

# **Austrian Commission for Research Integrity**

## **Annual Report 2012**

**Introduction:**

The annual report of 2012 contains very pleasant news: Compared to the previous year, both the number of enquiries and 'cases' being investigated by the Commission for Research Integrity, has decreased. However, the absolute number of enquiries is so small and the period of time concerned so short that it is yet impossible to draw large-scale conclusions. Therefore, I would like to highlight two other aspects:

First of all, I would like to point out the altered type of cases which is to say 'altered categories of misconduct'. Instead of plagiarisms, a main issue in 2012 was the relationship between 'superior' and 'subordinate' in connection with respect towards others' intellectual property. Such matters, I have to state in advance, are hard to solve and involve the danger of quickly being sucked into the depths of interpersonal relationships. Hence, the Commission sometimes was in two minds when discussing such cases but could, in the end, always reach a mutual agreement. Its core can be described as follows: The exploitation of young scientists, especially the wrongful appropriation of their scientific output (applications for research funding, texts, data) through senior scientists without the adequate documentation of authorship or co-authorship is regarded as reprehensible scientific misconduct. Not only does it harm all scientists concerned and destroy their careers – it consequently also harms society as a whole by obstructing promising young talents' development and withholding their achievements. It is self-evident that such autocratic behaviour does not correspond to the spirit of the time and is not to be tolerated. Instead, priority should be given to fostering young researchers as incorporated in the funding guidelines and rules of procedure of research funding organizations. If nothing else, it is a simple question of manners. We all hope that this realization will spread and reach all elements of the scientific community.

Secondly, the report states, the enquiries' decrease in number can be attributed to the fact that the increased search for possible plagiarisms, above all in doctoral theses of public figures, has passed its peak and levelled out at an intermediate level. Looking towards Germany, these days one can learn how unpleasant a constellation between politics and science can arise, when scientific misconduct is being discussed. Again, notions of 'citation culture' and the long lapse of time involved are being used to prevent potential political damage. Reasoning like this alienates all those who, at the same time, have worked accurately and by today's standards. There are, of course, convincing reasons why cases from many years ago are not being pursued and one can regret the fact that so called plagiarism hunters preferably devote themselves to the doctoral theses of renowned politicians. But all these reasons cannot justify representatives of academic organizations supporting a moderation of those rules of good scientific practice which they themselves have helped establish, just at a time when they are afraid of losing political allies (see Kaube in FAZ Jan. 24, 2013, p. 25). Thus, the public could easily receive the impression that the rules of good scientific practice would – in case of doubt – be up for negotiation in exchange for money and/or political influence. Consequences of such attitudes should be well and thoroughly contemplated upon by those who hold this view.

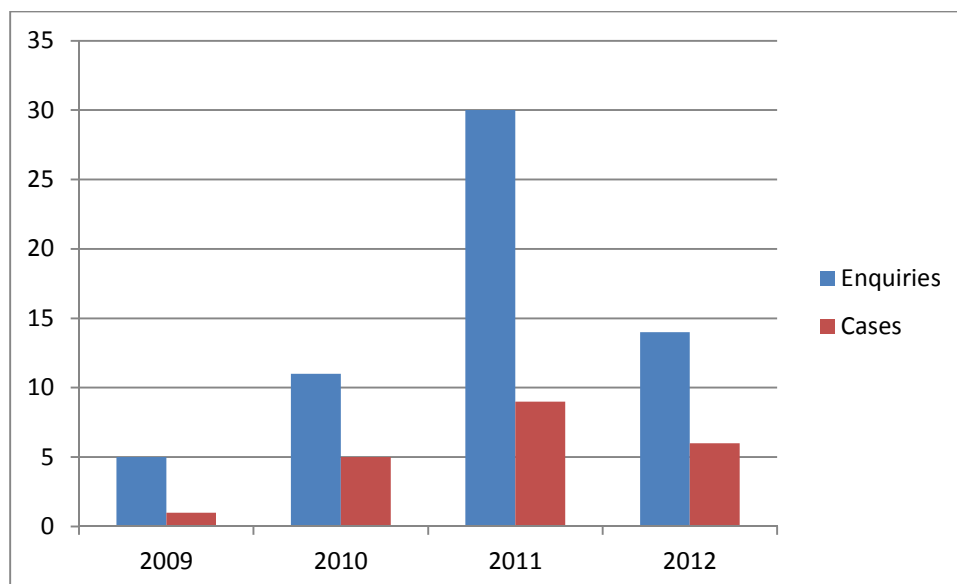
Peter Weingart, Chair of the Commission / January 2013

**Commission:**

The Austrian Commission for Research Integrity constitutes an independent body of the registered association 'Austrian Agency for Research Integrity'. It deals with allegations of scientific misconduct which concern Austrian scientists or Austrian research institutions. The Commission comprises six members from abroad whose expertise covers the key-branches of science and research. In case of issues of Austrian law, an Austrian expert can be consulted.

