



# OBUA-Toolbox for Ombudspersons at Berlin Research Institutions

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## **OBUA–Ombudswesen@BUA**

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## Introduction: Ombudspersons, ombuds work, ombuds knowledge

On the German national level, the history of ombudspersons for good research practice dates to the late 1990s, with the establishment of a national committee by the Deutsche Forschungsgemeinschaft (DFG). Originally known as DFG Ombudsman,<sup>1</sup> the committee appointed by the DFG was renamed Ombudsman für die Wissenschaft in 2010 and later, in 2023, Ombudsgremium für die wissenschaftliche Integrität in Deutschland. During these twenty-five years of activity, the committee has played a key role in providing “advice and support in matters relating to good research practice and its abuse due to lack of integrity.”<sup>2</sup>

Meanwhile, higher education and non-HE research institutions in Germany have been establishing and advancing structured ombuds systems at the local level. The responsibility of ombudspersons for good research practice working at higher education and non-HE research institutions is to provide confidential advice to the members of the institutions on matters of good research practice and research integrity, as well as to counsel in instances of conflicts relating to these and to handle allegations of research misconduct.<sup>3</sup>

The spectrum of duties is, from the outset, already very broad. In addition to this, new developments and challenges in the research culture and community also lead to new developments and challenges in the areas of responsibility of the ombudspersons. Consequently, the ombuds work can become so complex that it requires more than an academic background alone can offer. Ombudspersons need support.

The need for support was emphasized in the findings of the project Ombudsmodelle@BUA (2020) led by Simona Olivieri and funded by the Berlin University Alliance.<sup>4</sup> The findings led to a reflection on the ombudspersons’ role and place in the research community, but also on the key role they could play if properly supported. Along these premises, the OBUA–Ombudswesen@BUA project was conceived by Simona Olivieri in 2021. Funded by the Berlin

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<sup>1</sup> Recommendation 16 by the commission on Selbstkontrolle in der Wissenschaft. See Deutsche Forschungsgemeinschaft, *Vorschläge zur Sicherung guter wissenschaftlicher Praxis*, 1998.

<sup>2</sup> [https://www.dfg.de/en/research\\_funding/principles\\_dfg\\_funding/good\\_scientific\\_practice/ombudsman/index.html](https://www.dfg.de/en/research_funding/principles_dfg_funding/good_scientific_practice/ombudsman/index.html)

<sup>3</sup> For a description of the main functions of ombudspersons in the German academic context, see Deutsche Forschungsgemeinschaft, *Code of Conduct*, 12–13.

<sup>4</sup> Olivieri, “Ombuds-Modelle@BUA: Internal Final Report.” Similar findings may be found in Beier and Nolte, “Rahmenbedingungen und Herausforderungen für die Arbeit von Ombudspersonen an Hochschulen und außerhochschulischen Forschungseinrichtungen in Deutschland. Ergebnisse einer explorativen Umfrage.”



University Alliance and based at the Seminar für Semitistik und Arabistik of Freie Universität Berlin, the project ran from October 2021 until November 2023. The objective was to research the needs and state of the ombuds system in the Berlin research area, and to address the identified needs by providing active support, e.g., in the form of training and networking activities.

The results of this research, the information stemming from the activities, and, more importantly, the contributions given by the participants in our activities are now collected in this Toolbox, addressed to all of you ombudspersons at Berlin research institutions.

The idea of this “practical info kit” was first moved by our colleague Felicitas Heßelmann. In the next pages, you will find how we have developed her inspiring suggestion. The sections are organized as a catalog of practical knowledge on different aspects of the ombuds work, starting with your role and responsibilities and moving to more practical and technical aspects, such as office keeping and data protection. Towards the end, you will find helpful resources listed, from services and networks that can support you to additional literature that will give your deeper understanding of the issues you might encounter.

The Toolbox is not intended to give official guidelines or regulations; its aim is rather that of supporting you in your everyday work, providing practical tips. We hope that this will be a useful reference to active ombudspersons, but also a starter kit for new ombudspersons.

Especially regarding the transition periods between the terms of office of two ombudspersons, there is one very important additional aspect that we wish to remark here. Being new in office can be difficult; you are thrown in a field of activity that may be totally new to you and for which you need a completely new set of tools and information.

For some scenarios we have collected tips and recommendations in this Toolbox. For many situations, however, there will be no prescribed solution or procedure. Consequently, building a specialized knowledge on many subjects that fall within your ombuds work will be the result of your own learning-by-doing. With each new inquiry and with each new case, you will make sense of the experiences in which you will actively engage in your capacity as ombudsperson.

When your term as ombudsperson will be over, the knowledge of how you handled your work will leave with you. The invaluable institutional knowledge and memory you have built will remain undocumented. However, this kind of internal knowledge based on first-hand experiences constitutes an incredible

resource. Not only will documenting the best-practices, tips, and internal processes that you have devised during your own office term help yourself in the processing of future cases and inquiries; learning from your experiences will also be invaluable to your current and prospective colleagues who also serve as ombudspersons.

In this perspective, we recommend that during your office you write down all detailed information regarding policies, work dynamics, internal processes, helpful contact persons, and any further information that you deem relevant. While doing this, you could ask yourself: “Would this information have been helpful to me when I first encountered this situation?”. Your colleagues, and the ombudspersons who will come into the office in the future, will surely be very grateful to learn from your experience.

Cataloging and preserving the institutional knowledge to make it easily available to your peers will take only a little time and effort, especially since you will have to limit yourself to keeping abstract notes in the perspective of [confidentiality](#). But by taking care of this routine, you can transfer knowledge, improve collaboration and workflow, make your and the next ombudsperson’s job easier, and support your institution in monitoring and evaluating local best practices.

To help you in this, we have prepared a template for you, which you may find [at the end of this Toolbox](#).

# 1 Guidelines: What does the position entail?

## 1.1 Origins and current state of ombudspersons in German academia

“*Ombudsman*” is a Swedish term that means “representative of the people.” The term is used in several variants, such as “ombudsperson, “ombuds,” ombud,” etc., and entered international use after the first modern ombuds office was founded in Sweden in 1809.<sup>5</sup> Ever since, ombudspersons have been integrated in several contexts of both the public and private spheres, with diverse levels of responsibilities.

After the publication of the **Proposals for Safeguarding Good Scientific Practice** by the Deutsche Forschungsgemeinschaft (German Research Foundation, short: DFG) in 1998,<sup>6</sup> ombudspersons have become more and more common at German higher education institutions and non-HE research institutions.<sup>7</sup> Recommendation 5 of the 2013 edition of the Memorandum introduces the figure of ombudspersons, describing their being independent mediators and their role in safeguarding and promoting good research practice.<sup>8</sup>

The **Guidelines for Safeguarding Good Research Practice** (henceforth: DFG Code of Conduct) provide further information on this: Guideline 6 sets forth that every higher education and non-HE research institution appoints at least one ombudsperson and one deputy. These shall act as neutral and qualified contact persons who are known at their institutions.<sup>9</sup> Some cornerstones regarding the functions of ombudspersons are already defined by the DFG Code of Conduct: ombudspersons are not supposed to be members of central governing bodies, they should be eligible for a maximum of two terms in office, and they shall receive “the support and acceptance they need to carry out their duties”<sup>10</sup> by their institution. The role of ombudspersons within their respective institutions as well as matters such as their appointment and term limits are regulated in detail by the **statutes** of the institutions.

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<sup>5</sup> Dolan and Bennett, “What Is an Ombudsperson?,” 373.

<sup>6</sup> Deutsche Forschungsgemeinschaft, *Vorschläge zur Sicherung guter wissenschaftlicher Praxis*, 1998.

<sup>7</sup> See Czesnick, “Die Professionalisierung des Ombudswesens zur Stärkung einer Kultur wissenschaftlicher Integrität.”

<sup>8</sup> Deutsche Forschungsgemeinschaft, *Vorschläge zur Sicherung guter wissenschaftlicher Praxis*, 2013, 72–73.

<sup>9</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 12–13.

<sup>10</sup> Deutsche Forschungsgemeinschaft, 13.

## 1.2 What is my role exactly?

### 1.2.1 Different types of ombudspersons

Ombudsperson is the general term for instances of appeal who are typically in charge of **advising on specific topics and receiving complaints** in any given institutional setting.<sup>11</sup> There are not only ombudspersons in academic settings but also other types of ombudspersons working in private as well as public institutions. It should also be noted that ombudspersons for good research practice may not account for the only type of ombudspersons working in academic institutions. Also, there are terminological variations, different institutions might refer to ombudspersons with different terms (e.g., “*Vertrauensperson*” which is a common term at German higher education and non-HE research institutions).

Your role as **ombudsperson for good research practice** comes with a very specific set of responsibilities that differentiates you from other types of ombudspersons. While you may facilitate solution-oriented mediations in conflict situations in the academic setting, your work mainly involves advising members of the institutions on subjects related to good research practice as well as handling allegations of research misconduct. At some higher education and non-HE research institutions, you are assisted by [institutional ombuds offices](#) in these tasks. In addition to local ombudspersons, the [Ombudsgremium für die wissenschaftliche Integrität in Deutschland](#) (“Ombuds Committee for Research Integrity in Germany,” until 2023 named Ombudsman für die Wissenschaft), appointed by the DFG, serves on the national level. It can be contacted by any researcher and institution member related to the German academic system and take their inquiries or cases.

### 1.2.2 General principles<sup>12</sup>

There are three certain general principles that apply throughout the conduct of ombuds work: confidentiality, impartiality, and independence. These aspects are important in order to create a **safe space** in which members of the institution are encouraged to speak-up and share their questions and concerns. They are elaborated in more detail in [Section 2.1](#).

The first principle is **confidentiality**. All information provided to you by the advice seekers remains with you. If you need to get advice from peers and/or experts, you should do so in anonymized form and with explicit consent from

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<sup>11</sup> Dolan and Bennett, “What Is an Ombudsperson?,” 374–76.

<sup>12</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 12–13.

the advice-seeking person. For these matters, we have some recommendations for you in [Section 2.1.1](#) below.

Another important principle is **impartiality**, which means that you should always provide unbiased feedback, advice, and support. If you have a [conflict of interest](#) in an inquiry or case, you must delegate it to another ombudsperson.

Finally, your work is based on your **independence**. This means that your institution and its structure must not interfere with your ombuds work.

### 1.3 What does my work consist of?

#### 1.3.1 Tasks of ombudspersons

One of your major tasks as an ombudsperson is to **advise** anyone at your institution who seeks advice on issues related to good research practice. Furthermore, ombudspersons handle **allegations of research misconduct or related conflicts** brought to them. These cases can have to do with a broad range of topics such as authorship, data management and especially the use of and access to research data, proper use of sources, and ethical dilemmas. When handling a case, ombudspersons do not deliver a judgement; their role is rather that of advising and, whenever possible, favoring a “solution-oriented conflict mediation.”<sup>13</sup> This may be achieved by trying to get the involved parties to communicate with each other and, if possible, to **handle conflicts** before they escalate.

When there is concrete evidence of research misconduct or violation of the standards of good research practice, you will have to hand over the case to the investigating committee of your institution. For more information on how to distinguish the cases that need to be handed over, please refer to the [statute for good research practice](#) of your institution.

In addition to these procedures, note that there are also the **administrative** tasks that constitute an integral part of the ombuds work, e.g., taking and archiving requests. Practical tips on these aspects can be found in [Section 4](#) of this Toolbox.

#### 1.3.2 Role conflicts

When you get appointed as an ombudsperson, your **other roles** within the university will not cease to exist. For your colleagues, you will remain a fellow researcher, a co-worker, or a friend; for your students, you will remain a professor, teacher, or supervisor. Your role as ombudsperson should ideally not

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<sup>13</sup> Deutsche Forschungsgemeinschaft, 13.

overlap with any of these other roles. While serving, be aware that this can potentially cause difficult situations. This is completely normal and expected and can be dealt with by being open and transparent about the limits and responsibilities that each of these roles carries.

In cases where **conflicts of interest** come into the picture, however, e.g., due to a personal relation of the ombudsperson with one or more of the persons involved, the case must be taken over by another ombudsperson.<sup>14</sup> You can find more on conflicts of interest in [Section 3.2.1](#) of this Toolbox.

In addition, there are various and often contradicting **expectations** with which ombudspersons are approached. To complicate matters, you yourself will also have expectations of your own job as an ombudsperson. Such expected roles can include those of a mediator, a judge, a confessional box, a lawyer, a negotiator, a therapist, or an expert for good research practice – ideally, all in one person.<sup>15</sup> It goes without saying that it is impossible to constantly match all these different expectations. Therefore, it is of crucial importance to be clear about what an ombudsperson can actually do and achieve very early in an ombuds procedure. This way, disappointments on all sides can be prevented. This Toolbox will hopefully help you to familiarize yourself with the framework and extent of your ombuds work.

#### 1.4 What am I not responsible for?

In the following, you will find a number of units that you can (and should) refer to if an inquiry goes beyond the tasks described in the previous sections.

##### 1.4.1 Investigating committees

With regard to cases that entail allegations of **research misconduct**, you are responsible only for a preliminary examination of the allegations. Should you find the allegations to be plausible, the case must be transferred to the investigating committee of your institution. How the investigating committee is structured and how it operates varies from institution to institution. You should be informed about the exact procedures, which can be found in the [statute for good research practice](#) of your institution.

##### 1.4.2 Anti-discrimination offices

You might be contacted for matters in which **discrimination** plays a role. This might come especially in combination with cases of power abuse. For such

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<sup>14</sup> Deutsche Forschungsgemeinschaft, 13.

<sup>15</sup> Steinhauer, “Der Ombudsman als Reputationspolizei?”

inquiries, you should refer the advice seekers to your institution’s anti-discrimination offices that offer specialized counseling and support to people who feel they have been subject to discrimination based on gender, nationality, sexual orientation, ethnicity, etc.

Even if you think that discrimination is one of several factors in a case or inquiry, without being the sole aspect, you should consider **involving** these offices and ask them for advice yourself. You can find a list of these offices in the BUA institutions in [Section 5.8](#) of this Toolbox.

### 1.4.3 Psychological counseling

Consider that experiences of misconduct and power abuse can cause stress, anxiety, and even trauma. Although it might already be helpful to many of the people contacting you to be heard and seen, your role is not that of a **psychological counselor**. For these contexts, institutions may offer initial counseling sessions by professional therapists. These offices are usually separated into services for employees and students. You can find the contact data for these services at the BUA institutions in [Section 5.10](#) of this Toolbox.

### 1.5 Who will be served?

In principle, your service is open to **any member of your institution**, or, in some cases, of the department or faculty where you are appointed. This includes anyone from students to professors. Only “in case there is any concern about conflicts of interest”<sup>16</sup> you must refer an advice seeker to another ombudsperson. You can find more about conflicts of interest in [Section 3.2.1](#). If you wish to seek advice yourself or are the only ombudsperson at your institution you may also refer to the Ombudsgremium für die wissenschaftliche Integrität in Deutschland.

Particularly complicated situations can arise when a case or inquiry involves **more than one institution** or when a party involved in a certain case is affiliated with multiple institutions (e.g., in authorship conflicts or with guest researchers involved). In such cases, you will need to research and cooperate with the relevant institutions to decide which statute applies. Ideally, the local statutes should address their own area of applicability and give clarification about their validity in a particular case. In such cases, too, the Ombudsgremium für die wissenschaftliche Integrität in Deutschland can be contacted upon for providing confidential advice.

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<sup>16</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 12.

## 1.6 What are the rules?

The ultimate and the most binding reference documents for ombudspersons are the statutes of their own institutions, which are bound to implement the requirements of the DFG Code of Conduct. On the European level, The European Code of Conduct for Research Integrity<sup>17</sup> is the binding document for EU-funded projects.<sup>18</sup>

### 1.6.1 Local statutes for good research practice

The statute for good research practice of your home institution is the **legally binding document** that regulates all conditions of your work, from the authority you have to the duration of your term. The DFG Code of Conduct states that “all higher education institutions and non-HEI research institutions must implement levels one and two of guidelines 1 to 19 in the DFG Code of Conduct Guidelines for Safeguarding Good Research Practice in a legally binding manner in accordance with the organizational form of the institution. Compliance with this Code is a prerequisite for receiving DFG funding; institutions that do not implement the guidelines are not eligible for funding.”<sup>19</sup>

The local statutes that result from this requirement must include regulations on the appointment and responsibilities of local ombudspersons. Moreover, the statutes should include definitions of good research practice and research misconduct as well as prescriptions on how to deal with the latter. As these regulations vary from institution to institution, you should familiarize yourself with and regularly [consult them](#).

