



Guidelines of the Scientific Council for Electing Ombudspersons to Max Planck Institutes and the Sections of the Max Planck Society

*- adopted by the Scientific Council of the Max Planck Society
on February 15, 2001, amended on February 16, 2006 -*

Preamble

The rules adopted by the Senate of the Max Planck Society on November 24, 2000 for safeguarding good scientific practice include the following provision under figure 6:

“An independent, appropriately qualified person of considerable personal integrity should be elected from among the academic staff at each institute or research establishment of the Max Planck Society to act as an ombudsperson in cases of conflict on matters of good scientific practice. It is the job of the ombudsperson in particular to be available to all concerned as a confidential advisor in cases where there is suspicion of a violation of the principles of good scientific practice.

In addition a person should be elected in each of the three Sections to perform the role of ombudsperson for the entire section. The ombudspersons in the Sections should produce a report on their work once a year for the President in anonymous form.

Further details on the election and duties of ombudspersons are outlined separately in guidelines laid down by the Scientific Council.

The regulations passed by the Senate (November 14, 1997 and modified on November 24, 2000) on the introduction of an investigation procedure in cases of suspected scientific misconduct remain unaffected.”

I. Duties and position of ombudspersons

Anyone who finds themselves confronted with specific circumstances which might violate the rules of good scientific practice or give cause to suspect scientific misconduct should be afforded an effective opportunity to voice their concerns without fear of prejudice to their own person. The ombudsperson must therefore be available immediately in a consultative capacity in all matters relating to good scientific practice and in the case of suspected scientific misconduct. The ombudsperson should also resolve potential conflict situations in which junior scientists in particular may find themselves as a result of conflict between loyalty towards a superior or a working group and to their commitment to scientifically correct conduct.

The purpose of ombudspersons is to create a point of contact and advice independent of the institute management for those wishing to give evidence or information. The

ombudsperson has the duty to preserve confidentiality. In performing his or her tasks, the ombudsperson is independent of the institute management and of superiors and colleagues. He or she may instigate a dialogue with the institute management but is under no obligation to pass on information received to the institute management and has no authority to confront the suspected party therewith.

Simultaneous membership in the institute's works council should be avoided to prevent conflicts of interest between the official functions of a works council member and the role of the ombudsperson, who is in every respect independent.

Institute employees concerned have the choice as to whether they consult the institute or Section ombudsperson.

II. Entitlement to vote and term of office for ombudspersons at the institutes

Academic and academic-technical members of staff including doctoral and scholarship students and university graduates are entitled to vote with the exception of guest scientists working at the institute. Technical staff members who prepare, perform, or evaluate research tasks are also entitled to vote.

Academic staff and technical staff with a university degree who at the time the election is declared are employed by the Max Planck Society are eligible to stand for election. As a rule, only staff members who are likely to be available for the entire term of office should stand for election.

Ombudspersons are generally elected for a three-year term; re-election is possible. The election for a new term should take place in a timely manner prior to the end of the current term.

The ombudsperson remains in office as long as no re-election has taken place.

III. Election modalities at the institutes

1. Forming an election committee

The election is organized and carried out by an election committee consisting of three employees all eligible to vote.

The institute management compiles a list of all eligible voters at least two months prior to the due election and convenes these voters to a meeting during which the members of the election committee and three substitutes are elected.

If a member of the election committee is running for election, the substitute with the next highest number of votes steps in as his or her replacement.

2. Tasks of the election committee

The election committee has the following tasks:

The committee announces the election at least 21 days prior to the election date. The election announcement includes the polling place and time, a list of the staff members eligible to vote and those eligible to stand for election, and a copy of these guidelines. The election announcement is posted at the institute and sent to the eligible voters. The election committee adjudicates on any objections to the list's accuracy.

The election committee requests all those staff members eligible to stand for election but who do not wish to do so to have their names crossed off the candidate list within a set time limit. The election committee should ensure that several candidates stand for election.

The election committee discloses the final list of candidates, which is also the ballot and sends this with an unlabeled ballot envelope at least eight days before the election to every staff member eligible to vote.

Upon request the election committee forwards the necessary voting documents as stipulated in par 3 together with an envelope addressed to the election committee and displaying the sender's return address to those staff members eligible to vote but who are prevented from doing so personally at the institute on election day.

The election committee oversees that the ballots are cast properly and counts the votes.

Minutes of each meeting of the election committee are to be drawn up and signed by each of the three members.

3. Electoral procedure

The voter makes a cross beside one of the names on the ballot. Ballots with more than one name crossed or showing other additions are invalid. The ballot is to be handed in by the voter in a sealed ballot envelope.

Absentee ballots have to be placed by the voter in the ballot envelope which is then sealed and put in the envelope addressed to the election committee. These ballots must reach the election committee by 13:00 on election day. The election committee opens the envelopes after the poll has closed and adds the ballot envelopes to the other unopened ballot envelopes submitted at the polling location.

If a candidate receives more than 50 % of the valid votes cast, he or she is elected. Should this not be the case, a run-off election takes place among the three staff members with the highest number of votes. The candidate with the highest number of votes is elected. In the event of tie the winner is determined by drawing lots.

The course of the election is to be recorded. This record should include:

- the number of eligible voters,
- the number of ballots cast,

- the number of invalid ballots,
- the name of the elected staff member and that of the two candidates with the next highest number of votes and the number of votes cast for them,
- the notification on the acceptance of the election.

The election committee posts the results of the election promptly at the institute.

4. Electronic electoral process

The election to the election committee (para 1) and the preparation and execution of the election (para 2 and para 3) can be performed via a suitable electronic means while observing confidentiality and the mentioned deadlines.

5. Challenging the election

Any challenge to the election is determined upon by the election committee. The substantiated challenge has to be submitted by an eligible voter in writing at least ten working days after the election day to a member of the election committee.

6. Notifying the President

After the ten-day deadline has lapsed, the election committee notifies the President of the Max Planck Society of the name of the elected candidate, the term of office, and submits the record of the election.

IV. Ombudspersons in the Sections

Each Section elects an ombudsperson for a term of three years from among the Section's scientific members and emeritus scientific members.

The ombudsperson serves as a point of contact for the ombudspersons at the institutes and as a direct contact for all persons who may come to suspect scientific misconduct within the meaning of the preamble and of figure I.

In addition, he or she should observe developments in general and identify problem areas which might provide occasion for scientific misconduct.

The ombudspersons in the Sections report once a year in anonymous form to the President on their activities.