

Commission for Research Integrity: Rules of procedure for the investigation of alleged scientific misconduct

Preface

Under Art. 17 of the Statutes of the Association, the Commission for Research Integrity is an organ of the association known as the “Austrian Agency for Research Integrity”:

The Commission for Research Integrity is to promote adherence to the rules of good scientific practice and to ensure an independent investigation in cases of alleged scientific misconduct. The Commission for Research Integrity shall conduct activities for Association members and advise them in all matters related to research integrity, in particular in cases of suspected scientific misconduct, with due attention to international developments.

Commission members shall have the following duties and powers:

- Investigation of relevant facts in cases of suspected scientific misconduct;
- Experts from Austria and/or abroad may be called in;
- Execution of arbitration procedures in cases of suspected scientific misconduct;
- Preparation of opinions on the basis of fact-finding investigations in cases of suspected scientific misconduct;
- Advising of members on the establishment of procedures for handling cases of suspected scientific misconduct;
- Regular reporting of evidence regarding problems with research integrity in the Austrian science and research system in consultation with the Chairperson of the Association.
- Development of measures to prevent scientific misconduct.

The Commission shall report on its activities to the Board once per year. By invitation of the Chairperson of the Commission, members of the Board may take part in Commission meetings in an advisory capacity. Upon request, the Commission shall inform the Chairperson of the Association of the initiation of a procedure due to suspected scientific misconduct. This does not apply to cases in which the Commission considers it a higher priority to protect the party accused of scientific misconduct. Once the procedure has been completed, the Commission shall inform the Association's Chairperson of the result of the procedure. The Chairperson is obliged to maintain confidentiality. In accordance with Section 16 Par. 4 of the Association's Statutes, the Chairperson of the Austrian Agency for Research Integrity shall be responsible for disseminating information on ongoing and completed procedures to the public in agreement with the Chairperson of the Commission for Research Integrity.

With regard to ongoing procedures, the fact that a procedure has been initiated and the expected duration of the procedure will be reported in any case.

Upon nomination by the Austrian Science Board, established researchers shall be appointed to the Commission for Research Integrity by the General Assembly for a term of two years. Commission members may be re-appointed twice. The members of the Commission shall perform their duties completely independently. Commission members may also decide to investigate cases of suspected scientific misconduct on their own initiative after informing the management of the institution in question.

The Commission for Research Integrity shall choose one member of the Commission to serve as Chairperson and one member to serve as Deputy Chairperson of the Commission. The duties of the Chairperson of the Commission for Research Integrity shall include convening meetings of the Commission, external scientific representation, and advisory membership in the Association's Board.

The Commission for Research Integrity shall take decisions by a simple majority of votes. The Commission shall be subject to the existing Rules of Procedure, which must be approved by the General Assembly of the Agency for Research Integrity.

1 Members of the Commission and general procedural principles

- 1.1 The Commission for Research Integrity shall comprise at least six members nominated by the Austrian Science Board and appointed by the General Assembly for a term of two years in accordance with the Statutes of the Agency for Research Integrity. Commission members may be re-appointed twice.
- 1.2 The members of the Commission shall represent the following disciplines: humanities, social sciences, natural sciences and technology, life sciences, medicine and law.
- 1.3 Persons affiliated with Austrian universities or research institutions may not be appointed to the Commission. Only the member representing the discipline of law may be affiliated with an Austrian research institution; this member does not have the right to vote.
- 1.4 The voting members of the Commission shall choose one member to serve as Chairperson and one member to serve as Deputy Chairperson of the Commission. The duties of the Chairperson of the Commission for Research Integrity shall include convening meetings of the Commission, external scientific representation, and advisory membership in the Association's Board.
- 1.5 The Commission shall be convened whenever necessary. The Chairperson may announce a Commission meeting along with the accompanying agenda at any time. The Chairperson of the Commission is to convene a Commission meeting without delay if a member of the Commission submits a request for such a meeting along with a draft agenda.
- 1.6 At least three voting members of the Commission must be in attendance in order to constitute a quorum. Resolutions shall be taken by a simple majority of votes. Where voting results in a tie, the Chairperson of the Commission shall have the casting vote.
- 1.7 If necessary, the Commission may also make decisions in the form of circular resolutions. Such motions are to be sent to all members of the Commission in writing or electronically along with the specification of a deadline for responses at least one week in the future. A motion is considered approved if the required majority of Commission members vote in favour of the motion within the specified period. However, a resolution shall not be considered approved in cases where one or more Commission members request a discussion of the motion at the next meeting.
- 1.8 The identification of scientific misconduct as a violation of the rules of good scientific practice shall be based on the criteria described in Annex I to the Rules of Procedure.
- 1.9 The procedures of the Commission shall not be public; in particular, the parties involved in procedures shall not have the right to inspect the Commission's written records or documents.
- 1.10 Confidentiality is to be maintained in order to protect all persons involved.
- 1.11 The results of meetings are to be recorded in the minutes.
- 1.12 The results of Commission investigations are to be conveyed to the persons involved.