### 1.6.2 DFG Guidelines for Safeguarding Good Research Practice

The guidelines for ensuring good research practice of the DFG were originally published in the Memorandum of 1998, later edited in 2013. The [Memorandum](#) and especially the [DFG Code of Conduct](#) of 2019 have been the **reference documents** for the German research landscape in matters of research integrity.<sup>20</sup>

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<sup>17</sup> ALLEA - All European Academies, *The European Code of Conduct for Research Integrity - Revised Edition 2023*.

<sup>18</sup> <https://allea.org/code-of-conduct/>. Accessed August 17, 2023.

<sup>19</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 24.

<sup>20</sup> “Good Research Practice.” [www.dfg.de](http://www.dfg.de). Accessed August 15, 2023. [https://www.dfg.de/en/research\\_funding/principles\\_dfg\\_funding/good\\_scientific\\_practice/index.html](https://www.dfg.de/en/research_funding/principles_dfg_funding/good_scientific_practice/index.html).



Guideline 6 of the Code of Conduct<sup>21</sup> sets forth for higher education and non-HE research institutions to have at least one independent ombudsperson who can be consulted for questions regarding good research practice and appealed to in instances of suspected research misconduct. The guideline also sets forth that the institution is to ensure that the ombudsperson is known by the members of that institution.

### 1.6.3 European Code of Conduct for Research Integrity

[The European Code of Conduct for Research Integrity](#) by ALLEA (All European Academies) is now available in a revised edition published in 2023.<sup>22</sup> The Code of Conduct is originally in English but the 2017 edition<sup>23</sup> is available in translation in all official EU languages (you can find the German version [here](#)). It sets the **framework** for self-regulation in research institutions across Europe and is officially recognized by the European Commission “as the reference document for research integrity for EU-funded projects.”<sup>24</sup> Its global definitions, e.g., of good research practice and of research misconduct, might be particularly useful to you.

### 1.7 Central terms

There are three central terms that constitute the backbone of your work: good research practice, questionable research practices, and research misconduct. For diverse reasons, the exact definitions of these terms are constantly being refined, except for research misconduct, which is most clearly defined as FFP (Fabrication, Falsification, Plagiarism). Good research practice, on the other hand, is defined by means of a behavioral code. The notion implies professional and ethical attitude as well as the core principles of integrity, transparency, and adherence to standards, that must be adopted at all times and all levels. In the following, you find some suggestions on how to understand the terms. To find the definitions binding for your work, check the [statutes for good research practice](#) of your institution.

Although **good research practice** is often understood as the mere absence of misconduct or questionable practices in research, the concept stands for much more than that. Generally, standards of good research practice can be

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<sup>21</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 12–13.

<sup>22</sup> ALLEA - All European Academies, *The European Code of Conduct for Research Integrity - Revised Edition 2023*.

<sup>23</sup> ALLEA - All European Academies, *The European Code of Conduct for Research Integrity - Revised Edition*.

<sup>24</sup> <https://allea.org/code-of-conduct/>. Accessed August 17, 2023.

understood as mechanisms serving the “self-monitoring within the research system,”<sup>25</sup> a collective responsibility of researchers.

According to The European Code of Conduct for Research Integrity by ALLEA, the ethical principles at the basis of this self-monitoring are reliability, honesty, respect, and accountability.<sup>26</sup> This translates into research practices that embrace **transparency** (of the methodology), **traceability** (of the research process), and **reproducibility** (of the findings), all depending on the methodological requirements of the specific discipline.

Since these issues are strongly related to the access to research data, **Open Science** is often connected to debates around good research practice. This concerns not only the open publication of research findings (open access), but also of the underlying data, e.g., by committing to the FAIR principles (Findability, Accessibility, Interoperability, and Reuse of digital assets).<sup>27</sup>

These standards of good research practice are violated by research misconduct. **Research misconduct** is often defined as the perpetration of **fabrication** (making up data), **falsification** (manipulating data to support argumentation) or **plagiarism** (taking over content without the correct referencing). Research misconduct has legal implications and any committal of it leads to sanctions within the institution. Any evidence pointing to misconduct shall therefore directly be handed over to the relevant committee.

**Questionable research practices**, on the other hand, amount to a rather broad spectrum of research behaviors that raise questions with regards to research ethics and research integrity. These might include for instance inaccurate referencing, omission of relevant research data, or lack of accurate recording of the research process. The concept has been brought up relatively recently to address research behaviors that cannot be classified as misconduct per se, but still do not comply to standards of good research practice.

At times, questionable research practices can be reversed upon your **intervention** as an ombudsperson. In cases of uncertainty about how to deal with these practices, consult your [local statutes](#) or [investigating committee](#). In addition, you may also seek advice from the Ombudsgremium für die wissenschaftliche Integrität in Deutschland.

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<sup>25</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 4.

<sup>26</sup> ALLEA - All European Academies, *The European Code of Conduct for Research Integrity - Revised Edition 2023*, 5.

<sup>27</sup> Since 2016, the academic network initiative GO FAIR implements access to research data according to these four principles. <https://www.go-fair.org/fair-principles/>. Accessed May 4, 2023.

## 2 What do I need to be an ombudsperson?

It's likely that you will become ombudsperson because your institution asked you to take the office. Usually, you are elected or appointed and will not file a candidacy for the office yourself. There are various competences, attitudes, and expertise that are necessary or at least desirable for the ombuds work. Your responsibilities as an ombudsperson are quite broad, encompassing several different activities and themes. It is completely normal to feel overwhelmed at first. The following sections provide both general principles and links to further materials that can help you get to know more about specific skills.

### 2.1 Attitude and positioning

#### 2.1.1 Discretion and confidentiality

**Confidentiality** is an indispensable principle of the ombuds work. As a matter of principle, you are not allowed to speak openly and by name about your cases, as this can have massive consequences for the persons involved due to the often-sensitive nature of their inquiries and cases.

Even if you need collegial advice yourself, confidentiality remains a fundamental principle of your ombuds work. It is possible, however, to discuss an anonymized case with other ombuds persons. In this case, it is generally recommendable to **ask the advice-seeking person for consent** beforehand and inform them with whom or with which institution you want to discuss which aspects and details of the inquiry. If your institution's statute for good research practice explicitly and without reservation allows the open exchange between colleagues, asking for consent is not necessary.

When discussing inquiries and cases with colleagues or external contact persons, be careful about not sharing any information that allows conclusions about the identity of the involved persons. To achieve this, we generally recommend discussing **abstract cases**. Especially in conversations with colleagues within your own institution, you should consider that key parameters like the research field or position of a person might, in combination, reveal their identity. Carefully weigh the necessity of an information for the understanding of the situation against the dangers to the anonymity of the advice-seeking person. As a strictly confidential external contact point, the Ombudsgremium für die wissenschaftliche Integrität in Deutschland can be a recommendable address in such cases.

The obligation to maintain confidentiality remains in effect also **after the end of your term** as ombudsperson. For the handover of your office to your

successor, this means that you may pass on your notes and information only in anonymized form, unless your statute permits open disclosure.

### 2.1.2 Empathy and professional distance<sup>28</sup>

It may happen that advice seekers will turn to you with accounts that are very stressful for them. In these cases, it may be difficult to put yourself in the other person's shoes and still maintain the necessary **professional distance**. Even in such situations, however, it can make counseling easier if you try to adopt an **empathic attitude** towards all parties involved in order to emphasize your impartiality as well as to create an open and factual starting point for the further processing of the conflict and its resolution. Empathy is also one of the soft skills that ombudspersons should ideally possess. In the ombuds work, this does not contradict professional distance, but rather the two complement each other.

As a facilitator in potentially tense conflicts between several parties, it is crucial that you try to understand all points of view in order to get as clear a picture of the whole situation as possible. Your role is usually to promote **solution-oriented mediation in conflict situations** and help find a **compromise** that is consistent with the principles of good research practice. This does not necessarily involve deciding who is right in a conflict, but rather whether the guidelines and statutes for good research practice have been violated or not. A certain distance is helpful to ensure the necessary impartiality.

For ombudspersons in particular, there is therefore a clear difference between **empathy and sympathy**. As much as you have to empathize with all existing viewpoints within a conflict, you should not be influenced by your own judgments and sympathies or antipathies for any of the parties or viewpoints involved. This is certainly a particularly challenging task, yet the impartiality and trustworthiness it entails are indispensable to the ombuds work. In case of doubt, only the guidelines and regulations for good research practice are the authoritative source, and you can always refer to them.

Nevertheless, unpleasant situations may arise in the course of your work as an ombudsperson, for example if attempts are made to draw you into conflicts, to instrumentalize you or to intimidate you (e.g., with legal threats). It is

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<sup>28</sup> The information in the following sections 2.1.2 and 2.1.3 significantly draws from the presentations by Helga Nolte (Geschäftsstelle für Ombudsangelegenheiten der Universität Hamburg, mediator and coach) and Dr. Veronika Fuest (team- and organizational consultant and coach) at the second and third OBUA workshops on 11.07.2022 and 02.12.2022 at Freie Universität Berlin, entitled "Gute wissenschaftliche Praxis und die Rolle der Ombudspersonen: Herausforderungen und Möglichkeiten" and "Konfliktgesprächsführung und Mediation in der Ombudsarbeit."

completely understandable that such situations will irritate or anger you. However, always be aware that **respect** to people is essential in conflict situations in the ombuds work, some of which may have already escalated. Even if it is difficult: a professional distance and a respectful attitude towards all involved parties are necessary, especially in confrontational moments, and can usually help to alleviate them.

Your institution can also support you, especially in concrete situations of threat. Find out about the **professional support services** offered by your institution. It is also advisable to do so proactively and without a specific cause, so that you know your options for action from the outset. For example, counseling from the [legal office](#) can help you deal with threats, while [psychological counseling](#) can support and follow up on a particularly serious conflict.

### 2.1.3 Accessibility

For advice seekers, it often already proves to be a problem that ombudspersons are either not known as an instance or are not sufficiently visible within their institution. In order to ensure your visibility, there are some important points that your institution, which is responsible for supporting you according to the DFG Guidelines,<sup>29</sup> should consider: first it should be ensured that the ombuds office, if there is any, has a homepage with contact details as well as an office door tag. If there is no ombuds office at your institution, a website with your contact details should be set up.

Most institutions do not have dedicated offices for ombudspersons. Usually, you are a professor, and the consultations take place in your office. However, if your institution has an office designated specifically to your ombuds work or is planning rooms for an ombuds office, it is important to consider where these rooms will be located. The **location of the office** is also an important aspect with regard to accessibility. On the one hand, an ombuds office should be located as centrally as possible on campus to ensure it is readily accessible. On the other hand, it should be far away from governing bodies to signal neutrality and ensure distance – if the office is located on the same corridor as the offices of, e.g., the President’s offices, it can be a significant barrier for whistleblowers to approach an ombudsperson.

Your office is the place where the solution-oriented conflict mediations and counseling sessions are held and confidential data are stored. Thus, it should be

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<sup>29</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 12.

a lockable room that is used exclusively by you. At best, you should also have office hours and ensure that you are accessible to receive advice seekers at short notice when they contact you in person or by e-mail. You can find more detailed information on practical implementation in the sections on [contacts with advice seekers](#) and [room set-up](#).

## 2.2 Skills

### 2.2.1 Advising

A large portion of the matters you deal with as an ombudsperson are not conflicts (in which mediation is requested) or allegations of research misconduct (which are to be verified), but inquiries about good research practice and related issues. In such cases, your major task is to provide advice. The importance of this activity should not be underestimated: factual and supportive advice can restore a discouraged person's agency.

In general, it is important for all parties involved that the counseling process is as clear, transparent, and constructive as possible at all steps. First, clarify the **objectives** of the person seeking advice: what exactly do they want to gain and for what purpose? Together, define the goal of the counseling as clearly as possible. At the beginning of the consultation, you should first take in the information from the person seeking advice in a structured manner and take notes. **Active listening and inquiring** are substantial elements of counseling and conflict discussion and are very helpful here.

Once you are clear on the concerns and gathered sufficient information, you can make **recommendations for action**. It is essential that you always stick to the rules of good research practice, for which you are responsible as an ombudsperson. For other topics, there are **specialized counseling offices** at your institution to which you should refer the advice seekers, e.g., the study or career counseling office, anti-discrimination offices, the examination offices, or the legal office. An overview of relevant offices within the BUA partner institutions can be found in [Section 5](#) of this Toolbox.

At the end of the consultation, you should **note the results** and ask whether the questions discussed in advance have been clarified. If the person does not decide to involve you in the next steps (for example, a solution-oriented conflict mediation or a detailed preliminary examination), your work as an ombudsperson ends here for the time being. Often, even when misconduct is observed, advice seekers decide against taking further steps. It is important to be aware that this can be frustrating for you as an ombudsperson. For the advice seekers, however, it is often helpful to have their concerns heard.

As with all aspects of the ombuds work, your consultations should be completely confidential and independent. If you identify a conflict of interest in an inquiry, refer the advice seeker to a colleague (see also [Section 3.2.1](#)).

If you would like to learn more about advising beyond these tips, we recommend consulting the **literature on the topic**, for example the *Handreichung für Ombudspersonen an hochschulischen und außerhochschulischen Forschungseinrichtungen*<sup>30</sup> and the *Handbuch Studienberatung*.<sup>31</sup> Here, counseling methods and formats in the university context are presented in detail. The Gesellschaft für Information, Beratung und Therapie an Hochschulen also maintains a [database of advanced training offers for advisors](#). However, this offer is only open to members. Many advanced training courses are also subject to a fee and are long-term in nature.

## 2.2.2 Mediation aspects in the ombuds work<sup>32</sup>

As much as ombuds work is about providing advice as well as investigating allegations of research misconduct, it is also about solution-oriented conflict mediation, in which instruments of mediation are also applied.<sup>33</sup> Many of the cases that are brought to ombudspersons have to do with conflicts regarding issues such as authorship, research supervision, usage of and access to research data, etc. In these cases, the most important task of the ombudsperson is to bring the parties involved into **conversation** and to support them in **clarifying or finding solutions** as well as in implementing them. However, ombudspersons are generally not trained mediators, which is why this aspect of the work can initially seem overwhelming.

The preliminary phase of the ombuds procedure takes place through **confidential individual discussions** with the persons involved. In this phase, the parties should be thoroughly informed about the principles of the ombuds procedure. In doing so, it is important that you are completely transparent and

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<sup>30</sup> Netzwerk der Ombudsstellen in der Wissenschaft et al., *Handreichung für Ombudspersonen an hochschulischen und außerhochschulischen Forschungseinrichtungen*, 35–38.

<sup>31</sup> Grüneberg et al., *Handbuch Studienberatung*.

<sup>32</sup> The information in this section mainly draws from the presentations by the professional trainers Helga Nolte (mediator and coach) and Dr. Veronika Fuest (team- and organizational consultant and coach) at the second OBUA workshop on 02.12.2022 at Freie Universität Berlin, entitled “Konfliktgesprächsführung und Mediation in der Ombudsarbeit.”

<sup>33</sup> Even if aspects of mediation play a role in the ombuds work, ombudspersons do not offer mediation in the narrower sense. Mediation is a fixed term for a procedure that is regulated by law via the German Mediation Act (Mediationsgesetz 2012). Mediationsgesetz vom 21. Juli 2012 (BGBl. I S. 1577), das durch Artikel 135 der Verordnung vom 31. August 2015 (BGBl. I S. 1474) geändert worden ist.

clearly explain what individual steps can or must be taken and what your role is throughout the process. This also includes the limits of your authority, including the fact that you must hand over a matter to the relevant investigating committee as soon as a suspicion of research misconduct is confirmed. In doing so, you should clarify the willingness of all parties to participate as well as guarantee the binding nature of the process and carefully document it all throughout.