The Commission's work is based on its 'Rules of Procedure for the Investigation of Alleged Scientific Misconduct' and their appendix 'Guidelines for the Investigation of Alleged Scientific Misconduct' (see [www.oeawi.at](http://www.oeawi.at)). Confidentiality is a highly important principle of the Commission's work and must be guaranteed by all means in order to protect all whistleblowers' interests.

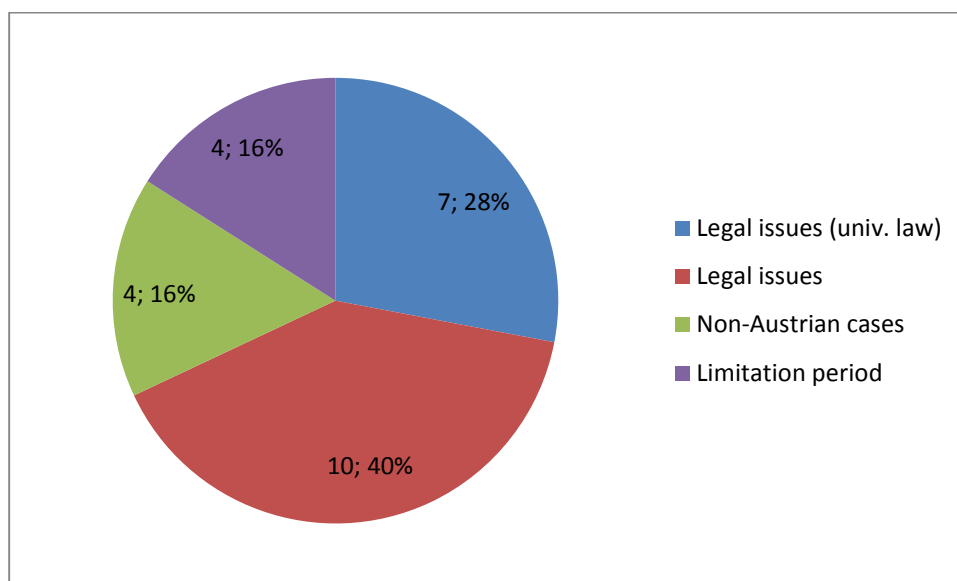
In 2012, the Commission has been informed about 14 enquiries of alleged scientific misconduct. These were considerably fewer enquiries than the year before (see fig. 1). One of the reasons lies in the fact that increased searches for plagiarisms, above all in the doctoral dissertations of public figures, have exceeded their 2011 peak and reached an intermediate level. The Commission, at any rate, received fewer enquiries concerning plagiarisms in doctoral theses. In addition, the category of scientific misconduct has shifted from plagiarism towards authorship conflicts, the manipulation of data and research hindrance.



**Fig. 1:** Number of enquiries and cases since 2009

### Enquiries and cases from 2009 until 2012:

Since the Commission commenced its work in 2009, 60 enquiries have been dealt with. Only 21 out of these became cases and initiated procedures. Repeatedly, the Commission had to decline enquiries and declare itself not responsible. Most of these enquiries concerned issues of university studies law and other legal issues (fig. 2). If students need help with Austrian laws governing university studies, they can contact the office of The Austrian Student Ombudsman ([www.hochschulombudsmann.at](http://www.hochschulombudsmann.at)). Other legal issues are to be resolved at court.



**Fig. 2:** Types of enquiries which the Commission regards as not in their field of competence (some types may be stated more than once).

The 21 investigated cases which the Commission handled up to now can be categorized as follows:

Life Sciences:	5
Medicine:	6
Law:	2
Social Sciences and Humanities:	7
Natural and Technical Sciences:	1

Nine cases related to alleged plagiarism, three to the exploitation of other persons' research (in one case there was an additional allegation of plagiarism), four to the falsification of data, eight to authorship conflicts and three to research hindrance (some allegations may be stated more than once). To date, 16 cases have been concluded (four are yet to be

completed, one remains suspended). In every case, the Commission has issued a final statement. Whistle-blowers are entitled to receive this final statement only if they are personally affected.

