

**Guidelines of the Scientific Council
for the Appointment of Ombudspersons in the Max Planck Institutes
and the Sections of the Max Planck Society
– resolved by the Scientific Council of the Max Planck Society on 15 February 2001¹, last
amended June 2022**

The details of the election and function of Ombudspersons are governed by the present guidelines of the Scientific Council according to the Rules of Good Scientific Practice².

Preamble

Whoever is confronted with specific circumstances that could be grounds for a violation of the Rules of Good Scientific Practice or a suspicion of scientific misconduct is to receive an effective opportunity to turn to an elected contact person without having to fear disadvantages for their person. The Rules of Good Scientific Practice resolved by the Senate of the Max Planck Society on 24 June 2021 provide for the appointment of an Ombudsperson and a Deputy Ombudsperson at the Institutes.

I. Role and position of the Ombudspersons

1. Ombudspersons at the MPis

- a) For advice in cases of conflict touching upon issues of Good Scientific Practice, a neutral, qualified Ombudsperson with personal integrity and a Deputy Ombudsperson must be elected by the academic staff at each Institute or research facility of the Max Planck Society. In addition, an Ombudsperson is to be elected in each of the three Sections for the entire Section. The elected Ombudspersons are to be announced appropriately. The Ombudspersons are available to the staff members as trustworthy contacts for providing advice and mediating conflicts in matters of Good Scientific Practice and its possible violation through scientific dishonesty. The role of the Ombudsperson currently covers the following areas:
- Advice in matters of Good Scientific Practice
 - Mediation and advice in cases of conflict
 - Contact point for reporting persons

Affected staff members of an Institute can choose whether to contact the Ombudsperson or the Deputy Ombudsperson of the Institute. There is no requirement to give reasons for the choice of the Ombudsperson. The Ombudsperson of the Section can be approached without involving the Ombudspersons at the Institute, e.g. if there are concerns about bias. In this case, too, there is no obligation to give reasons.

The appointment of Ombudspersons is intended to create a point of contact and advice centre for those seeking advice and reporting information, which is independent of the Institute Management. In performing their duties, the Ombudsperson is independent of the Institute

¹ Revised on 16 February 2006, last amended in reference to the revised Rules of Good Scientific Practice

² Rules of Good Scientific Practice, <https://www.mpg.de/199493/regelnWissPraxis.pdf>

Management, superiors and colleagues. The elected Ombudspersons are not to fulfil any functions that could potentially lead to a conflict of interest.

- b) Ombudspersons have to treat the information brought to their attention by those seeking advice or reporting information as confidential. However, when making contact, it is to be pointed out as a precautionary measure that in individual cases, in particular for the resolution of a serious conflict or clarification of a serious suspicion of scientific misconduct, disclosure may be necessary in compliance with the following rules.

If the Ombudsperson is approached at the stage of a conflict, their role is to mediate and support the resolution of the conflict. As far as additional persons are affected by the conflict or a disturbance of the peace of the Institute is to be feared, the Ombudsperson may feel induced to initiate a dialogue with the persons affected and/or to inform the Institute Management of the existence of a serious conflict, if necessary while safeguarding the protection of their identity as requested by the persons affected.

If the Ombudsperson of an Institute is approached because of a suspicion of scientific misconduct, they will attempt to establish whether the accusation is conclusive and credible in a discussion with the reporting person. There is also the option of encouraging the reporting person to talk with the suspected person or the Institute Management (I.3.4, paragraph 2 of the Rules of Good Scientific Practice). Without their consent, the name of the reporting person must not be disclosed in this context (I.3.5, paragraph 2 of the Rules of Good Scientific Practice). If the Ombudsperson becomes convinced that a particularly serious and highly suspicious case of scientific misconduct has occurred, they may notify the competent body (II.2.1.1 of the Rules of Good Scientific Practice) of it (I.3.4, paragraph 3 of the Rules of Good Scientific Practice). Before doing so, it must always be clarified with the reporting person whether the notification is to be made with or without disclosure of their identity. As far as all associated matters of discretion are concerned, it may be helpful to consult the Section's Ombudsperson.

If, following a preliminary review carried out according to II.2.1 of the Rules of Good Scientific Practice, the decision to initiate formal proceedings is pending, the responsible Ombudsperson should be given the opportunity to comment (II.2.1.6 (b), paragraph 3 of the Rules of Good Scientific Practice).

Where a formal investigation is conducted according to II.2.2 of the Rules of Good Scientific Practice, it may be necessary in individual cases to disclose the name of the reporting person despite fundamental confidentiality, in particular, if the identity or credibility of the reporting person is important for an appropriate defence of the person concerned (I.3.5, paragraph 2, II.2.2.2 (c) of the Rules of Good Scientific Practice).

2. Ombudspersons of the Section

The ombudspersons on the Section level have the job of acting as contacts for the ombudspersons of the Institutes and all persons who suspect scientific misconduct. Furthermore, they should observe general developments and problem areas that could give rise to scientific misconduct. Accordingly, the Ombudspersons of the Sections should report on their work to the President once a year in an anonymized form.