After initial clarification of queries with the inquiring person, the parties should be invited to a **joint discussion**. The consent of the inquiring person is to be obtained before contact can be made with the other party. At this stage, you may wonder if there is any room for mediation at all due to the parties' apparent lack of agreement. One-on-one meetings may be held, or individuals may be asked to provide written statements. You should therefore first assess the **intensity and nature of the conflict** and **the parties' willingness to compromise**. When classifying conflicts, for example, you can use the *Phasenmodell der Eskalation* developed by Friedrich Glasl,<sup>34</sup> which offers various strategies based on the so-called "escalation phases" of conflicts.<sup>35</sup>

During the joint conversations, certain **principles of conversation management** should be observed. At first, summarize the reason for the discussion briefly and make the content of the conflict clear. By asking relevant questions, you ensure that everyone agrees with the summary of the contents. After you have given the parties their opportunity to speak, you should make sure that everyone is given an equal share of time and that you listen actively and ask questions to ensure understanding. In general, it is important that you express yourself clearly and choose your words carefully.

In addition, the **room set-up** can be supportive during the conversation. It should take place in an appropriate environment that is free from disturbances, e.g., interfering noise or suboptimal lighting conditions. The parties should have adequate and comparable seating, water and glasses within reach, and there should be space on the tables for writing materials, documents, etc. During the conversation, a flip chart or a whiteboard can also help to list and check off the items to be discussed so that no item is overlooked, and the discussion can proceed in order.

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<sup>34</sup> Glasl, *Konfliktmanagement*.

<sup>35</sup> A practice-oriented transfer of Glasl's model to ombuds work can be found in: Netzwerk der Ombudsstellen in der Wissenschaft et al., *Handreichung für Ombudspersonen an hochschulischen und außerhochschulischen Forschungseinrichtungen*, 27–29.



As a short example of mediation and conversation in academic contexts, we also recommend the [instructional videos on Difficult Conversations](#) from the Office of Equity and Inclusion of Dalhousie University, where you can find further helpful suggestions.

## 2.3 Expertise

As a university member, who is also an ombudsperson on the side, you cannot be fully aware of all aspects of the ombuds work. Therefore, it is highly recommended that you **consult regularly with your fellow ombudspersons (in anonymized form)**. If you feel like you need collegial consultations beyond your institution, you will find some helpful networks in [Section 6](#) of this Toolbox.

While collegial consultation is highly recommended during your activity, there are two topics you should already be well familiar with at the beginning of your term as ombudsperson: the principles of good research practice and the structure of your own institution. Below are some tips and materials that can help you with this.

### 2.3.1 Good research practice

Matters relating to good research practice are at the very foundation of the expertise that is expected of you. To familiarize yourself further in this area, you can consult the already rich **literature and debate** on the topic. As a first point of contact for this, you might want to take a look at the publications of the [Ombudsgremium für die wissenschaftliche Integrität in Deutschland](#) as well as the DFG's [Guidelines for Safeguarding Good Research Practice](#).

The Ombudsgremium für die wissenschaftliche Integrität in Deutschland also provides a list of [teaching materials](#) on the topic, including a [curriculum](#)<sup>36</sup> for current and prospective trainers on good research practice developed by Gelinde Sponholz, which covers all topics relevant to teaching good research practice, such as authorship and research data management. Since ombudspersons will often also take on the role of trainers and advisors during their term, these resources can be useful not only for building their own skills, but also as **potential teaching materials**.

To get familiar with the relevant debates, it is also worth looking at the **global level**. Different countries have their own systems and mechanisms for preventing research misconduct, based on different conceptualizations from a growing global literature. Being roughly familiar with these debates also helps

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<sup>36</sup> Sponholz, "Curriculum für Lehrveranstaltungen zur guten wissenschaftlichen Praxis - Erweiterte und überarbeitete Fassung."

in case you are confronted on a practical level with concerns that lie at the intersection of different systems (e.g., when institutions or researchers from different countries are involved).

For the European research landscape, ombudspersons can take advantage of the publications as well as the training offered by the [European Network of Research Integrity Offices \(ENRIO\)](#). ENRIO also holds a biennial congress for research integrity officers at the European level. ENRIO's [Path2Integrity](#) project aims to promote a common framework for research integrity in the European research landscape, not least by encouraging the inclusion of research integrity in the teaching curricula of the different European countries. You can access the handbooks developed for this purpose [online](#). There is also a [training program](#) for trainers in the field of research integrity, available free of charge online. In addition, the EU-funded [Embassy of Good Science](#) offers an extensive database of resources on research integrity, including a collection of [case studies from the ombuds work](#).

### 2.3.2 Institutional knowledge

You are located within the complex networks and hierarchies of your own institution's organizational structures and will be confronted with requests from advice seekers that fall within the scope of a wide range of other offices. Consequently, you should have a solid knowledge of your own institution's **organizational structures, procedures, and mechanisms**.

On the one hand, this concerns the knowledge of the relevant personnel and structural dynamics that can have an impact on a case. No source can just provide you with this knowledge, but it can be helpful to draw on your existing institutional networks.

On the other hand, you need to **know about the procedures as well as the units** responsible for safeguarding good research practice and dealing with allegations of research misconduct. There are also other units, such as the anti-discrimination offices, about whose services, tasks, and competences you should be informed. For members of the BUA institutions, you can find a comprehensive overview of these units in [Section 5](#) of this Toolbox.

If you want to facilitate your own workflow as well as the work of your successors and colleagues, consider building an [institutional memory](#). You will find suggestions for this at the end of this Toolbox.

### 3 New in office: Tips for the first steps

The **handing-over of office** between two ombudspersons is a particularly important time, as it is usually the only opportunity for the [transfer of practical knowledge](#) about the work within the institution.

Yet, many newly appointed ombudspersons find themselves in cold water without guidance.<sup>37</sup> There is often even a gap between the end of the outgoing ombudsperson's term of office and the handover to the new ombudsperson, so that no onboarding can take place. The following chapter will give you some **tips** on how to set up your office as an ombudsperson and will also raise some **questions** that you should consider in your first days in the office.

#### 3.1 Creating a safe environment

##### 3.1.1 How do I establish confidentiality?

The **confidentiality of your exchanges** with advice seekers is an indispensable basis and one of the core aspects of the ombuds work. In the inquiries and cases that will reach you, dependencies and possible disadvantages often play a role. Many people seeking advice therefore want to remain anonymous for good reason.<sup>38</sup> There is also often uncertainty about how the ombuds procedure works in the first place.

Experience shows that the imperative of confidentiality always leads to the question of how ombudspersons can consult each other. You will not have an answer to every question and, accordingly, will find yourself in situations where you may want to **ask colleagues for advice**, be they other ombudspersons, experts of good research practice, or other advisory bodies within your institution. You may also find that a case spans the term of more than one

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<sup>37</sup> This was researched in various surveys. See Beier und Nolte Beier and Nolte, "Rahmenbedingungen und Herausforderungen für die Arbeit von Ombudspersonen an Hochschulen und außerhochschulischen Forschungseinrichtungen in Deutschland. Ergebnisse einer explorativen Umfrage," and Olivieri, "Ombuds-Modelle@BUA: Internal Final Report."

<sup>38</sup> This is reflected, for example, in data from the Ombudsgremium für wissenschaftliche Integrität in Deutschland. See, e.g. Hjördis Czesnick, "Supporting Researchers in Cases of Conflict – How Ombudspersons Contribute to the Prevention of Scientific Misconduct" (Conference Presentation, 6th World Conference on Research Integrity (Concurrent Sessions 17), Hong Kong, June 4, 2019), Slide 13, and Czesnick, "Sind anonyme Hinweise auf wissenschaftliches Fehlverhalten ein Problem? – Eine Einschätzung aus Sicht des „Ombudsman für die Wissenschaft“,“ 145. This is reflected, for example, in data from the Ombudsgremium für die wissenschaftliche Integrität in Deutschland. See, e.g. Hjördis Czesnick, "Supporting Researchers in Cases of Conflict – How Ombudspersons Contribute to the Prevention of Scientific Misconduct" (Conference Presentation, 6th World Conference on Research Integrity (Concurrent Sessions 17), Hong Kong, June 4, 2019), Slide 13, and Czesnick, "Sind anonyme Hinweise auf wissenschaftliches Fehlverhalten ein Problem? – Eine Einschätzung aus Sicht des „Ombudsman für die Wissenschaft“,“ 145.

ombudsperson, and that you “inherit” a case from your predecessor and need to collect information from the ombudsperson who was in office before you.

This means that you will have to decide on a case-by-case basis what information you want to share, and with whom, that are necessary for exchange and research on a case. In principle, the exchange should always take place **in an anonymized form**, unless the statute in place at your institution states otherwise. Keep in mind that anonymization does not only concern the name of the person but, depending on the context, may also include all relevant information that could lead to the identification of the person in question. Furthermore, you should ask the advice seeker for their consent beforehand and let them know which information you plan to share with whom and for which purpose.

### 3.1.2 Working in independent and secure IT networks

Part of your communication with advice seekers will probably take place in the digital realm, be it via e-mail or video communication. Here, it is important to note that stored data about the case must be appropriately secured with **passwords** to which only you have access. The security standards at German public research institutions usually satisfy the guidelines for encrypted communication required under the General Data Protection Regulation (GDPR)<sup>39</sup> (see also [Section 4.3.3](#)). It is thus recommended to communicate exclusively via **functional addresses** and **video or chat platforms** approved by your institution in the context of your ombuds work.

In the case of ombuds work, there is another aspect: **other units within your institution**, e.g., the local IT unit, should also not have access to your communication due to the particularly sensitive nature of your work, in order to ensure absolute confidentiality also (and especially) within the institution. The same applies to the **printers** you use in your ombuds work. Ideally, you should not work with network printers. In the case of shared printers, make sure you never forget confidential documents in the delivery unit.

As the encryption standards of the communication platforms and servers used in Berlin institutions differ, we cannot provide you with any generally applicable information here. When taking up your office, you should contact **your local IT department** to ensure from whom your official communication

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<sup>39</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ 2016 L 119/1.

channels are protected (for members of the BUA institutions, you will find the contact details in [Section 5.6](#)). Ideally, you should communicate with the advice seekers exclusively via end-to-end encryption.

### 3.2 Establishing independent structures

In most cases, **the steps of the ombuds procedure** will be more or less predefined by your institution. Usually this is done in the statute for good research practice. It is therefore neither your responsibility nor in your power to change the basic course of the procedure.

In addition to the confidentiality mentioned above, an independent process is also a core principle of ombuds work. It is therefore worthwhile to check the system established (or to be established) at your institution for possible **dependencies and conflicts of interest** between you and other actors as soon as you take office.

#### 3.2.1 Reporting systems and conflicts of interest

Although the regulations and statutes for good research practice differ from institution to institution, the procedure for suspected cases of research misconduct usually looks like this:<sup>40</sup>

- a. A person becomes aware of or is involved in **suspected research misconduct** or is involved in a **conflict situation** that relates to good research practice.
- b. The person contacts an **ombudsperson** within their institution and describes the suspected case.
- c. The ombudsperson makes a **preliminary examination** in which they hear both sides (the person making the allegation and the person affected by the allegation) and verify whether there is a suspicion of research misconduct.
  - Optional: If the institution has an **ombuds office**, inquiries usually reach the ombuds office first, which then contacts the ombudspersons. If the ombudsperson receives the inquiry first, they may contact their ombuds office for questions about the case.
- d. If the case concerns more of a **conflict situation**, the ombudsperson organizes confidential individual conversations and, after obtaining the consent of the person making the request, invites the parties to a joint

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<sup>40</sup> This describes only the procedure within a given institution and does not concern alternative contact points such as the Ombudsgremium für die wissenschaftliche Integrität in Deutschland.

discussion to promote a solution-oriented mediation (see [Section 2.2.2](#)).

- e. Should the suspicion of research misconduct be substantiated, the ombudsperson will pass the case on to the **investigating committee**<sup>41</sup> within the institution, which then conducts a formal investigation.
- f. Should the formal investigation conclude that research misconduct has occurred, it will recommend sanctions in a **final report** adapted to the nature and severity of the violation.
- g. The report is submitted to the **governing body** of the institution, which makes a final decision on sanctioning.

Even if you as an ombudsperson are involved relatively early within this reporting system, you should always check whether you can identify conflicts of interest between yourself and the other parties and / or units involved. Do any of your [roles](#) (as a researcher, colleague, another function, etc.) conflict with one of the roles of the other parties involved (whistleblower, affected party, member of the investigating committee, etc.)?

Note also that **bias** is already legally defined as a circumstance “that is likely to justify distrust of the impartial exercise of office.”<sup>42</sup> It is therefore sufficient that a connection could be perceived as a conflict of interest to certify that an ombudsperson is biased. Although this definition refers to official administrative procedures, which does not include ombuds work, it shows how the matter of conflicts of interest requires a sensitive approach.<sup>43</sup>

If in a case you identify a conflict of interest **with the person making the allegation and/or the person affected by the allegations**, you must address this and refer the case to another ombudsperson or to the supra-regional Ombudsgremium für die wissenschaftliche Integrität in Deutschland.

If you identify a conflict of interest during the further reporting, for example with **members of the investigating committee**, you should raise this matter with your fellow ombudspersons, your ombuds office or the responsible actors at your institution who are dealing with the matter. As an ombudsperson, you

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<sup>41</sup> Depending on the institution, there may be different names for this body, e.g., Kommission zur Überprüfung von Vorwürfen wissenschaftlichen Fehlverhaltens (“Committee for the review of allegations of scientific misconduct” at HU) or Ständige Untersuchungskommission (“Permanent investigating committee” at Charité).

<sup>42</sup> See “Verwaltungsverfahrensgesetz in der Fassung der Bekanntmachung vom 23. Januar 2003 (BGBl. I S. 102), das zuletzt durch Artikel 24 Absatz 3 des Gesetzes vom 25. Juni 2021 (BGBl. I S. 2154) geändert worden ist” (1976), §21(1).

<sup>43</sup> Faupel and Schulz, “Verfahrensregeln und rechtliche Grundsätze in der Ombudsarbeit.”

yourself have no influence on the composition of the committees, but it is important to point out the relevant conflicts in the reporting system within the institution.

### 3.2.2 Framework for action for different scenarios

The **principles of your work** as an ombudsperson are bindingly laid down in your institution's statutes for good research practice and in the DFG Guidelines. Any decisions that ombudspersons make must be in line with the principles of good research practice defined therein. However, the path leading to the decision is informed also by other aspects, such as the knowledge of the local reality, the research community and its dynamics, the discipline-specific aspects, and of course the circumstances of the specific situation being handled. To ensure that these decisions remain comparable and fair, it may be advisable to write down a framework for action as you go along, recording how you might proceed in different scenarios.

Here you could, for example, reflect on how you define your **role as an advisor** in the inquiries that reach you as an ombudsperson. What are the limits of your role as an advisor? On which topics can you provide information, on which topics do you refer to other contact points? How far do you want to accompany the advice seekers – for example, do you leave them at an initial information session, or do you take the person by their hand and accompany them through the next steps? If you clarify these questions for yourself from the outset and communicate them transparently to the advice seeker, you can level your own expectations with those of your counterpart.

Delineating your work in the **preliminary examination** can be a helpful framework for action. How do you approach the examination of the information? When do you listen to which party? If suspicions are confirmed: when can questionable practices still be corrected (and how?), when not? Do your institution's regulations clearly state under which circumstances you will turn the case over to the investigating committee? For reflection on your role and a transparent approach, it can be helpful to compare these questions from time to time with your experience of past cases and proven (or unproven) strategies.

In **conflict situations**, a framework for action can also help all parties to feel that they are all being treated fairly. In [Section 2.2.2](#) of this Toolbox you will find some basic advice and materials on this topic that may be helpful to you. In addition, you can also delineate the contents of your solution-oriented mediation process: in which instances or for which allegations do you propose solution-oriented mediation? What do you do if one of the parties refuses such mediation? How do you determine the goals of a solution-oriented mediation?

When is mediation finished for you and who determines the success or failure of the process? How do you record the results of your intervention?

Most of these questions are probably not clarified in the statutes of your institution. Besides, there are no generally valid answers to many of them – most aspects of the ombuds work **depend on the specific case**. Nevertheless, it may be worth addressing these questions over the course of your term to keep your process comparable and transparent in different scenarios. If you handle too few cases and inquiries to develop your own routine, consulting with other ombudspersons or taking a look at the forum [Wissenschaftliche Integrität](#) may help. While you are at it, also consider recording your responses to these questions in the form of an [institutional memory](#). You will find hints on how to do this at the end of this Toolbox.