**A violation of the rules of good scientific practice or scientific misconduct has been confirmed in 10 (out of 16) cases!**

### **Enquiries and cases 2012:**

Of the 14 enquiries which were put before the Commission in 2012, six became cases and induced the commencement of a procedure. The Commission declined three enquiries on the grounds of it being not responsible because of termination (if the misconduct took place more than 10 years ago) or legal issues such as copyright.

Two enquiries remain suspended since they are investigated by other authorities.

In addition to the new cases, initiated in 2012, out of which one was closed, the Commission has completed three more cases from the previous year. All these are cited below as anonymised case studies.

### **Case 2011/04:**

The following case was categorized as ‘authorship conflict’ and ‘plagiarism’: A professor was granted a professorship in Austria and took his working group with him to his new place of employment. This group consisted of three postdocs who gained assistantships for a certain period of time including the possibility to extend their contracts.

The head of the institute encouraged the new assistants to secure funded projects for themselves. One of the assistants who had only recently joined the working group and thus their special field of research, devised – upon suggestion of the professor – an application for a project in the professor’s field of expertise. Later on, the assistant could submit an application for a funded project based on his own research results in his own special field of expertise.

At about the time of the project’s funding approval the professor and his assistant fell out with each other and the professor dismissed him. The assistant, though, had the possibility to take the funding money with him and find a new lab within a year’s time. He did not succeed. After that, the professor himself submitted an application to the funding agency which was very similar to that of his assistant’s. The professor received funding. As a result, the assistant called upon the Commission, claiming that the professor had used his ‘wording’ to a considerable extent. The Commission agreed with him and confirmed in its final

statement that the professor had committed scientific misconduct by not naming the assistant as co-author in the application to the funding agency.

#### Case 2011/08:

This case concerned an authorship conflict. A university employee contacted the Commission conveying the following allegation: In the course of a joint research project at the university, one of the other project employees had passed off considerable parts of her elaborately developed research questions/research plans/questionnaires as her own and used them in her doctoral thesis as well as two subsequent publications. Thereby, she had neither obtained the whistle-blower's assent, nor named her as co-author in her publications. The Commission's investigation revealed that there had above all been shortcomings concerning issues of the authorship of scientific publications by the project leader since the rules of cooperation within the project had never clearly been defined but left rather vague. Following a mediation with the two project employees organised by the university, the publications at hand were corrected by an erratum notice naming the whistle-blower as co-author. Hence, the whistle-blower retracted all allegations of scientific misconduct.

#### Case 2011/09:

The following case is both about research hindrance and the exploitation of other persons' research. It is connected with two other cases that were also handled by the Commission. One employee of a research project expressed the following allegation regarding the project's leader: This person agreed to grant the employee a leading position within a follow-up project, after the joint first project had been concluded. The employee put a considerable amount of commitment and work hours into the process of its application and because of this did not pursue any other projects or submit job applications. The follow-up project which she had made a major contribution to, was granted. Shortly before signing the employment contract she was informed that she would not participate in the project which equalled an arbitrary dismissal. Subsequently, she contacted the university's employee representative whom she handed over all relevant documents (contract copies, signed target agreements etc.). After examining these papers, the employee representative made clear that the project's leader would receive a notice of discipline in his personnel file and – possibly – a disciplinary warning letter. However, the notice was never included. After that, the employee asked the Commission to look into the matter. The Commission, though, did not see any further possibilities to conduct an investigation and referred the employee to the university's authorities.

Case 2012/01:

This case concerns the falsification of data. An Austrian university submitted the following enquiry: A university employee had included data in a publication (in which he was named as co-author) which he had not himself obtained but transferred from somebody else's publication without indicating this in his work. This scientist admitted to having done so. The Commission confirmed scientific misconduct. A further investigation revealed that no other authors of the publication had taken part in the manipulation and that their data were absolutely credible. Also, the investigation of all other scientific papers which were published while the scientist was employed by the university resulted in no evidence indicating scientific misconduct.

An allegation concerning a different publication could not be confirmed by the Commission since its corresponding author (who is a foreign scientist) had not been willing to cooperate and original data necessary for expert opinions were therefore missing.

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