

Bylaws for the Committee for Ethics in Research (KEF) at Technische Universität Berlin

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Section 1 Committee for Ethics in Research

A Committee for Ethics in Research (KEF) is established by the Executive Board of TU Berlin.

Section 2 Tasks and bases for the work of the KEF

- (1) The KEF is the Executive Board's central advisory committee for general ethical issues in research at TU Berlin. The KEF drafts guidelines on these issues, offers suggestions, and in individual cases deals with applications (see Section 6 (1)).
- (2) The KEF promotes awareness of ethical issues in research within TU Berlin. It drafts general ethical guidelines, which are also binding for the faculty ethical committees, for approval by the Academic Senate, and develops proposals for continuing education offers for researchers at the University.
- (3) One of the KEF's main tasks is to support decision making on ethical issues regarding academic freedom and responsibility in research for research projects and associated activities at TU Berlin. The KEF performs this function upon application pursuant to Section 6. It does so by advising the applicants and stating its position in writing. Written statements are made available to the applicants. The KEF informs the Executive Board of its recommendations.
- (4) A further task of the KEF is to evaluate how far the research projects submitted for its consideration are compatible with the University's Civil Clause.
- (5) Insofar as another committee, either at TU Berlin or elsewhere, and particularly in the case of a TU faculty ethics committee, is responsible for evaluating ethical aspects of an application for review, their competence shall take precedence. In cases where responsibility is not clear, the KEF contacts the other committee; both committees then agree on responsibility.
- (6) Decisions to be taken by a responsible unit at TU Berlin regarding applying for, conducting, or funding a research project which has been referred to the KEF for review are only to be made once

the KEF has made its recommendation. The recommendation of the KEF does not relieve the person responsible for the project of responsibility regarding their actions and how the research project is conducted.

- (7) The KEF works on the basis of the currently applicable laws as well as standards in research. It further takes account of relevant national and international recommendations. In doing so, it bases its work on the current state of science and technology.
- (8) The chairs of the faculty ethics committees report to the KEF on a regular basis, at least once a year, regarding their work and thus ensure the flow of information, particularly regarding unusual or critical issues.
- (9) The KEF reports annually to the Executive Board as well as the Academic Senate upon the request of the Executive Board, in a suitably anonymized form when necessary, regarding its work. Cases relating to the University's Civil Clause are presented separately in this process.
- (10) The following provisions apply subject to any deviating provisions of higher-ranking law.

Section 3 Composition - members and advisors

- (1) The KEF consists of nine **members** with voting rights from different academic disciplines: 2 professors (external), as well as 4 TU Berlin professors, 1 research associate, 1 member of staff in technology, service, and administration and 1 student as well as the appropriate number of deputies.
- (2) In addition, a number of other **advisors** without voting rights are regularly invited to the sessions of the KEF (from TU Berlin: all the chairs of the faculty committees for ethics, ombudspersons, data protection officers, medical officers, senior safety engineers, and environmental officers). The KEF may also invite other experts to discuss specific topics as required.
- (3) The members of the KEF and their deputies are appointed by the Executive Board for a period of four years. Students are appointed for a period of two years. Members and their deputies as well as students may be appointed more than once. Appointments seek to achieve gender parity.
- (4) The chair of the KEF and at least one deputy chair will be elected by and from the members of the KEF. The KEF votes on the number of deputies and the sequence in which they deputize.
- (5) Members may leave the committee at any time they wish and without providing reason; notification is to be provided in writing to the Executive Board. Internal TU members automatically cease to be members of the KEF when they change their status group or leave the University. With good reason, members can be dismissed from the KEF at any time by the Executive Board of TU Berlin. Members have a right to be heard prior to their dismissal from the KEF. The Executive Board's decisions regarding dismissal are to be explained in writing. The Executive Board appoints a new member to replace the member it dismisses.
- (6) The names of the members of the KEF are published on the website of TU Berlin.

Section 4 Legal status of the KEF and its members

- (1) The KEF and its members perform their duties independently and are not subject to instructions in this regard. They are required to act according to the best of their knowledge and conscience.
- (2) The members bear no personal liability for their work within the KEF.

Section 5 Conducting business

The current business of the KEF is conducted by the chair. The KEF is provided with the required human and administrative resources necessary for its work.