### 3.3 Offering an accessible contact point

#### 3.3.1 Make yourself known

The **DFG Guidelines** state that higher education and non-HE research institutions “take sufficient care to ensure that people are aware of who the ombudspersons at the institution are.”<sup>44</sup> The need to actively make ombudspersons visible should not be underestimated: often members of an institution are not even aware that they exist.

There are two main measures that ombudspersons and their institutions can take to ensure their visibility. Ensure that the ombuds office, if there is any, has a **homepage with contact details and office hours**. If there is no ombuds office at the institution, the institution’s website should include a page with contact details of the central or decentralized ombudspersons, ideally combined with a detailed description of their tasks and a photo.

Institutions should also **publicly announce** whenever a new ombudsperson is appointed to the office. This should be done via all available channels, i.e., on the homepage, through postings, via internal newsletters, and in the institution’s social media accounts.

In addition, the Ombudsgremium für die wissenschaftliche Integrität in Deutschland maintains a **public list of ombudspersons for good research practice working at German institutions** which can be accessed via [this link](#). It is advisable to inform their office about new appointments as well.

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<sup>44</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 12.



### 3.3.2 Room set-up<sup>45</sup>

Most institutions do not have dedicated offices for ombudspersons. Usually, you are a professor, and the consultations take place in your office. However, if your institution has an office designated specifically to your ombuds work or is planning rooms for an ombuds office, below are some tips for you or your institution to consider.

As have we described in [Section 2.1.3](#), the location of the office also influences the accessibility of your service. The **furnishing** of the office, in turn, should be adapted to the general requirements of counseling and mediation meetings: sufficient illumination, appropriate seating, and a tidy look. Also keep in mind that as an ombudsperson, you are often a first point of contact for people in extremely stressful situations. A calming environment can help to alleviate difficult situations.

Part of setting up the office is ensuring the **security** of the documents stored there. Since the ombuds work often involves handling confidential documents, the office should ideally be accessible only to you or at least have lockable cabinets in which to store documents (see also [Section 4.3.3](#)).

### 3.3.3 Accessible communication

Communication with whistleblowers and advice seekers can also be tailored in an accessible manner. This means, for example, offering conversations in different **languages**, especially English, and using simple language.

Furthermore, it is also beneficial for all parties involved if advising and communication are as **clear and solution-oriented** as possible. A clear understanding of what you can and cannot do as an ombudsperson, for example, will help whistleblowers to frame your work. This requires a high degree of reflection on your role as an ombudsperson and on the exact procedures of the ombuds work.

A clearly formulated repertoire of possible **steps and strategies** that can be used in different scenarios can also help you to offer solutions to advice seekers already during the consultation, which both suits the expectations of the advice seeker and makes your own work easier.

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<sup>45</sup> We would like to thank Helga Nolte (Geschäftsstelle für Ombudsangelegenheiten der Universität Hamburg) for her comments on this point.

### 3.4 Promoting fairness and constructive change

Beyond your core activities of providing advice and examining allegations of research misconduct, you as an ombudsperson can also play a key role in promoting a culture of research integrity within your institution. This role tends to fall to more experienced, or even former, ombudspersons. However, it may be worth reflecting on this from the very beginning of the office. In the following, you will find some thoughts and hints on how this role can be designed in a practical way.

#### 3.4.1 Institutional ombuds offices

It is now more common for large academic institutions in German to set up **central or coordination ombuds offices**, in addition to having central and/or decentralized ombudspersons.<sup>46</sup> In Berlin, for example, these include the [Office for Research Integrity](#) at Charité – Universitätsmedizin Berlin and the [Coordination Office for Research Integrity](#) at Freie Universität Berlin.

Among other things, these offices serve as the **first contact point** for advice seekers within their institution. The staff of the ombuds office offers counseling, not only for inquirers, but also for ombudspersons. They often deal with inquiries at an early stage and thus reduce the workload of the ombudspersons. In addition, the staff of the offices can **support** the ombudspersons of their institution with their institutional knowledge, especially on issues on which you as an ombudsperson do not (yet) have expertise or which fall within the area of responsibility of other offices within the institution.

Institutional ombuds offices can therefore make the work of ombudspersons considerably easier. When it comes to providing expertise and building networks, you can also make use of existing [supra-regional offers](#).

#### 3.4.2 Promoting a culture of good research practice

By regularly handling inquiries about good research practice and allegations of research misconduct, you as an ombudsperson can build up a **unique practical experience** that makes you an expert on related matters. As such, you potentially play a key role in promoting a culture of good research practice within your institutions and beyond.

In addition to the potential involvement in **institutional strategy development**, this promotion can take place, for example, by passing on your

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<sup>46</sup> See Czesnick, "Die Professionalisierung des Ombudswesens zur Stärkung einer Kultur wissenschaftlicher Integrität."

expertise in the form of **training courses, information events or as part of exchange activities** on the topic of good research practice. By successively sharing this knowledge at all levels, from undergraduates to professors, long-term awareness of research integrity can be created, and instances of research misconduct reduced.

In order to become a trainer for good research practice yourself, it is clearly necessary to build your own expertise in advance. You have access to an increasing number of training and networking opportunities that can help you build up new skills in this area. Some information on materials and platforms that support you in this process can be found in [Section 2.3.1](#) and in [Appendix I](#) of this Toolbox. An overview of which institutions within the Berlin University Alliance are already responsible for teaching good research practice can be found in [Section 5.2.1](#).

### 3.4.3 Contact with the management level

For a sustainable ombuds work and the promotion of a culture of good research practice, a trustful and respectful **communication** between management level and ombudspersons is important, as both sides depend on each other's support.

Ombudspersons need the support of the management level, especially in terms of **resources and authority**.<sup>47</sup> Furthermore, ombudspersons may get into institutional conflicts. In such cases, the **support of the management** is crucial: as an ombudsperson, you are a representative of your institution and should be supported accordingly.

It is difficult to give practical recommendations on how exactly to establish the trusting and respectful interaction that is necessary for such cooperation. Nevertheless, you should keep this mutual support in mind and, if necessary, also demand it when you are in contact with the management level of your institution.

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<sup>47</sup> Deutsche Forschungsgemeinschaft, *Code of Conduct*, 12.

## 4 Administrative aspects of the ombuds work: From making appointments to data protection

In addition to the substantive tasks mentioned so far, working as an ombudsperson also entails a certain amount of administrative work. If you work at an institution where an **office** coordinates the ombuds work, you will probably be relieved of a considerable part of this work: offices often serve as the first point of contact and thus handle much of the correspondence with whistleblowers and advice seekers, in addition to providing advice. They can also function as an institutional memory and be responsible for further recordkeeping.

Whether supported by an office or not, you will organize many administrative aspects of your job yourself. In the following, you find some practical tips on these aspects.

### 4.1 In-person meetings

In-person meetings have the advantage that they offer all parties involved a safe space to describe a concern or a case openly and personally. This can reduce misunderstandings and alleviate anxiety, especially in sensitive and complex cases. You should therefore always consider in-person meetings, especially for an **initial contact**, although they are often more difficult to organize and involve a greater time commitment than other forms of correspondence.

Contact via e-mail is usually unavoidable for scheduling appointments, and you should follow the [privacy guidelines](#) below. **Open in-person or phone office hours** at set times, posted on your website and possibly outside your office, can help circumvent this.

**Appointment scheduling** should also be made exclusively via you as the ombudsperson. Even if your other appointments are managed by a secretary, this should not apply to the meetings you have in your capacity as ombudsperson due to the special discretion required in the ombuds work. If your institution has an ombuds office, appointments might be arranged via the staff there.

During an in-person meeting, it will usually be necessary for you to take **notes** to serve as an aid to memory. Although this may be indispensable as a basis for later follow-ups, you should always ask the person giving the information for consent and point out to them the purpose for which the notes are being taken. Keep in mind that your notes are subject to the same [privacy standards](#) as correspondence by mail.

The most important basic requirement for in-person meetings is, of course, an **office**, either your usual office or one that has been set up for you as an ombudsperson. For practical advice on how to set up an office, see [Section 3.3.2](#).

#### 4.2 Digital correspondence: E-mails, phone, and video calls

Telephone calls or video calls can be useful alternatives to in-person meetings, as complex issues can often be clarified more quickly. However, to ensure that these formats provide a sufficiently secure space, it is important that you follow the **standards of your institution** when choosing the medium.

For **phone calls**, this means that at best you should use your office landline instead of a private or work mobile phone. If you do not have an alternative to using a mobile phone, make sure to delete the call log afterwards. If you are unsure about the security standards of your work phone before making a particularly sensitive call, check with your [IT department](#).

For **video calls**, too, you should always use the platform that is officially implemented at your institution (e.g., Cisco Webex, Zoom, etc.). If you are unsure which platform this is, or if no platform has been officially implemented at your institution, contact your [IT department](#) in advance.

Much of your communication with whistleblowers and advice seekers will likely be through e-mails, even if you choose to meet in person or virtually. You should also exclusively use an **institutional e-mail address** for these exchanges.

In addition, setting up a **functional e-mail address** specifically for your role as an ombudsperson may be advisable. This can distinguish your ombuds activities from your other duties and they can be displayed directly on your institutional employees' webpage. Furthermore, a functional address is transferable beyond your term of office, which can make it easier for advice seekers whose concerns persist beyond the end of your term to contact the serving ombudsperson. If you decide to pursue this path, check with your [IT department](#) to see if it is possible to set up a functional address.

#### 4.3 What should I consider on the subject of data protection?<sup>48</sup>

The following section can help you develop a GDPR-compliant strategy for communication and file management. Don't be discouraged by the complexity of this subject: the good news is that **no forms or contracts are required**, just the

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<sup>48</sup> The information in Section 4.3 was compiled in cooperation with the data protection officers of Freie Universität Berlin, Dr. Karsten Kinast LL.M. and Manuel Leidinger.

[data privacy information](#) on your institution's website and a [secure storage](#) of your communications and notes.

More detailed definitions of terms and principles of data protection can be found in the [Appendix II](#) at the end of this Toolbox. In addition, you can always contact your institution's [data protection officers](#) with specific questions. Please note, however, that the [principle of confidentiality](#) always applies in the ombuds work; with regard to this we have compiled some information which you may find above.

#### 4.3.1 What should be considered before the initial contact with advice seekers?

Since you already process personal data within the framework of the GDPR when you first contact an advice seeker, the **data protection information** is required in advance. A link on your institution's website is sufficient for this, which will normally be the case. Usually, this link is placed at the very top or bottom of the website. If your institution's website does not contain any data protection information, you will find some instructions in [Appendix II](#) of this toolbox on how to create an appropriate disclaimer on your contact page yourself.

#### 4.3.2 When must case records be deleted?

The principle of storage limitation states that data may be kept and processed for as long as the purpose of the data processing requires. Since the purpose of the processing is your consultation and processing of cases and inquiries, the **decision** on when to delete the data (i.e., when your work is finished) is yours.

Keep in mind that experience shows that some procedures have unforeseeable repercussions, e.g., because advice seekers contact you (or your successor) again after a long period. Therefore, be generous with your erasure periods and keep notes and e-mails for as long as you consider necessary.

To protect yourself under the data protection regulations, it is advisable to create a **deletion concept** for your notes and e-mails at the beginning of your work or to have it created by the data protection officers of your institution (LINK). The deletion concept should state:

- How long do you keep the data? – It is advisable to state here as a deadline (i.e., as fulfillment of the purpose of use) in principle only the **ombuds work**. This gives you discretion as to when the deletion must take place.
- How is the deletion done technically? – For the deletion of **e-mails**, this depends on your institution's IT system. As a rule, you should destroy **notes**

**or printed material** using a document shredder instead of throwing them in the paper trash.

#### 4.3.3 How do I ensure the security of the data?

The General Data Protection Regulation stipulates that adequate security of personal data should be ensured during processing. Most of the “appropriate technical and organizational measures” (Art. 28 (1) GDPR) required for this purpose are usually already in place at your institution; you can take care of others yourself.

By **technical measures** are meant, for example:

- The security of the **IT systems** used, such as the check of the availability (e.g., backups, firewalls, anti-virus software), entry control (securing servers or terminals), and access control (e.g., separate access rights, two-factor authentication, secure passwords, encryption, file and data carrier destruction).
- The security of the building, e.g., through fire protection and security guards as well as access restriction and control.

As long as you communicate from work computers via institutional e-mail addresses and keep your files in a lockable single office at your institution, there is **no need for action** on your part here.

**Organizational measures** are procedures for employees that are in place to protect the processing of personal data. Some of these are probably already implemented at your institution, such as an agreement on confidentiality of data, which is usually part of your employment contract in the public sector. Furthermore, you should always ensure a **clean desk policy** in your office, e.g., shut down the password-protected computer when leaving the workplace and keep your notes in locked cabinets.

#### 4.3.4 What do I do if the security of the data has been breached?

Personal data breach means a “breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed” (Art. 28(12) GDPR). For electronically stored data, this could be either an **attack** on or an **identified security breach** in the network of your institution. For handwritten notes or physical files, this may be a **break-in at your office** or the **suspected loss** of the records.

Should a relevant incident occur with regard to stored personal data that is likely to result in a **risk to the rights and freedoms of the data subjects**,

inform your [data protection officers](#) immediately, who will advise you on the necessary further steps.



## 5 Institutional infrastructure: How does my institution support me?<sup>49</sup>

Some aspects of your ombuds work may fall beyond your professional expertise and you might need support in handling inquiries and cases. This is perfectly fine, and your institution has various structures that can assist both you and the advice seekers. The following section lists offices and services at the four BUA universities that may be relevant to your ombuds work. The links to the websites are embedded in the relevant sections and may be accessed by clicking on the headings. Whenever available, the English version of the websites is provided.

### 5.1 Local regulations for good research practice

Your institution's statute to ensure good research practice constitutes the most important guideline for your work. The roles and procedural aspects as well as the appointment procedures of ombudspersons are regulated by these documents. The local regulations are a fundamental document for your ombuds work, so we recommend familiarizing yourself with them. Please note that the German version of these documents is the legally binding version; the English translations, if available, may be used for reference.

#### [Statute for Safeguarding Good Scientific Practice \(FU\)](#)

The current statute of FU was published in December 2020 and most matters related to ombudspersons are regulated by article 3. It distinguishes the roles of central and departmental ombudspersons and regulates their terms of office as well as their appointment procedures. You can find the statute in its current form [here](#).

#### [Statute for Safeguarding Good Scientific Practice and Dealing with Allegations of Scientific Misconduct \(HU\)](#)

The current statute of HU is from March 2023 and the matters related to ombudspersons are regulated by article 11. The article regulates the term of office as well as the appointment procedures and defines the role of ombudspersons. You can find the statute in its current form [here](#).

#### [Guidelines and Executive Prescriptions on Safeguarding Good Research Practice \(TU\)](#)

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<sup>49</sup> Please note that the links and the contact information included in this section are updated as of September 2023 and should be checked to ensure you see the latest version. We thank all the offices and institutions mentioned for providing us with confirmation, clarification, and feedback while writing this section.

The current statute of TU is from May 2023 and the matters related to ombudspersons are regulated by section 10. It answers questions related to the term of office and the appointment procedures, defines the institutional support for ombudspersons as well as the conditions for the termination of the office. You can find the statute in its current form [here](#).

#### [Statute Ensuring Good Scientific Practice \(Charité\)](#)

The current statute of Charité is from March 2018 and matters related to ombudspersons are regulated by articles 10 and 11. Article 10 answers questions related to the term of office as well as the appointment procedures, whereas Article 11 defines the role of ombudspersons. You can find the statute in its current form [here](#).

## 5.2 Contact points for good research practice

Each university has adopted its own strategy for ensuring standards of good research practice and established units that are responsible for it and whose structure may vary. This has led to variations in the formal structures of these units from institution to institution. For example, at HU and TU ombudspersons and investigating committees are mainly responsible for the safeguarding of good research practice; FU and Charité, in addition, have ombuds offices that support their activities.

#### [Coordination Office for Research Integrity \(FU\)](#)

The Coordination Office for Research Integrity (KowIn) supports the central and departmental ombudspersons of FU as the university's central counseling organ in questions on good research practice. The [website](#) dedicated to these matters includes information on ombudspersons and good research practice. Here, you can also find regular [announcements](#) about various networking opportunities such as conferences, panels, and seminars.