II. Active and passive right to vote and term of office of the Ombudspersons at the Institutes

1. Right to vote

All members of the academic and scientific-technical staff, including scholarship holders, have the active right to vote.

Doctoral students, scholarship holders, university graduates and graduates of universities of applied sciences are also deemed to be academic staff, except for scientists working at the Institute on a guest basis. Technical staff who directly prepare, carry out or analyze research tasks are also entitled to vote.

Only members of the academic and scientific-technical staff who are employed by the Max Planck Society should have the passive right to vote, as dealing with conflict cases requires a certain amount of experience. Scientific Members cannot be elected, as the meaning of having an Ombudsperson is the existence of a point of contact that is independent of the Institute Management.

2. Term of office

The Ombudspersons are elected for a period of three years. Re-election is permissible but should be limited to one re-election if possible. The election for a new term of office should be held in good time before the end of the ongoing term of office. As long as no new election has taken place, the previous Ombudspersons remain in office.

III. Guidelines for the election of Ombudspersons at the Institutes

1. Formation of an Election Committee

The election is prepared and conducted by an Election Committee consisting of three employees who are entitled to vote. The Institute Management draws up a list of those entitled to vote at least two months before the election is due and convenes a meeting at which the members of the Election Committee and three substitutes are elected. If a member of the Election Committee stands for election, the elected substitute with the highest number of votes will take their place.

2. Preparation of the election

The Election Committee has the following tasks in particular:

It announces the election no later than 21 days before the election date. In particular, the election notice must state the place and time of the election. The election notice, together with the election regulations and a list showing the staff members who have the right to vote and are eligible to stand for election, must be posted on the notice board at the Institute and sent to those entitled to vote. The Election Committee decides on objections to the accuracy of the list. The Election Committee requests all staff members eligible to stand for election who do not wish to be a candidate to have their names removed from the list of eligible candidates within a specified period. Anyone who does not wish to be removed from the list can be elected Ombudsperson or Deputy Ombudsperson. Limitation to one of the two variants is not permitted. The Election Committee is to work towards ensuring that several candidates stand for election, preferably from different Departments. The Committee then publishes the final list of candidates. At the same time, the list serves as a ballot paper and is sent to each staff member entitled to vote together with an unlabelled ballot paper envelope no later than eight days before the day on which votes are cast.

Upon request, the Election Committee shall forward the documents required to conduct the election according to the preceding paragraph together with a postal ballot envelope addressed to the Electoral Committee and bearing the sender's name to eligible voters who are unable to vote in person on the election day.

The Election Committee monitors the proper casting of votes and counts the votes. Minutes must be taken at each meeting of the Election Committee and signed by all members.

3. Election procedure

When casting their vote, the voter ticks one of the names listed on the ballot paper. Ballot papers on which more than one name or no name is ticked or on which additions have been made are invalid. The ballot paper must be submitted by the voter in the sealed ballot paper envelope. In the event of postal voting, the voter has to send their ballot paper in the sealed ballot paper envelope with the election envelope to the Electoral Committee in good time so that it arrives by 5:00 p.m. on the election day at the latest. At the end of the ballot, the Election Committee opens the election envelopes and places the ballot paper envelopes with the still unopened ballot paper envelopes handed in personally at the polling station.

The person who receives more than 50 % of the valid votes cast is elected Ombudsperson. The person who receives a simple majority of the remaining votes is elected Deputy Ombudsperson. If no person receives more than 50%, a second ballot is held in which only the three candidates with the highest number of votes stand. The candidate with the highest number of votes is then elected, and the Deputy is the one with the second-highest number of votes. In the event of a tie, lots will be drawn.

The provision for a second ballot may be waived if no more than three candidates were available in the first ballot.

The course of the election must be recorded in minutes. In particular, these must state:

- the number of persons entitled to vote,
- the number of votes cast,
- the number of invalid votes,
- the name of the staff member elected Ombudsperson, the staff member elected Deputy Ombudsperson and the person with the next lowest number of votes, as well the respective number of votes cast in their favour,
- the notification of acceptance of the election.

The Election Committee announces the election results immediately by posting them on the notice board at the Institute.

4. Electronic election procedure

The election of the members of the Election Committee (Section 1) and the preparation and conduct of the election (Sections 2 and 3) may also be carried out by suitable electronic means, subject to confidentiality and the aforementioned deadlines.

5. Challenging an election

The Election Committee shall decide whether an election is challenged. The challenge must be filed in writing by a person entitled to vote to the attention of a member of the Election Committee by the tenth working day following the day of the election at the latest.

6. Notification to the President

After the deadline for challenging the election has expired, the Election Committee notifies the President of the Max Planck Society of the names of the elected candidates (Ombudsperson and Deputy Ombudsperson), enclosing the minutes of the election and stating the term of office. An explicit confirmation or appointment by the President does not take place and is not required to take office.

IV. Election of the Ombudspersons of the Section

Each Section elects an Ombudsperson for a duration of three years from among the Section members and the Emeritus Scientific Members of the Section. Re-election is possible. The election guidelines are stipulated by the Section.