Section 6 Modus operandi

- (1) The KEF meets at least twice a year at the invitation of the chair. The KEF also convenes at the request of a member of the Executive Board, a member of the KEF, an ombudsperson, or the chair of a faculty ethics committee (hereinafter referred to as: "**applicant**").
- (2) The applicant can amend or withdraw an application.
- (3) Applications should include a short, easy-to-understand summary as well as a precise presentation of the ethically relevant aspects. Applications must include a statement regarding the applicant's knowledge of any applications with the same or similar content either previously or simultaneously submitted as well as details of where they were submitted and any outcome.

Section 7 Procedures

- (1) The chair convenes the KEF and determines the time and place of its sessions. Invitations may be sent and sessions take place in electronic format. Invitations must be sent 14 days in advance. This may be reduced to 7 days in urgent cases. The chair decides if a session is urgent. The chair opens, leads, and closes sessions of the KEF. The chair appoints a person to take minutes.
- (2) Sessions of the KEF are public unless issues relating to a person are discussed and this is not possible in an anonymized form. The public may also be excluded at the request of a member of the KEF.
- (3) Confidential sessions are attended by all members of the KEF, ombudspersons, and, when technical considerations require, other advisors and experts as well as persons providing administrative support.
- (4) All persons attending such sessions are required to treat all information as fully confidential.
- (5) Applicants have at any time the right to submit a written statement as well as view reports and statements requested by the KEF. Applicants may address the committee before the KEF makes its recommendations. Requests to be heard submitted by the applicant must be granted. The KEF can also consult other people affected by an application (e.g. persons with responsibility for the research project) and grants them suitable access to documents.
- (6) As a rule, the KEF makes its decisions after oral discussion and issues its recommendations in writing. Written resolutions may be passed by circulation after oral discussion, provided that there are no legal provisions to the contrary and no member objects.
- (7) The KEF may call in experts from relevant academic chairs and research groups for its deliberations and obtain expert opinions, as well as convene sub-working groups. The KEF may request additional documents, information, or justifications from applicants or other relevant

parties including for the purpose of preparing a recommendation. Members of TU Berlin are required to provide the KEF truthful information and access to relevant documents. Justified interests of whistleblowers are to be protected and a fair procedure ensured. The names of whistleblowers are only to be made known to members of the KEF and its advisors if this is necessary to allow the affected persons to defend themselves properly or to check the credibility of the whistleblowers.

- (8) The conclusions of the sessions of the KEF are to be recorded in minutes by the person appointed for this purpose. The minutes are to be sent with the documents for the next KEF session for approval therein. Only the public parts of the minutes and such conclusions relevant for the public are published.

Section 8 Decision process

- (1) Statements made by the KEF are recommendations only and are not binding. Decisions to implement these recommendations are left to the Executive Board and the applicants.
- (2) Statements made by the KEF are to be drafted by at least five members with voting rights. Members whose interests are affected in such a way as to raise doubts concerning their impartiality are to be excluded from the decision-making process. Members are required to independently inform the KEF of any conflicts of interest or partiality before deliberations commence.
- (3) The KEF strives to achieve consensus regarding its statements. If this is not possible, decisions are made on the basis of the majority of votes. Abstentions are regarded as votes against. If the number of votes is equal, the chair has the casting vote.
- (4) The KEF states in writing - subject to further legal requirements - that it has deliberated on the subject matter of the application. Within the scope of its competence, it comments on the extent to which it considers the application, conducting, or funding of a research project to be ethically justifiable, if necessary with modifications and conditions, such as to minimize risks.
- (5) The views of the KEF are to be communicated to the applicant in writing. Statements recommending that an application be rejected or recommendations for amendments to the application are to be justified. The Executive Board is to be informed of these recommendations.

Section 9 Reporting unexpected risks and ethical issues

- (1) The chair of the KEF is to be informed immediately of any serious or unexpected changes in risks arising in connection with the activities of the KEF or the subject matter of the application.
- (2) After assessing the new facts, the KEF may revoke its recommendation approving or rejecting an application in whole or in part or recommend further changes. Applicants must be given the opportunity to comment.

Section 10 Fees and compensations

- (1) There are no fees for reviewing and advising on applications submitted by members of TU Berlin.
- (2) No financial compensation is provided for work undertaken within the KEF. Any work undertaken within KEF sessions is regarded as working time for members and advisors employed at TU Berlin. Travel and accommodation costs for external members and invited experts are refunded by TU Berlin upon application.

Section 11 Concluding provisions

- (1) For procedural issues not regulated in these bylaws, the bylaws of the Academic Senate, as amended from time to time, shall apply analogously.
- (2) These bylaws take effect on the day after their publication in the Technische Universität Berlin Official Gazette.