In cases of concretely suspected misconduct, the [investigating committee](#) is activated by the central ombudsperson.

**E-mail:** [ombudsperson@fu-berlin.de](mailto:ombudsperson@fu-berlin.de)

#### [Committee for the review of allegations of research misconduct \(HU\)](#)

As a HU ombudsperson, you serve as neutral contact person in questions of good research practice for members of the institution and are also in charge of the initial handling of suspected cases of research misconduct. Concrete signs of research misconduct must be referred to the office of the committee for the review of allegations of research misconduct, which also can advise you when in doubt.

**E-mail:** [geschaefsstelle-KWF@uv.hu-berlin.de](mailto:geschaefsstelle-KWF@uv.hu-berlin.de)

### [Investigation Commission for Scientific Misconduct \(TU\)](#)

Advise seekers may contact the local ombudspersons as well as the investigating committee. If there is suspicion of research misconduct, the ombudspersons are to be contacted in the first instance. Justified cases will result in an investigation procedure, the consequences of which are to be decided by the President. You can find out about the committee members on their [webpage](#).

### [Office for Research Integrity \(Charité\)](#)

The Office for Research Integrity of Charité is the first point of contact for the members of the institution on matters related to good research practice and misconduct. In addition, the office supports and coordinates the work of the Charité ombudspersons and investigating committee, and promotes activities related to research integrity, such as offering laboratory notebooks or storing primary data. You can contact the office by using this [form](#).

## 5.2.1 Courses and trainings for good research practice

In addition to other factors, the research integrity culture of an institution is based on the profound knowledge of the standards of good research practice among its members. To guarantee this knowledge as early as possible in the academic career, the institutions increasingly offer courses, particularly for doctoral students, but also for students in general and experienced researchers. In the following, you find a list of the units responsible for this.

Many of these courses are open to members of all four BUA partner institutions. If you want to consult the combined course catalog, you will find an overview of all events dedicated to research quality and open science on the [website of the Center for Open and Responsible Research \(CORE\) of the BUA](#), which is updated every semester.

### [Dahlem Research School \(FU\)](#)

The Dahlem Research School (DRS) offers [courses on research integrity](#) to all doctoral students within the BUA. The [Open Science Working Group](#), which offers various events and workshops, and consists of FU researchers, teachers, students, and librarians, could also be of interest to you.

### [Professional education \(HU\)](#)

At HU, courses on good research practice for doctoral students and postdocs are organized by the professional education department. You will find an overview of the related topics in the [area on research activity](#) within the course overview.

### [Central department on Scientific Continuing Education and Cooperation \(TU\)](#)

In addition to an introductory [self-learning course on good research practice](#), the Central Department on Scientific Continuing Education and Cooperation offers several courses in the area of [research management](#), which also touch aspects of research quality and open science.

### [Office for Research Integrity \(Charité\)](#)

At Charité, the Office for Research Integrity mentioned above offers lectures compulsory for doctoral students, but also open to other Charité members. You can find out more about these by clicking [here](#). In addition to these general lectures, the [QUEST Center of the Berlin Institute of Health](#) offers various more specific events.

## 5.3 Legal advice

Every university within the BUA has a department taking care of legal inquiries related to the duties of the university members, amongst other things. When confronted with inquiries and / or cases that might have legal implications for you or other involved parties, or when unsure about procedural aspects in complex cases, always get in touch with your institution's legal department.

### [Office of the General Counsel \(FU\)](#)

The legal office is composed of a team of practicing lawyers who, in addition to legally representing the university, counsel members of the university. They are organized in thematically specialized departments, with topics ranging from study regulations to plagiarism to IT law. Their [homepage](#) lists the different subject areas and responsible experts who can answer your legal questions and possibly discuss further steps.

**E-mail:** [rechtsamt@fu-berlin.de](mailto:rechtsamt@fu-berlin.de)

### [Legal department \(HU\)](#)

The legal department of HU offers appointments for personal consultation, which must be requested in advance. If you choose to contact them for a legal inquiry, make sure to inform your organizational entity (dean's office or faculty administration) as well as the Vice President for finance, human resources, and operations in advance. Please note that the legal department only represents and counsels university as a whole and its faculties. You can find out more on their [webpage](#).

**E-mail:** [rechtsabteilung@hu-berlin.de](mailto:rechtsabteilung@hu-berlin.de)

### [Legal Affairs \(TU\)](#)

The department of Legal Affairs represents the university in legal proceeding and specializes in administrative as well as labor law. Members from all faculties and institutes of the institution can appeal to the department for consultation regarding legal matters. On the [homepage](#), you can find the corresponding contact person for your matter of inquiry.

**E-mail:** [recht@personalabteilung.tu-berlin.de](mailto:recht@personalabteilung.tu-berlin.de)

#### [Business Division Legal Services \(Charité\)](#)

Charité members can contact their legal services for questions or inquiries regarding legal issues. Please click [here](#) for contact information.

### 5.4 Data protection

You can contact the unit responsible for data security and privacy for all your general questions or inquiries regarding how to deal with confidential data or data protection in general.

#### [Data protection officer \(FU\)](#)

You can find out more in the data protection policy of FU [here](#).

**E-mail:** [datenschutz@fu-berlin.de](mailto:datenschutz@fu-berlin.de)

#### [Data protection officer \(HU\)](#)

You can find out more in the data protection statement of HU [here](#). Sections 1 and 2 indicate the contact information of the data controller and the data protection officer.

**E-mail:** [datenschutz@uv.hu-berlin.de](mailto:datenschutz@uv.hu-berlin.de)

#### [Data protection team \(TU\)](#)

You can find out more in the data privacy statement of TU [here](#). You can contact the team members for your general questions.

**E-mail:** [info@datenschutz.tu-berlin.de](mailto:info@datenschutz.tu-berlin.de)

#### [Data protection \(Charité\)](#)

In addition to the official data protection officer, a [Compliance Management System \(CMS\)](#) has been implemented at Charité. This can also be contacted in relevant cases, even if in the first instance in an advisory capacity related to the topics of the ombuds work. You can click [here](#) to access the data protection statement of Charité. You can use this [contact form](#) for your inquiries to the data protection office.

## 5.5 Research data management

In your role as ombudsperson, you might encounter inquiries regarding data management which encompass subjects such as intellectual property, data protection, legal matters, research quality, and publishing ethics. If you feel the need to get additional advice on these issues, you can either check the research data policy of your institution or consult your local data management team as listed below.

[Research data management \(FU\)](#)

**E-mail:** [forschungsdaten@fu-berlin.de](mailto:forschungsdaten@fu-berlin.de)

[Research data management \(HU\)](#)

**E-mail:** [researchdata@hu-berlin.de](mailto:researchdata@hu-berlin.de)

[Service Center Research Data Management \(TU\)](#)

**E-mail:** [szf@ub.tu-berlin.de](mailto:szf@ub.tu-berlin.de)

[The project team Open Data and Research Data Management \(Charité\)](#)

**E-mail:** [forschungsdatenmanagement@bih-charite.de](mailto:forschungsdatenmanagement@bih-charite.de)

### 5.5.1 Open Access services

Should questions around Open Access publishing, i.e., the publication of research data or products online and freely accessible, come up in your work, you can refer to or consult the Open Access policy or service point of your institution. Here, you will find answers about all kinds of technical, financial, legal, and ethical aspects of Open Access.

[Open Access at Freie Universität \(FU\)](#)

**E-mail:** [open-access@fu-berlin.de](mailto:open-access@fu-berlin.de)

[Open Access Team of the University Library \(HU\)](#)

**E-mail:** [openaccess@ub.hu-berlin.de](mailto:openaccess@ub.hu-berlin.de)

[Open Access Team \(TU\)](#)

**E-mail:** [openaccess@ub.tu-berlin.de](mailto:openaccess@ub.tu-berlin.de)

[Open Access Team \(Charité\)](#)

**E-mail:** [openaccess@charite.de](mailto:openaccess@charite.de)

## 5.6 IT support

[ZEDAT \(FU\)](#)

You can contact the ZEDAT for all your inquiries about the IT infrastructure at FU including all problems about institutional accounts, computers, or internet connection. For general support, you can reach out to the Info Service IT by e-mail, by phone or in person. If your problem involves an FU device centrally managed by ZEDAT and connected to the campus network, you can directly send your inquiry to [support@campus.fu-berlin.de](mailto:support@campus.fu-berlin.de) instead.

Info Service IT – **E-mail:** [hilfe@zedat.fu-berlin.de](mailto:hilfe@zedat.fu-berlin.de)

User Service (account & software) – **E-mail:** [benutzerservice@zedat.fu-berlin.de](mailto:benutzerservice@zedat.fu-berlin.de)

### [Computer and Media Service \(HU\)](#)

The Computer and Media Service is the responsible unit for IT infrastructure at HU. You can contact their [user help desk](#) for all your inquiries about the IT infrastructure such as those about institutional accounts, computers and internet connection. If your inquiry involves the internet connection, you can first take a look at this [webpage](#) where you can find up-to-date announcements about malfunctions.

User help desk – **E-mail:** [cms-benutzerberatung@hu-berlin.de](mailto:cms-benutzerberatung@hu-berlin.de)

### [Campus Management \(TU\)](#)

The Campus Management is the responsible unit for the IT infrastructure at TU. You can reach out to the [IT Service Desk](#) for all your inquiries about the IT infrastructure such as institutional accounts, computers, and internet connection.

### [Business Division IT \(Charité\)](#)

You can contact the IT division of Charité for all your inquiries about the IT infrastructure such as those about institutional accounts, computers and internet connection.

**E-mail:** [it-sekretariat@charite.de](mailto:it-sekretariat@charite.de)

## 5.7 Ethics commissions

The ethics commissions review the ethical aspects of research projects upon individual application whenever there is a procedural requirement for such a review. In principle, you can contact the commissions if you have procedural questions or questions about research ethics. The internal organization and review process of the ethics commissions can vary from institution to institution. FU and Charité have central ethics commissions; at HU and TU the processes are organized on the faculty level via independent faculty ethics committees. Charité is generally responsible for all medicine-related projects.

Before contacting an ethics commission, please check their website to make sure of their areas of responsibility.

#### [Central Ethics Committee \(FU\)](#)

The Central Ethics Committee of FU is responsible for the review of all research projects carried out within the institution. The Central Ethics Committee offers consultation to all members of the university whenever a review is required by third parties or the project in question raises significant ethical questions in general. All departments are represented in the committee by their own representative and you can access the list of members by clicking [here](#). As an ombudsperson, you can contact the office whenever you have questions regarding research ethics. You can find out about the current contact persons on the [webpage](#).

Projects at the Department of Education and Psychology, which has its [own committee](#), are excepted from this. For projects that involve research on humans or human materials as well as epidemiological studies, the [ethics commission of Charité](#) is the responsible unit.

#### [Faculty ethics commissions \(HU\)](#)

At HU, the commissions are organized on the faculty level. It has independent faculty ethics commissions. You can find their contact details in the embedded links:

- [Ethics commission of the Faculty of Humanities and Social Sciences](#)
- [Ethics commission of the Faculty of Mathematics and Natural Sciences](#)
- [Ethics commission of the Faculty of Language Studies](#)
- [Ethics commissions of the Faculty of Life Sciences](#)<sup>50</sup>

#### [Faculty ethics commissions \(TU\)](#)

At TU, the commissions are organized on the faculty level. It has independent faculty ethics commissions. You can find their contact details in the embedded links:

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<sup>50</sup> The faculty of life sciences does not have a central faculty ethics commission and there are instead independent ethics commissions at the faculties. You are urged to contact the [committee for the review of allegations of research misconduct](#) in cases of conflict and for general inquiries related to good research practice but you are also welcome to contact the faculty administration through this [contact form](#) if you happen to have a specific inquiry. You can reach the webpages of the ethics commissions within the [Institute for Psychology](#), the [Institute for Biology](#), and the [Albrecht Daniel Thaer Institute of Agricultural and Horticultural Sciences](#) by clicking on the names of the respective entities.



- [Ethics commission Faculty III](#)
  - [Ethics commission Faculty IV](#)
  - [Ethics commission Faculty VII](#)
- [Ethics Committee \(Charité\)](#)

The Ethics Committee of Charité is not only responsible for studies conducted at Charité, but also for studies in which doctors are involved or which require consultation with a medical ethics committee, i.e., they are also relevant for the members of other institutions. For clinical trials in the field of pharmaceuticals, the [ethics commission of the State of Berlin](#) at the State Office for Health and Social Affairs is responsible. Please visit their [website](#) for further information on the work and responsibilities of the Charité ethics committee. The members and chairpersons of each commission can also be found there. If you have any questions, you may contact the office directly; the list of the current contact persons is available [here](#).

## 5.8 Anti-discrimination

If an inquiry or case is solely about discrimination, you should refer advice seekers to one of the offices listed below, depending on their responsibility. If discrimination is a factor in your cases (or if you are unsure whether it might be), do not hesitate to seek advice yourself.

### 5.8.1 Diversity

#### [Diversity@FU](#)

Students as well as employees of FU who have experienced discrimination, bullying, or injustice of any other kind in their studies or work can either consult one of the advice and support services or file an official complaint. Which service to appeal to depends on the form of discrimination. You can access a complete list of advice and support services for students and doctoral candidates by clicking [here](#). A list of services employees can refer to can be found on this [webpage](#).

**E-mail:** [diversity@fu-berlin.de](mailto:diversity@fu-berlin.de)

#### [Working group on diversity \(HU\)](#)

The working group on diversity is affiliated with the office of the central women's representative. Students can also choose to contact the [anti-discrimination counseling service](#) of the student body RefRat. More information can be found on the [webpage](#) of the working group on diversity.

**E-mail:** [diversitaet.frb@hu-berlin.de](mailto:diversitaet.frb@hu-berlin.de)

### [Anti-discrimination officer \(TU\)](#)

Advice-seeking employees and students can contact the anti-discrimination officer for their questions and general inquiry. The officer is also available for confidential personal appointments. The office is currently being reconfigured as the diversity and anti-discrimination officer. Until then, the acting anti-discrimination officer is in charge. For more information, please visit the [webpage](#).

**E-mail:** [info@antidiskriminierung.tu-berlin.de](mailto:info@antidiskriminierung.tu-berlin.de)

### [Diversity-Network \(Charité\)](#)

You can find resources and useful contacts for different disadvantaged groups at this [link](#). Advice seekers can also contact the Diversity-Network for inquiries and general consultation. You can find more information on their webpage and use this [contact form](#) for your inquiries.

## 5.8.2 Gender and compatibility of studying, research, and family

### [Chief Gender Equality Officer \(FU\)](#)

For a wide variety of concerns, such as questions about shaping careers or experiencing discrimination, harassment or injustice in both studies and workplace, female researchers, students, and employees can contact the Chief Gender Equality Officer of FU which relies on a network of local gender equality officers about whom you can find out more [here](#). You can find more information on the [webpage](#) of the Chief Gender Equality Officer. Part of this network is the [Standing Working Group on Sexualized Harassment, Discrimination, and Violence](#) which offers [counseling and help](#) to affected victims.

**E-mail:** [frauenbeauftragte@fu-berlin.de](mailto:frauenbeauftragte@fu-berlin.de)

Sexualized harassment, discrimination, and violence – **E-mail:** [no-means-no@fu-berlin.de](mailto:no-means-no@fu-berlin.de)

### [Dual Career & Family Service \(FU\)](#)

The Dual Career & Family Service at FU provides confidential advice to all members of the university community concerning the balance of work, studies, and family life, including caring for family members in need of assistance.

**E-mail:** [family@fu-berlin.de](mailto:family@fu-berlin.de)

### [The Central Women's Representative \(HU\)](#)

The Central Women's Representative of HU is supported by a network of decentralized women's representatives at the faculties and institutes. A list of the decentralized representatives is available on this [webpage](#). Amongst other

services, the office counsels on issues ranging from gender-based discrimination to sexualized violence.

**E-mail:** [frauenbeauftragte@hu-berlin.de](mailto:frauenbeauftragte@hu-berlin.de)

#### [Family Support Centre \(HU\)](#)

The Family Support Centre of HU takes care of the counseling needs of its students and employees with regard to family, studies, career, and care of relatives. Telephone consultations take place in set office hours, and in-person consultations take place upon appointment. You can find out more [here](#).

