

Commission for Advice on Security-relevant Research with Substantial Hazard Potential (RSH)

December 13, 2017

Section 1 Commission for Advice on Security-relevant Research with Substantial Hazard Potential (RSH)

The University of Cologne hereby establishes a Commission for Advice on Security-relevant Research with Substantial Hazard Potential (RSH).

Section 2 Responsibilities and foundations of the work of the RSH-Commission

(1) The RSH-Commission supports efforts to balance scientific freedom and responsibility by providing advice and an evaluation of the ethical and legal aspects of security-relevant research as specified in Section 6.1. The Commission also works to raise awareness within the University of Cologne of aspects of security-relevant research.

(2) Where the security-relevant project within or outside of the University of Cologne could lie within the competence of a different commission and the division of competences has not been clearly regulated, the RSH-Commission shall communicate with the other commission; the two commissions shall then reach agreement on how to proceed.

(3) Researchers remain responsible for their actions irrespective of the advisory services provided by the RSH-Commission.

(4) The RSH-Commission shall work on the basis of the current law, prevailing scientific standards, and the respective professional rules of practice. The Commission shall observe the relevant national and international recommendations and base its work on the current level of science and technology.

(5) The following provisions shall apply subject to a different ruling due to higher-ranking law.

Section 3 Composition and members

(1) The Commission for Advice on Security-relevant Research with Substantial Hazard Potential shall comprise the following members:

- the responsible member of the Rectorate serving as chair,
- one professor from each Faculty,
- two academic staff representatives
- two student representatives
- two non-academic staff representatives
- one ombudsperson in an advisory capacity
- and an equal number of deputy members

(2) The members of the RSH-Commission and their deputy members as well as the ombudsperson shall be appointed by the Rectorate of the University of Cologne in agreement with the Senate for a period of two years. Members may be reappointed.

(3) A deputy chair shall be elected from the midst of the RSH-Commission.

(4) Each member may leave the Commission at his or her own request and without stating reasons. All Commission members may be dismissed from the Commission by the Rectorate for good cause. The member shall be heard beforehand. The decision shall be communicated in writing and state the reasons for the dismissal. A new member may be appointed to the Commission for the duration of the dismissed member's remaining term of office.

(5) The names of the members of the RSH-Commission shall be published.

Section 4 Legal status of the RSH-Commission and its members

(1) The RSH-Commission and its members shall be independent and not bound by instructions in the exercise of their duties. They shall exercise their best knowledge and judgement.

(2) The members shall not be held personally liable for the work they do for the RSH-Commission.

(3) The RSH-Commission shall report on its work once a year, in appropriate anonymised form where necessary, to the Rectorate of the University of Cologne. The Rectorate shall inform the Senate of the University of Cologne about the RSH-Commission's work. Upon decision by the Rectorate, the 'Joint Committee on the Handling of Security-Relevant Research of the DFG and the German National Academy of Sciences Leopoldina' (hereinafter: Joint Committee) shall be informed of the work of the RSH-Commission.

Section 5 Management

The Commission's current operations are conducted by the chair. The chair shall be provided with the personnel and administrative resources he or she requires to conduct the RSH-Commission's work.

Section 6 Initiating proceedings

(1) The University of Cologne shall advise its members to seek the consultation of the RSH-Commission before conducting a research project where such research is associated with considerable security-relevant risks for human dignity, human life, health, freedom, property, the environment, and peaceful coexistence.

Security-relevant risks arise in particular in research which will foreseeably produce knowledge, products or technology that could be directly misused by third parties, thereby holding considerable hazard potential for the above-listed legally protected rights. The same applies where such security-relevant risks only become evident during the course of a research project.

(2) Researchers, referred to as 'applicant' in the following, submit their written request for consultation to the ombudsperson of the RSH-Commission. Should this person come to the conclusion that the research project entails security-relevant aspects with considerable hazard potential, he or she will inform the Commission. Should researchers need a consultation for legal reasons, they may also contact the Commission.

(3) The applicant may change or retract his or her application.

(4) The application shall contain a short project summary that is comprehensible to non-specialists and a detailed statement of the security-relevant aspects of the project. A declaration shall be enclosed with the application stating any other applications that have been made previously or in parallel with the same or similar content, along with the outcome of any such applications.

(5) The RSH-Commission can also act on information provided by third parties about security-relevant research. Such information shall also be treated as confidential as set out in Section 7.2. The Commission is not obliged to investigate anonymous information.