2 Activities of the Commission in cases of suspected scientific misconduct

- 2.1 The Commission may be called upon by any legal person or organisation which is an full member of the Austrian Agency for Research Integrity and is affected by scientific misconduct, or by any physical person who is affected by scientific misconduct with a connection to Austria. Such inquiries/reports must be submitted in writing to the Commission's administrative office with due indication of the specific facts in the case and the alleged misconduct.
- 2.2 Under Art. 8 Par. 3 of the Association's Statutes, full members of the Austrian Agency for Research Integrity are obliged to ensure extensive cooperation with the Association in cases where a procedure is initiated, in particular by making the required information available, and to report severe cases of suspected scientific misconduct in their fields to the Agency for Research Integrity.
- 2.3 The Commission may also act on its own initiative without the conditions pursuant to Section 2 being met.

3 Preliminary review of competence

- 3.1 The Commission shall begin all activities with an examination of whether the case falls within the scope of the Commission's material and geographical competence.
- 3.2 The Commission is materially competent in cases where, on the basis of the available evidence, the suspicion of scientific misconduct appears sufficiently justified in accordance with the criteria listed in Annex I to the Rules of Procedure. Other forms of misconduct in connection with research work, especially mobbing and sexual harassment, do not constitute grounds for the material competence of the Commission.
- 3.3 The Commission is geographically competent when a case exhibits a strong connection to an Austrian institution or to a researcher working in Austria.
- 3.4 If a procedure regarding the alleged misconduct is pending with another affected institution, the Commission may refuse or discontinue the handling of the case.
- 3.5. The Commission may also refuse to handle allegations in case where the alleged misconduct lies more than ten years in the past.
- 3.6 On the basis of its preliminary review, the Commission may take the following resolutions:
 - a) Assignment of the case to the Commission member whose area of expertise is most closely related to the case (referred to below as the "member leading the investigation");
 - b) Non-initiation of a procedure, with appropriate justification;
 - c) Suspension of the case, for example until a procedure previously initiated by another institution has been completed.

The persons to which a report refers shall be informed of the resolutions listed above after a review and assessment by the Commission. Moreover, the Chairperson of the Austrian Agency for Research Integrity is to be informed of resolutions upon request. The Chairperson shall be obliged to maintain confidentiality in this regard.

- 3.7. The Commission is generally obliged to inform all affected full members of the Agency for Research Integrity about resolutions pursuant to Section 3.6. without delay. In justified exceptional cases, however, the Commission may decide to fulfil its obligations to inform members at a later point in time. In such cases, the Commission must weigh the legitimate interests of the member in question against the legitimate interests of the other parties involved.

4 Investigation procedures

- 4.1 With the support of the administrative office, the Commission member leading the investigation shall first obtain opinions and statements from the persons to whom an allegation refers. If necessary, the Commission may also request additional documentation.
- 4.2 If a sufficient assessment of the facts is not possible on the basis of the materials submitted, the Commission may hold a hearing with the parties involved and obtain expert opinions from specialists in the relevant field.
- 4.3 At the suggestion of the Commission member leading the investigation, the Commission may, in justified cases, initiate an arbitration procedure with the support of a mediator. In cases where a thorough assessment of the facts is not possible on the basis of the information obtained, the Commission member leading the investigation may, in concert with the other Commission members, appoint experts for the specific subject area in question to investigate the allegations in greater depth.
- 4.4 In cases where other procedures (e.g. civil, criminal or disciplinary procedures) have been initiated in connection with the case to be investigated, the Commission may resolve to suspend the case at any stage of the procedure.

5 Preparation of Commission opinions

- 5.1 Upon completion of the investigation according to Section 4, the Commission member leading the investigation shall compose a summary opinion which contains an assessment of the results of the investigation. This opinion is to be presented to the other Commission members for approval.
- 5.2 In cases where other members of the Commission disagree with the opinion, it is to be discussed and amended/supplemented as necessary at the next scheduled meeting of the Commission, and the Commission should decide on a final opinion if possible.
- 5.3 Opinions should contain the following information in any case:
 - a) Summary of investigation results;
 - b) Assessment of investigation results;
 - c) Recommended further actions for the parties involved.
- 5.4 If, in its deliberations, the Commission comes to the conclusion that further investigations would be required in order to come to a final assessment of a case, then the corresponding resolution must also include a description of the additional investigations required as well as a reasonable time period within which the results must be available.
- 5.5 The Commission's opinion is to be conveyed in any case to the person who or institution which called upon the Commission if that person or institution is directly affected by the allegations submitted, and to the person(s) to whom the allegations referred. In addition, the Commission's opinion is to be conveyed to the Chairperson of the Agency for Research Integrity for information purposes.
- 5.6 In all cases, opinions on severe cases of scientific misconduct must also be conveyed to the institution(s) where the misconduct was said to have taken place if the institution or institutions in question belong to the Austrian Agency for Research Integrity.
- 5.7 The submission of the opinion in accordance with Section 5.6 shall mark the end of the Commission's procedure.

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