**E-mail:** [familien@hu-berlin.de](mailto:familien@hu-berlin.de)

#### [Coordinating Office for Women's Advancement and Gender Equality \(TU\)](#)

The Coordinating Office led by the central women's officer of TU is responsible for a wide variety of tasks related to gender equality and offers counseling on issues ranging from gender-based discrimination and career development to sexualized violence. You can find out more [here](#).

**E-mail:** [zenfrau@zfa.tu-berlin.de](mailto:zenfrau@zfa.tu-berlin.de)

#### [Family Services Office \(TU\)](#)

The Family Services Office of TU offers support in several areas for its students and employees. You can find out more information about consultation offers [here](#).

**E-mail:** [familienbuero@zuv.tu-berlin.de](mailto:familienbuero@zuv.tu-berlin.de)

#### [Women and equal opportunities officer \(Charité\)](#)

The women and equal opportunities office at Charité offers advice on career planning as well as in cases of conflict or sexual harassment. You can find more information on the [webpage](#) and use this [contact form](#) for your inquiries.

#### [Office of Family Affairs \(Charité\)](#)

The Office of Family Affairs of Charité offers consultation and support for its employees and students regarding childcare-related services and care of relatives. There are various digital services for the reconciliation of work / study and family through the [webpage](#) of the "voio" family portal. You can find out more about the services [here](#) and use this [contact form](#) for your inquiries.

### 5.9 Conflict management in PhD supervision relations

The following offices or services give conflict consultations for doctoral students but can also be reached by ombudspersons seeking advice regarding conflict management.

### [Conflict consultation of Dahlem Research School for doctoral researchers \(FU\)](#)

The Dahlem Research School (DRS) offers workshops and trainings to doctoral researchers of FU (and in many cases the larger context of the Berlin University Alliance). Their services also include counseling in problems that might emerge in doctoral supervision relations. If necessary, they can also initiate contact to professional and independent conflict coaches. You can access the FU's Guidelines for Good Doctoral Supervision by clicking [here](#). You can also find further information on the guidelines on the [DRS website for quality assurance](#).

**E-mail:** [advice@drs.fu-berlin.de](mailto:advice@drs.fu-berlin.de)

### [Conflict consultation \(HU\)](#)

The Humboldt Graduate School offers its doctoral students free of charge conflict consultation hours which are provided by trained external mediators. The registration can be carried out either via phone or e-mail. A leaflet for HU members is also available on the [webpage](#) of the graduate school, where you may also find contact information as well as information on the appointments.

**E-mail:** [hgs-consultation@hu-berlin.de](mailto:hgs-consultation@hu-berlin.de)

### [Conflict management \(TU\)](#)

There is a certified mediator at TU to whom you, as an ombudsperson, can refer university members who experience a situation of conflict. The conflict management team can be contacted by e-mail or telephone to arrange an appointment during their office hours. Click [here](#) for further information.

### [Center for Junior Scholars \(TU\)](#)

The Center for Junior Scholars of TU offers doctoral students online consultation hours. Registration is not required in advance and the weekly Webex meetings can be attended by clicking [here](#). They can also be contacted anytime via e-mail or phone. You can find more information including the list of doctoral *Vertrauensdozent\*innen* of the faculties on their [webpage](#).

**E-mail:** [info@cjs.tu-berlin.de](mailto:info@cjs.tu-berlin.de)

### [Vertrauenspersonen for doctoral affairs \(Charité\)](#)

Charité's office for doctoral studies has *Vertrauenspersonen* who are not to confuse with the ombudspersons for good research practice. They act as contact persons and mediators for doctoral candidates as well as their supervisors. Their consultations are limited to cases of conflicts that arise during the pursuing of a doctoral project. You can find out about the current *Vertrauenspersonen* [here](#).

**E-mail:** [vertrauenspersonen-promotion@charite.de](mailto:vertrauenspersonen-promotion@charite.de)

## 5.10 Mental health services

If you observe that psychological problems (e.g., traumatic experiences, overload, or anxiety issues) play a role in a case you are dealing with or are affected by such problems yourself, you can contact the following offices or refer affected advice seekers to their professional therapists.

### [Psychological counseling \(FU\)](#)

The psychological counseling service for FU students and employees. The staff members are licensed psychotherapists and psychologists in training to become psychotherapists. They offer personal individual counseling in German as well as English via phone, video, and in person. Appointments can be arranged by using this [contact form](#). As part of their “mental wellbeing” project, FU is also establishing so-called “support.points” where trained psychologists offer spontaneous consultation to employees and students without registration in advance. You can find out more about the mental wellbeing services and the “support.points” [here](#).

**E-mail:** [psychologische-beratung@fu-berlin.de](mailto:psychologische-beratung@fu-berlin.de)

### [Social counseling \(FU\)](#)

The service offers counseling on a variety of challenges in both professional and private contexts to all FU employees. For students, a [similar service](#) is provided by the Studierendenwerk.

Employees – **E-mail:** [sozialberatung@zuv.fu-berlin.de](mailto:sozialberatung@zuv.fu-berlin.de)

Students – **E-mail:** [sozialb.thielallee@studentenwerk-berlin.de](mailto:sozialb.thielallee@studentenwerk-berlin.de)

### [Psychological counseling \(HU\)](#)

The psychological counseling service for HU students offers consultation in German in person and via Zoom. Appointments for in-person consultations are to be arranged by phone during their office hours. Appointments for Zoom sessions can be booked online [here](#). You can visit the [website](#) for more information. For consultation in English as well as some other languages, please refer to the [psychotherapeutic counseling service](#) of the Studierendenwerk Berlin. Medical students can instead be referred to the [MediCoach](#).

Employees are urged to appeal to the [Occupational Medicine Center \(AMZ\)](#) of Charité. You can find a list of further contact persons and more about the offers of the AMZ for HU employees on this [webpage](#).

### [Psychological counseling \(TU\)](#)

The psychological counseling service for TU students is available also for prospective students and doctoral candidates. The consultations are available in English as well and can be booked either by sending an e-mail or using the contact form on the [website](#). They also offer seminars, workshops and group consultations alongside individual counseling.

**E-mail:** [psychologische-beratung@tu-berlin.de](mailto:psychologische-beratung@tu-berlin.de)

#### [Social counseling for staff \(TU\)](#)

Employees can get advice by phone, in person and by video conference from the social counseling service for TU staff in situations of professional or personal crisis.

**E-mail:** [sb.hardenbergstrasse@stw.berlin](mailto:sb.hardenbergstrasse@stw.berlin)

#### [MediCoach \(Charité\)](#)

MediCoach is available to students with various services including coaching, solution-oriented psychosocial counseling for situationally stressful life circumstances and acute crisis intervention. Group consultation is also possible. You can visit the [website](#) for more information and use either the [contact form](#) or the e-mail address below if you wish to make an appointment.

**E-mail:** [medicoach@charite.de](mailto:medicoach@charite.de)

#### [Occupational Medicine Center \(Charité\)](#)

The Occupational Medicine Center offers staff medical support in two different locations. On the [webpage](#) employees can browse departments, centers, and experts to get help for a variety of medical problems as well as find the contact information for making appointments. Online resources are also available. You can use this [contact form](#) for inquiries.

## 6 Networks: What structures can I rely on beyond my institution?

If you want to connect to ombudspersons or research integrity experts beyond your own institution, in the following you will find a list of relevant Berlin, Germany-based, European, and global networks.<sup>51</sup>

### 6.1 Berlin

#### [Objective 3: Advancing Research Quality and Value – Berlin University Alliance](#)

The Objective 3 of the Berlin University Alliance aims to promote research integrity for the four member universities and regularly organizes events such as symposia, conferences, and colloquia, e.g., a [monthly colloquium](#). The Objective 3 also launched the Center for Open and Responsible Research (CORE) as an exchange platform with nationwide and international affiliations. Furthermore, it funds projects related to open science through its [OpenX-Initiative](#). As ombudsperson, you can use these opportunities for networking and discussing research integrity issues. Since 2021, CORE is also the co-organizer of the [European Summer School for Scientometrics](#) (ESSS).

### 6.2 Germany

#### [Ombudsgremium für wissenschaftliche Integrität in Deutschland](#)

The Ombudsgremium für die wissenschaftliche Integrität in Deutschland (“Ombuds Committee for Research Integrity in Germany”, until 2023 named Ombudsman für die Wissenschaft) is a committee appointed by the German Research Foundation (DFG) and assists researchers with regards to inquiries related to good research practice and research integrity. They also work as an independent ombuds office that can be approached by all researchers working in Germany as well as researchers with a relation to the German research system. In addition, advice-seeking ombudspersons are also welcome to consult the committee. The Ombudsgremium für die wissenschaftliche Integrität in Deutschland also organizes various events and offers networking opportunities. For details on these events, you can check the [website](#). Also set up by the DFG is the platform [Research Integrity](#), which collects publications such as the DFG Code of Conduct, training offers, news, and further useful information for ombudspersons.

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<sup>51</sup> Please note that the links and the contact information included in this section are updated as of September 2023 and should be checked to ensure you see the latest version.

## 6.3 Europe

### [European Network the Research Integrity Offices \(ENRIO\)](#)

Founded in 2008, it became a legally established association in 2020 and is currently based in Helsinki. ENRIO has 31 governmental and non-governmental member institutions from 23 countries. The network's initial foundation was an outcome of the 1<sup>st</sup> World Conference on Research Integrity in Lisbon in 2007 (see below). On their [website](#) you can get to know about the various activities organized by ENRIO and its member institutions. Of particular interest may be the biannual conference "ENRIO Congress for RI Practitioners," which could serve as a networking opportunity for ombudspersons for good research practice.

### [Ethics and Research Integrity Officer Network \(ERION\)](#)

Ethics and Research Integrity Officer Network (ERION) is a network hosted at the European Association of Research Managers and Administrators ([EARMA](#)) and has a particular focus on the practical implementation of policies for good research practice. The recordings of online events are also posted on the [YouTube channel](#) of EARMA. Check the ERION [webpage](#) to find out more about the network and their events.

### [All European Academies \(ALLEA\) Permanent Working Group on Science and Ethics](#)

The working group has published the [European Code of Conduct for Research Integrity](#). The code serves as a framework for self-regulation for the European research community and is recognized by the European Commission as the reference document for all EU-funded projects.<sup>52</sup> The code includes useful definitions of research misconduct, especially with regards to English terminology.

## 6.4 Global

### [World Conference on Research Integrity Foundation \(WCRIF\)](#)

The WCRIF is a non-profit organization based in the Netherlands with its official seat in Amsterdam. The foundation has been established in 2017 with conferences taking place since 2007. The conferences are not annual, and you can check their [website](#) to find out more about the conferences and to access the statutes. The topics of the conferences range from matters of global inequality

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<sup>52</sup> <https://allea.org/code-of-conduct/>. Accessed August 17, 2023.



in the field of research integrity, as in the 2022 edition, to more general questions and matters regarding standards of research integrity as well as procedures proposed to be implemented. You can make use of these conferences both to broaden your expertise and knowledge in the field and to network on a global scale.

#### [Association of Research Integrity Offices \(ARIO\)](#)

The Association of Research Integrity Offices is a network formed by research integrity offices throughout the United States of America. The network has been organizing annual meetings since 2013. You can find out more about upcoming meetings and events by checking their [website](#).

#### [Asia-Pacific Research Integrity Network \(APRI\)](#)

The Asia-Pacific Research Integrity Network (APRI) was founded upon an informal gathering of researchers from the region stretching from Asia to North America during the 3<sup>rd</sup> World Conference on Research Integrity in Montreal in 2023. The network that followed has since then organized five network meetings, the topics of which are listed on their [website](#) and can give you an overview of the research integrity debate in the region.

#### [African Research Integrity Network \(ARIN\)](#)

ARIN was founded by a group of researchers from African countries during the 4<sup>th</sup> World Conference on Research Integrity in Rio de Janeiro in 2015. The network currently includes members from nine African countries: Botswana, Ghana, Kenya, Malawi, Namibia, Nigeria, South Africa, Tanzania, and Uganda. You can find out more about their past, present, and prospective activities on their [website](#), which can give you an overview of the African debates on research integrity.

#### [International Ombuds Association \(IOA\)](#)

Founded in 2005 and seated in Seattle, WA, the IOA is currently the largest international association of organizational ombudspersons. The IOA is profoundly rooted in the US system, where the ombuds system has characteristics profoundly different from its German counterpart. For instance, the major responsibility of ombudspersons is to provide confidential and neutral assistance with complaints. In terms of networking and training, the IOA organizes an annual conference as well as a range of courses for ombudspersons.

## 7 Build an institutional memory

In the [introduction](#) to this Toolbox, we have discussed the issue of the transition periods between the terms of office of two ombudspersons. In many cases, building a specialized knowledge on subjects that fall within your ombuds work will be the result of your **learning-by-doing**. Day by day, you will make sense of the experiences in which you will actively engage in your capacity as ombudsperson.

When your term as ombudsperson will be over, your knowledge of how you handled your work will leave with you. The invaluable institutional knowledge you have built will remain undocumented.

In this perspective, we recommend **writing down in detail information** that you deem relevant. Here, it is completely sufficient, and in the perspective of [confidentiality](#) even recommended, to limit your note to abstract parameters. While doing this, you could ask yourself: “Would this information have been helpful to me when I first encountered this situation?” Your colleagues, and the ombudspersons who will come into the office in the future, will surely be very grateful to learn from your experience.

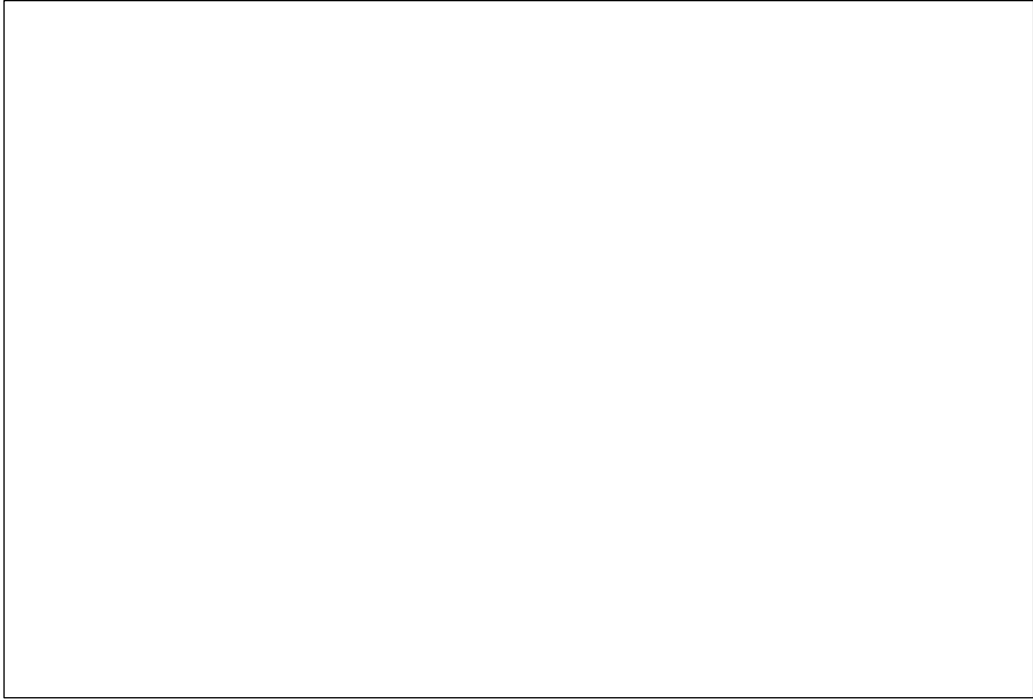
To help you in this, we have prepared a **template** that you will find on the next page. Feel free to adjust it and include any further topics that you think should be included.