Section 7 Proceedings

(1) The chair convenes the RSH-Commission and sets the time and place of the meeting. The chair convenes the RSH-Commission as often as required by current business and at least once a year. The chair shall give notice of invitation at least 10 days prior to the meeting, unless this notice of invitation has been shortened in agreement with all members. The chair opens, leads, and closes the meetings of the RSH-Commission.

(2) The RSH-Commission meetings are not open to the public. Commission members are bound to secrecy. The same applies to experts, aides, and persons who provide administrative support to the RSH-Commission.

(3) The applicant has the right to submit a written statement at all times and to view the opinions and statements gathered by the Commission in an anonymised form. The applicant can be heard by the RSH-Commission in advance of the written statement; if requested by the applicant, then he or she shall be heard. The RSH-Commission can also hear other persons participating in the research project.

(4) The RSH-Commission shall generally come to a decision following an oral discussion. Decisions by written circular are permissible unless this contravenes any legal provisions or is rejected by a Commission member.

(5) The RSH-Commission can consult experts from relevant specialist areas and obtain expert reports. The RSH-Commission can request supplementary documentation, details or explanations from the applicant and other parties concerned, also in preparation of its decision. The applicant can also involve experts selected by him or her. Members of the University of Cologne are obliged to provide the RSH-Commission with correct information and grant it access to the relevant documentation. The grounds for refusing to testify and denying the provision of information apply in accordance with the German Code of Criminal Procedure. The legitimate interests of informants shall be protected to the extent possible in a fair proceeding. Their names shall only be disclosed if an affected party cannot defend him- or herself otherwise or if the credibility of the whistle blower needs to be reviewed.

(6) The RSH-Commission can request consultation by the Joint Committee in cases of fundamental importance. Its request for consultation shall be submitted with a substantiated assessment of its own.

(7) The outcome of the RSH-Commission meetings shall be recorded in minutes. The vote of the professors and the other Commission members shall be recorded separately.

Section 8 Decision-making procedure

(1) The RSH-Commission shall pass a decision, subject to further legal requirements, that it has consulted on the security-relevant risks of the respective research project. Within the scope of its competence, the Commission shall pass judgement on the extent to which, in its opinion, the implementation of the research project is legally and ethically justifiable. It may recommend modifications and requirements, e.g. to minimise risks.

(2) The RSH-Commission constitutes a quorum when at least half of its members are present. Members who are participating in the respective research project, or whose interests are affected by it to the extent that there is an apprehension of bias, are excluded from the discussion and decision-making procedure.

(3) The RSH-Commission shall strive to reach consensus on its respective decisions. If it fails to reach consensus then decisions are made by majority vote. Abstentions from voting are regarded as a rejection of the project. A tied vote is regarded as a rejection of the project.

(4) Each member of the RSH-Commission can submit a dissenting opinion. This shall be attached to the decision.

(5) In certain cases that should be set out in detail, the RSH-Commission can authorise its chair to take a decision alone, or possibly by including a further member. In such cases, the chair shall inform the Commission about the decision as soon as possible.

(6) The decision of the RSH-Commission shall be communicated to the applicant in writing, including any dissenting opinions. Negative decisions and recommendations to amend the research project shall be communicated with a statement of the reasons for the decision/recommendations. The chair shall inform the Rectorate of all decisions in annual reports.

Section 9 Notification of unexpected risks and security-relevant aspects

(1) The chair shall be informed without delay of all serious or unexpected risks that become evident during the course of the research project and that could affect the level and objects of protection set out in Section 6.1.

(2) In this event, the RSH-Commission may revoke its positive evaluation in whole or in part or recommend further amendments to the research project. The applicant shall be given the opportunity to comment on the decision.

Section 10 Fees/remuneration and compensation

(1) No fees shall be charged for the review and consultation of research projects.

(2) The work as a Commission member is part of the official duties of members of the university. Members do not receive any compensation for this work.

Section 11 Concluding provisions

(1) The RSH-Commission may establish its own rules of procedure. The rules of procedure can, among other things, set out requirements for an application. The current Code of

Procedure of the University of Cologne and the Higher Education Act of North Rhine-Westphalia shall apply on a supplementary basis.

(2) These statutes enter into effect on the day after their publication in the Official Notices of the University of Cologne.