconduct /investigation commission is entitled to obtain all information necessary to clarify the facts of the case (e.g., hearing witnesses, obtaining statements, expert opinions, legal advice).*
- *The person affected by the allegation must be given the opportunity to be heard by the misconduct/investigation commission.*
- *If provided for in the statutes/regulations, the members of the ombuds committee may be consulted by the misconduct/investigation commission in an advisory capacity.*
- *The misconduct/investigation commission examines whether research misconduct has occurred in a free assessment of all available facts.*
- *In the event of proven research misconduct, the misconduct/investigation commission will make a recommendation to the head of the institution or the responsible superior as to the measures to be taken (sanctions). The superior decides which measures should be taken to sanction research misconduct.*
- *The procedures of the misconduct/investigation commission are subject to confidentiality. If research misconduct is established, it must be examined to what extent third parties (research organizations, cooperation partners, etc.) have a legitimate interest in receiving information about the outcome of the proceedings.*
- *If judicial or disciplinary proceedings are pending at the same time and essentially concern the same allegations, the misconduct/investigation commission may decide to suspend its investigation proceedings.*

RECOMMENDED LITERATURE

The following references are intended to provide guidance for ombudspersons who wish to delve deeper into individual aspects of GRP and ombuds work. The list is intended as a selection that goes beyond the literature cited in the handbook, but does not claim to be exhaustive.

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LITERATURE COLLECTIONS & TEACHING MATERIALS ON GRP

Further current literature references can be found on the website of [Ombuds Committee for Research Integrity in Germany](#) under the menu item 'GRP'. There you will find collections of literature on the following topics:

- Research misconduct;
- Authorship;
- Plagiarism and self-plagiarism;
- Dealing with research data;
- Whistleblowing;
- GRP in times of crisis and science communication.

The [annual reports of the Ombuds Committee for Research Integrity in Germany](#) also contain focus chapters on relevant research integrity topics (such as 'Supervision and research integrity').

Ombudspersons who offer courses or lectures on research integrity can access the ['Curriculum for courses on good scientific practice'](#) developed by Gerlinde Sponholz (Sponholz 2019) as well as an [overview of various teaching materials on research integrity](#) via the website of the *Ombuds Committee for Research Integrity in Germany*.