Here are some tips to fill it:

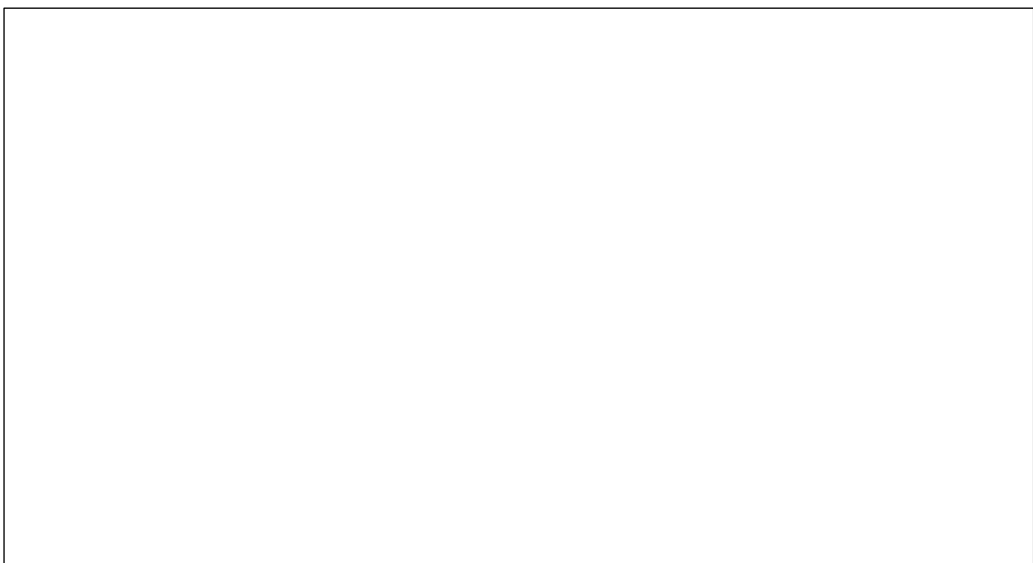
- When taking notes on an experience you have engaged in, include anonymized information on the **context**. In particular, focus on the steps and on why they were important in the process.
- If you can, include anonymized **examples**. Those who will read of your experiences, and maybe follow your strategy, will be able to picture a more complete version of the story and of its smaller pieces.
- Include any helpful links, documents, further readings, and relevant guidelines that have been of support to you.
- Whenever possible, add **contact information** of persons who have been useful and / or of support to you when handling a situation in your capacity as an ombudsperson.

## 7.1 Personal notebook for my institutional memory: An open space for my thoughts

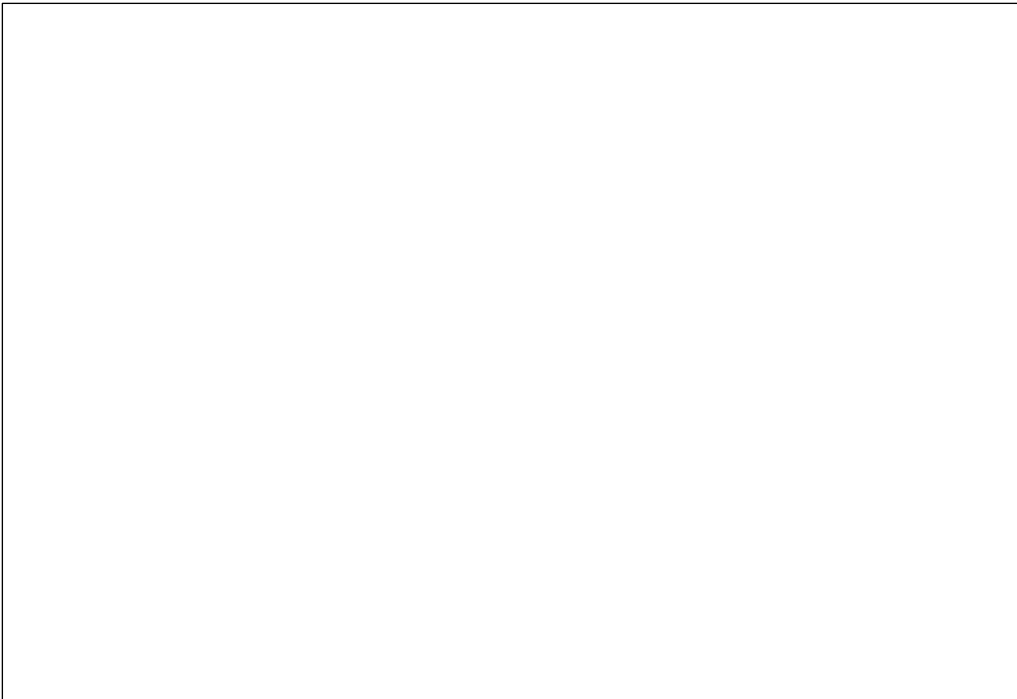
1. The first inquiry I received: What was the hardest part? What was the easiest? What solutions or strategies did I find?



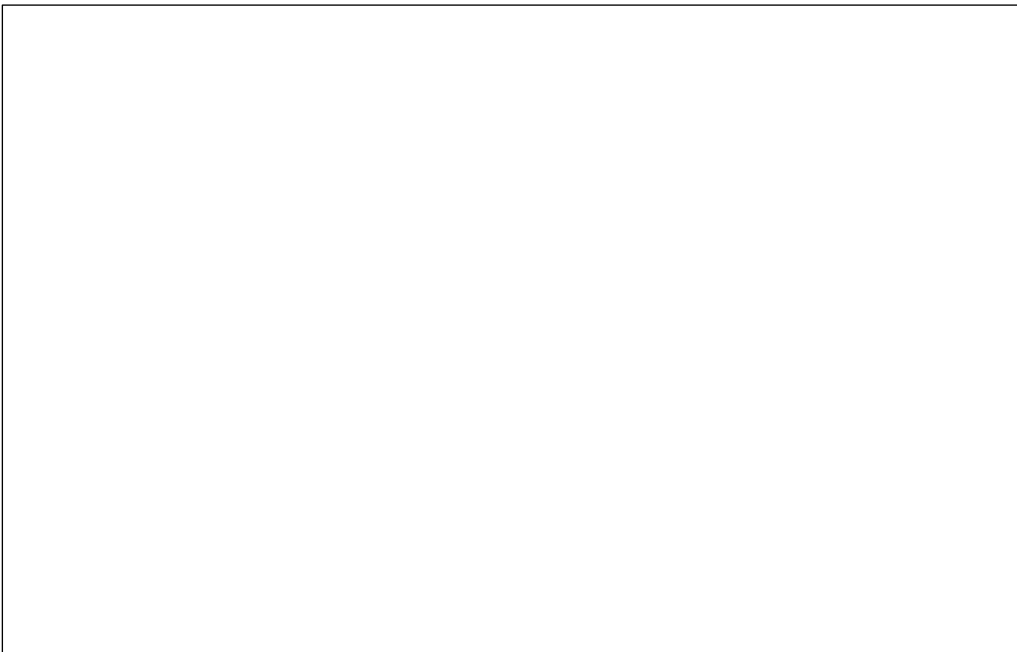
2. The most challenging case I have dealt with so far.



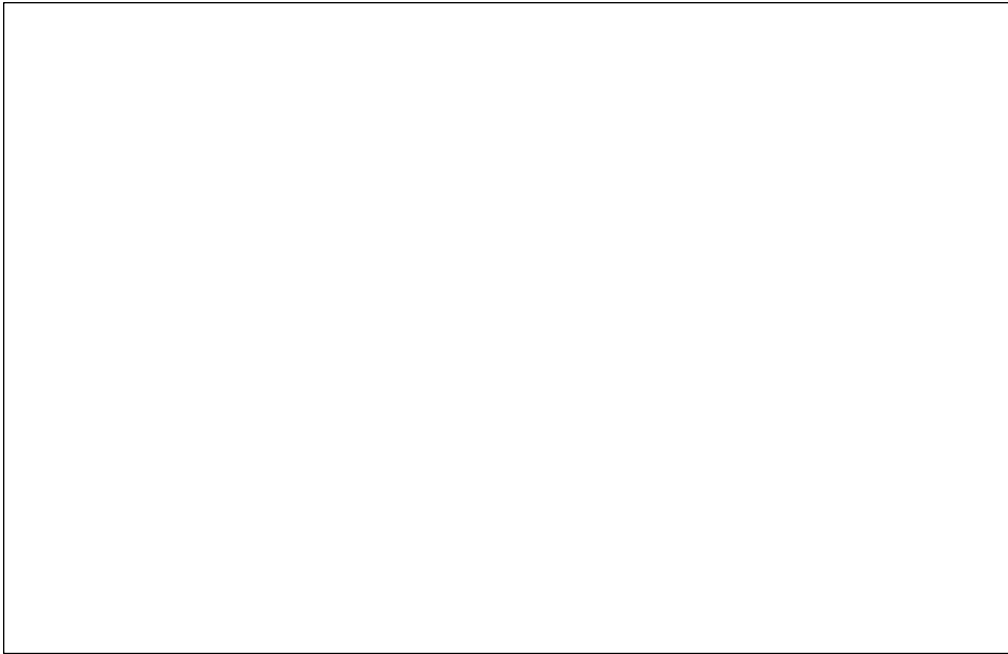
3. The case for which I felt I found the perfect strategy.



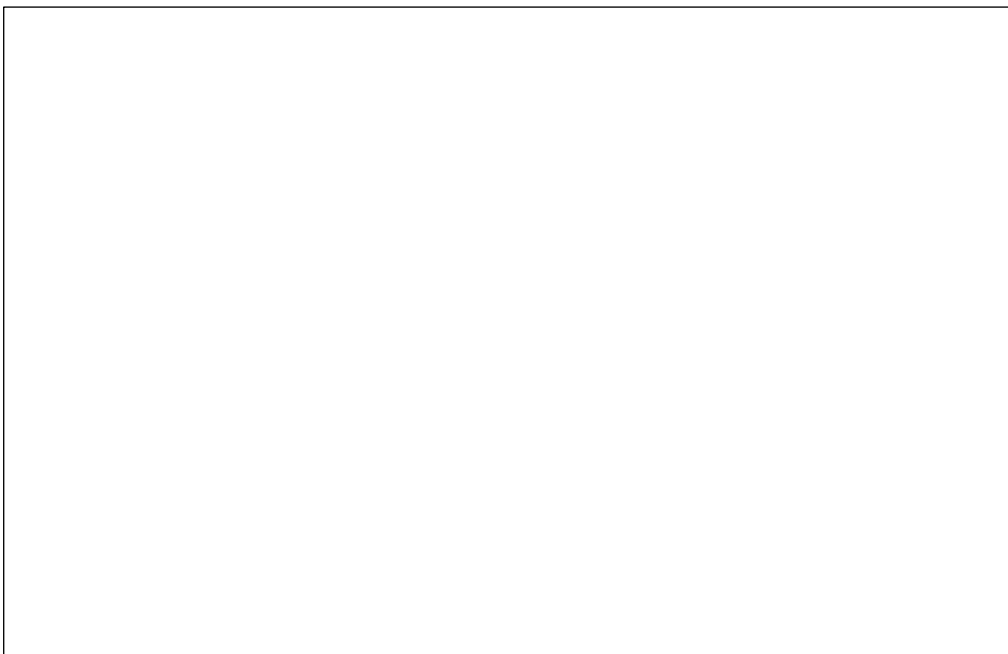
4. Are there recurring themes in my work that have led me to develop a successful strategy (or parts of it)?



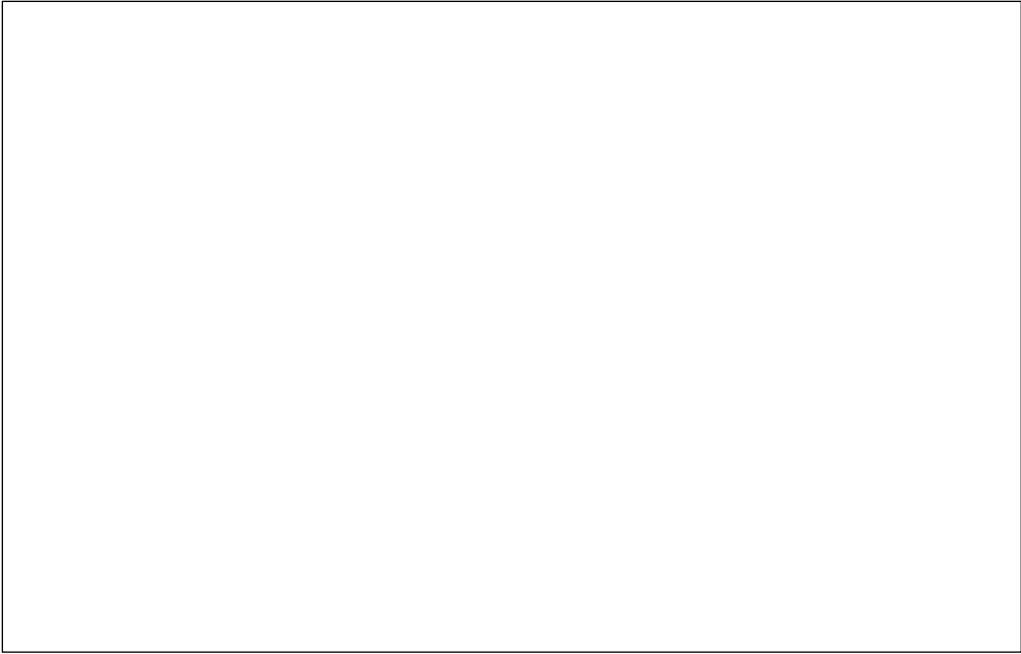
5. When I felt overwhelmed, what helped me get through it?



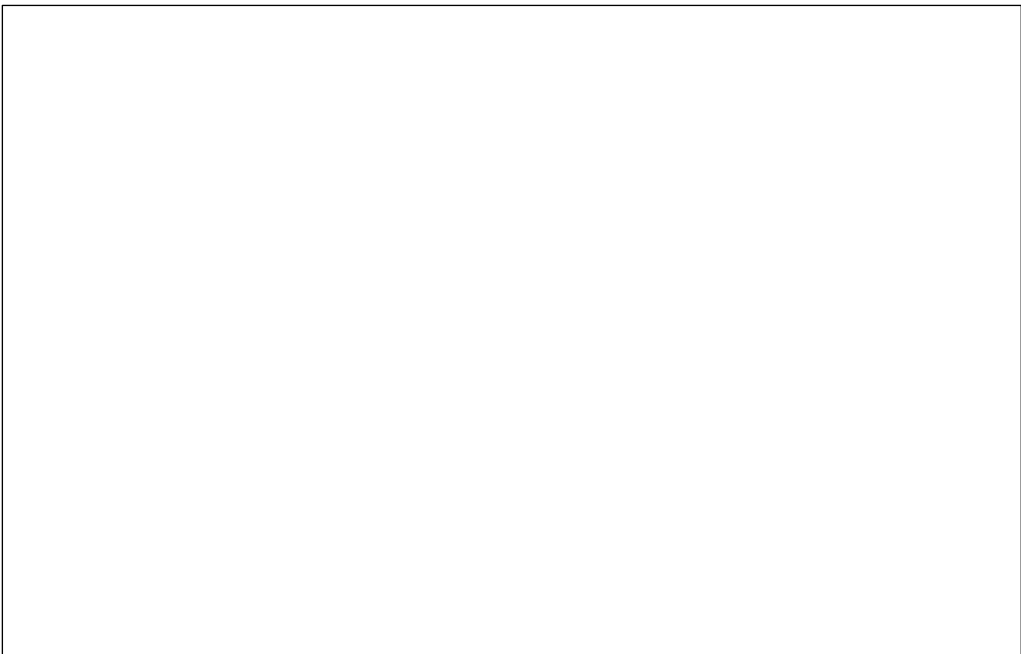
6. What mediation techniques helped me to manage conflicts?



7. Do I have best strategies for handling difficult situations?




8. How does my institution support me? Which institutional services can I rely on?



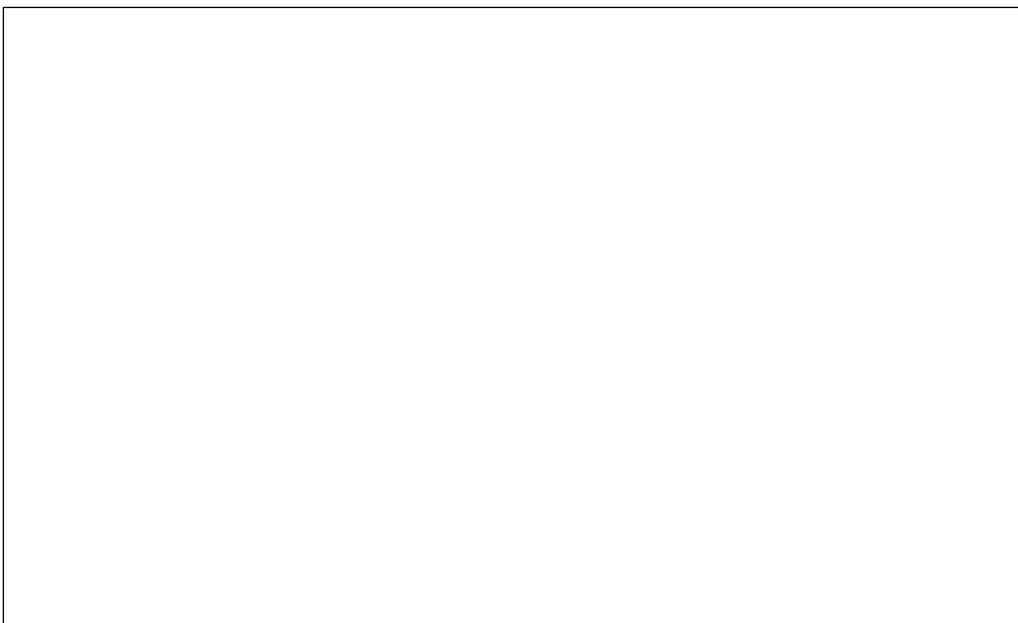
9. When handling a case on \_\_\_\_\_, it was helpful to contact \_\_\_\_\_ . How were they helpful? In what did they support me?

10. When in need to discuss a case, whom did I contact? How were they of support?

11. When looking for opportunities for professionalization, which institutions or networks had the most suitable offer for me?

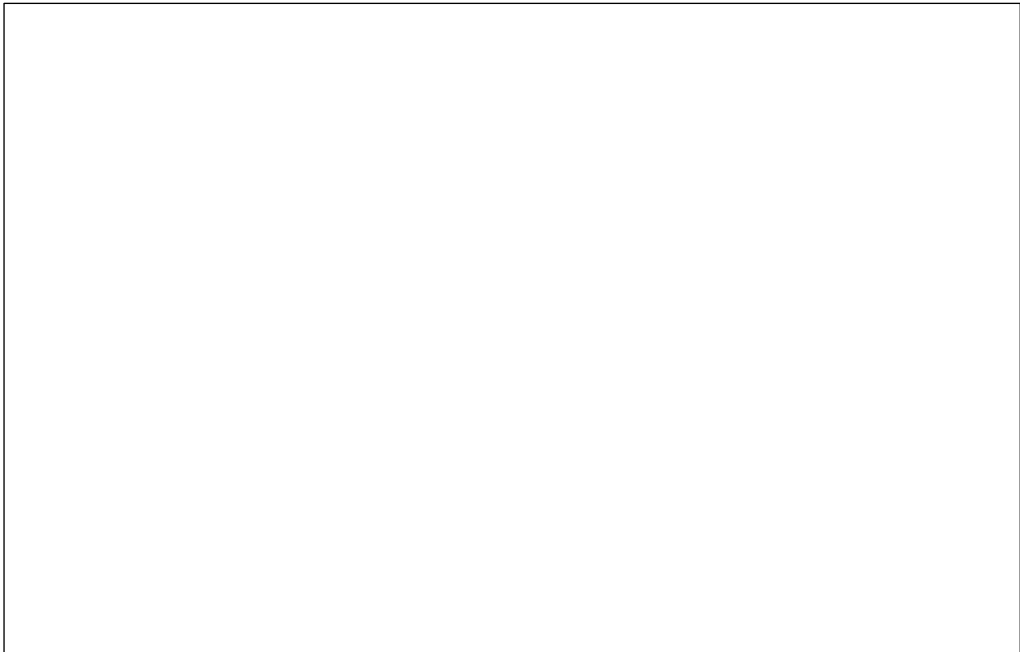


12. Based on my experience as an advisor on topics related to good research practice, in what areas do the members of my institution (also on a decentralized level) need the most support?

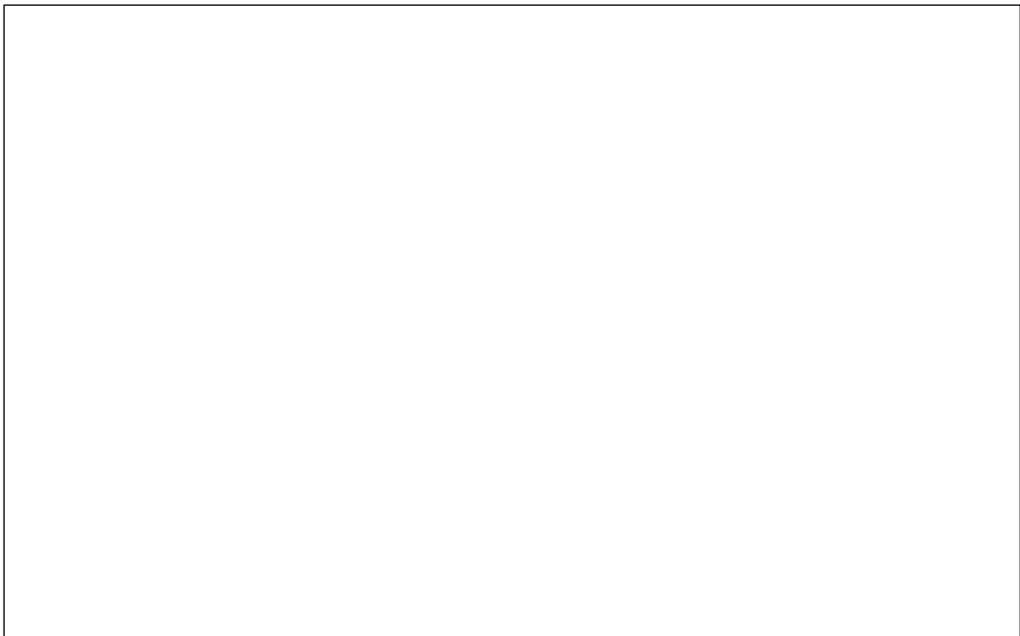




13. Does my ombuds office or do I have best practices in place to facilitate a professional process for the cases we handle?



14. How is my work contributing to the promotion of a research integrity culture at my institution?



## 7.2 Checklist: Am I familiar with...?

### 1. Being an ombudsperson

[Section 1.1](#)

#### a. My role as an ombudsperson

[Sections 1.2.1](#) and [1.3.2](#)

#### b. The general principles of my work:

Confidentiality; Independence; Impartiality

[Section 1.2.2](#)

#### c. My main responsibilities

[Section 1.3.1](#)

### 2. Good research practice

#### a. The key concepts

[Section 1.7](#)

#### b. The reference works

[Sections 1.6](#) and [2.3.1](#)

### 3. The organizational structure of my institution

[Section 5](#)

### 4. How to handle inquiries and cases

#### a. Receiving an inquiry

[Sections 4.3.1](#) and [4.3.2](#)

#### b. Handling communications and storing the information

[Sections 4.2](#) and [4.3](#)

#### c. My responsibilities vs. those of other relevant offices

[Sections 1.4](#) and [5](#)

#### d. Collegial advice

[Section 2.1.1](#)

#### e. The procedures in place

[Sections 1.6.1](#) and [3.2](#)

#### f. Useful competences and skills

[Section 2.2](#)

#### g. Handling the information (processing and storage)

[Sections 4.3.3](#) and [4.3.4](#)

#### h. Referring to others (e.g., investigating committee)

[Sections 1.4.1](#) and [3.2.1](#)

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## Appendix I: Further literature on relevant topics

If some of the issues we have raised in this Toolbox have raised your heightened interest, or if you want to further study a certain area, you will find a list of resources that can help you in this in the following appendix. Many of the texts and resources are freely available and can be accessed directly via the embedded links.

The first section collects resources for your ombuds work, from [guidelines](#) to [supporting materials](#) to [meta-research on ombudspersons](#). Building on that, we have compiled a thematically organized list of [research literature and guidelines on research integrity and misconduct](#)<sup>53</sup> that can help you in getting acquainted with the international academic debates on certain topics, but also give inspirations about structures and strategies beyond the Berlin research area. Finally, you find several [materials for developing particular skills](#) that can help you in your work.

### i Ombuds work

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<sup>53</sup> We thank the team of the Center for Open and Responsible Research of the Berlin University Alliance for their tips and support in the curation of the list in this section.

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## Appendix II: Background information on data protection in ombuds work

The information in this appendix is intended to give you an overview of the most important general terminology and basic principles of data protection. To a certain extent, the section can serve you as a glossary of the data protection regulation and supplements the practical recommendations in [Section 4.3](#) in case you have any unanswered questions about this or would like to deepen your understanding of the topic.<sup>54</sup>

### i Scope and central concepts of data protection

Data protection is a specification of the privacy protection and describes the protection of natural persons in particular against misuse of their personal data. The EU General Data Protection Regulation (GDPR), the central instrument of data protection law, is a regulation that unifies and strengthens data protection standards for all individuals in the EU. The GDPR has been directly applicable to controllers and processors based within the EU since May 25, 2018.

**“Personal data”** means any information relating to an identified or identifiable natural person (“data subject”). An identifiable natural person is one who can be identified by means of association with an identifier (e.g., name, identification number, location data, etc.). For example, the name or an identification number are personal data if they can lead to a data subject (cf. Art. 4(1) GDPR). In this context, anonymized data do not fall under the concept of personal data.

The **“processing”** is an operation performed with or without automated means in connection with personal data, e.g., the collection, recording, organization, structuring or storage of personal data (cf. Art. 4(2) GDPR).

The **“controller”** is the natural or legal person who alone or jointly with others determines the purposes and means of the processing of personal data. In the case of the ombuds work at higher education and non-HE research institutions, this is the institution, with the ombudsperson acting as the contact person (cf. Art. 4(7) GDPR).

In the framework of your ombuds activities, data protection therefore applies to you or your institution as soon as you process personal data of the data subjects, for example in e-mail correspondences, letters or phone calls.

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<sup>54</sup> We would like to thank the data protection officers of Freie Universität Berlin, Dr. Karsten Kinast LL.M. and Manuel Leidinger, for their help in compiling this section.

## ii Basic principles of data protection

### · Lawfulness

Probably the most important principle of data protection is the principle of lawfulness, Art. 5(1)(a) GDPR. As a so-called ban with permit reservation, the processing of personal data is considered prohibited until there is a **legal basis** that legitimizes the processing. These bases can be found in particular in Art. 6(3) of the GDPR.

Worth mentioning here is in particular the principle of **consent** under the Art. 6(1)(a) of the GDPR, but other legal bases may also come into consideration to legitimize data processing. For example, the legal basis of processing for **compliance with a legal obligation** or processing on the basis of **specific interests** (e.g., to protect the legitimate interests of the controller or public interests) would have to be considered.

In **data protection in academic research-related contexts**, there are additional legal bases, namely the fulfillment of a task for academic research purposes and the balance of academic freedom and informational self-determination (§ 17 Abs. 1 BlnDSG),<sup>55</sup> as well as data processing for the fulfillment of HEI tasks, including the organization or evaluation of research and studies (§ 6 BerlHG<sup>56</sup>).

However, if data protection in research-related contexts is based on the pursuit of scientific research purposes and the predominance of academic freedom over the fundamental right to informational self-determination, additional requirements must usually be met, such as **anonymization**<sup>57</sup> or **pseudonymization**.<sup>58</sup>

The legal basis on which the processing of personal data is performed must always exist prior to the commencement of the processing, otherwise there is a violation of the principle of lawfulness in the collection of the data.

### · Purpose limitation

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<sup>55</sup> Gesetz zum Schutz personenbezogener Daten in der Berliner Verwaltung (Berliner Datenschutzgesetz - BlnDSG) Vom 13. Juni 2018\*.

<sup>56</sup> Gesetz über die Hochschulen im Land Berlin (Berliner Hochschulgesetz - BerlHG) in der Fassung vom 26. Juli 2011.

<sup>57</sup> As far as this is possible according to the research purpose, unless legitimate interests of the data subjects are opposed.

<sup>58</sup> In pseudonymization, personal data (usually names) are replaced by codes or identification numbers. The personal reference is retained because the pseudonyms are assigned to the real names in a list. I.e., until the anonymization, a separate storage of characteristics, with the help of which natural persons can be identified, should be carried out.

Another important principle of the GDPR is the purpose limitation according to Art. 5(1)(b) GDPR: according to this, personal data shall be “collected for specified, explicit and legitimate **purposes** and not further processed in a manner that is incompatible with those purposes.” First and foremost, therefore, the purpose must be specified in order to determine the direction of the data processing.

The purpose of the processing of the data of persons you contact is basically **your work as an ombudsperson**. This generally includes all the facts you need to understand the concern, follow up and, if necessary, conduct a preliminary examination of the allegations.

If the purpose of the processing is **subsequently changed**, it is important that the new purpose is compatible with the old purpose. In case of a change of purpose for other than scientific purposes, it is important that the compatibility of the processing for a purpose other than the original one is established. The different purposes should therefore be recorded from the outset to ensure transparency and traceability.

- Transparency

The principle of transparency under the data protection regulation (Art. 5(1)(a) GDPR) means that data subjects must be provided with comprehensive information about the data processing operation and the resulting rights and obligations. This data protection information must be provided to the data subjects when their personal data are collected. The main contents of this **data protection information** are the purpose of the data processing, its legal basis, the rights to which the individual persons whose data are processed are entitled, as well as erasure periods and contact information.

- Data protection information before the first contact

You are already processing personal data when an advice seeker first contacts you. To ensure that they are fully informed from the outset, a corresponding **data protection information should be provided on the website** (cf. Art. 13 GDPR), in which the following points are addressed:

- the name and contact details of the controller and, if applicable, the representative, i.e., your institution as well as yourself and, if applicable, your deputy;
- if applicable, the contact details of the data protection officers of your institution;
- the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

- if any, the recipients or categories of recipients of the personal data; the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
  - the reference to the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability;
  - the right to lodge a complaint with a supervisory authority, in the case of institutions in Berlin, die [Berliner Beauftragte für Datenschutz und Informationsfreiheit](#);
  - a link to the general data privacy information on the website of your institution.
- Data minimization and storage limitation

All personal data processed by a controller are subject to the principle of data minimization (Article 5(1)(c) GDPR) and the principle of storage limitation (Article 5(1)(e) GDPR).

The principle of **data minimization** means that only those data can be processed which are necessary to achieve the purpose. Also, the personal data should only be disclosed to those persons who are entrusted with the data processing and who are to be involved with the processing of the personal data.

In accordance with the principle of **storage limitation**, personal data must be stored in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data are processed. According to Art. 17(1) GDPR, data must be erased when the purposes on which the processing is based cease to apply, unless legal regulations prevent the erasure. The determination of the ultimately applicable erasure period should be subject to a case-by-case review. You can find more about what this means for your files and mails related to the ombuds procedures above in [Section 4.3.2](#).

- Rights of the data subject

The GDPR defines in Art. 12 – 22 a number of rights of the data subject, which can be enforced against the controller, namely the right to transparent processing, of access (Art. 15 GDPR), to rectification (Art. 16 GDPR), to erasure (Art. 17 GDPR), to restriction of processing (Art. 18 GDPR) as well as the right to object to data processing (Art. 21 GDPR) and to withdraw consent at any time (Art. 7(3) GDPR). The persons who will contact you have ideally already been made aware of these rights via the disclaimer on your institution's homepage (see [above](#)).

For the establishment of a data subject right, the controller shall provide the data subject with information on action taken on a **request** under Articles 15 to 22 of the GDPR (Article 12(3) GDPR). The request shall be processed without undue delay, at the latest within one month of receipt of the request. If necessary (e.g., due to the complexity of the request or a high number of requests), there is the possibility of extending the deadline by two further months. In this case, a reasoned notification of the extension of the deadline should be sent to the data subject within one month of receipt of the request.

In **data protection in research-related contexts**, special features also apply within the framework of the assertion of the rights of the data subject: according to Section 17(4) of the BlnDSG, the right to information, the right to rectification, the right to restriction of processing, and the right to object may be restricted if these rights make the research purposes impossible or seriously impair them and the restriction is necessary for the fulfillment of the research purposes. Furthermore, the right of access does not exist if the data are necessary for scientific research purposes and providing the information would require a disproportionate effort. However, you should clarify whether these exceptions apply to you in advance with your office or your data protection officers, if applicable.