

# Austrian Commission for Research Integrity

## Annual Report 2017

## Preface by the Chair of the Commission

2017 was a particularly labor-intensive year for the Commission for Research Integrity of the OeAWI. It would not have been feasible to cope with the amount of work without the extraordinary commitment and competence of the Administrative Office. I would like to offer my special thanks here.

One of the inquiries (A 2017/16—“Kindergartenstudie”) received great public attention. This inquiry demonstrated convincingly that the cooperative arrangement between the Commission and the members of the OeAWI works well. The university concerned approached the Commission for its counsel. The Commission managed to present its evaluation in a relatively short time-span—following its principle “due care rather than speed”—and thus made it possible for the University to reach a decision promptly. What also became clear in the process however, is that any similarly large-scale evaluation as conducted by the Commission in this case, cannot possibly become routine for the Commission if the Commission (including its Admin Office) is to operate in a viable manner.

In the future, it will therefore be even more important to see how the division of labor between the members of the OeAWI and the Commission ought to be handled: What kinds of issues should be the responsibility of OeAWI members and what sort of tasks should reasonably be taken up by the Commission? It seems desirable that every member of the OeAWI determine how training and professional development regarding GSP (Good Scientific Practice) can be expanded further. In addition, it is important to clarify in which ways the Commission as well as the Admin Office may be able to support such efforts of professionalization that members of the OeAWI may wish to choose.

Apart from its work on concrete inquiries, the Commission must not forget about its “strategic” tasks. It ought to play a critical role in further developing the Guidelines governing GSP and the relevant modes of their enforcement (cf. § 17, section 1 of the bylaws). The challenge and key task for the future will be to find ways of aligning Austrian legal requirements with the principles of research integrity arising from research ethics and the practice of self-regulation in the sciences. Together with the members of the OeAWI, the Commission could initiate the practice of a regular forum on “Good Scientific Practice and the Law,” providing the opportunity to critically address the specific legal framework of GSP in Austria. In this manner, one could strengthen the effectiveness and legal validity of the GSP Guidelines in Austria.

Vienna, June 15, 2018

Univ.-Prof. Dr. Stephan Rixen

Chair of the Commission for Research Integrity of the OeAWI

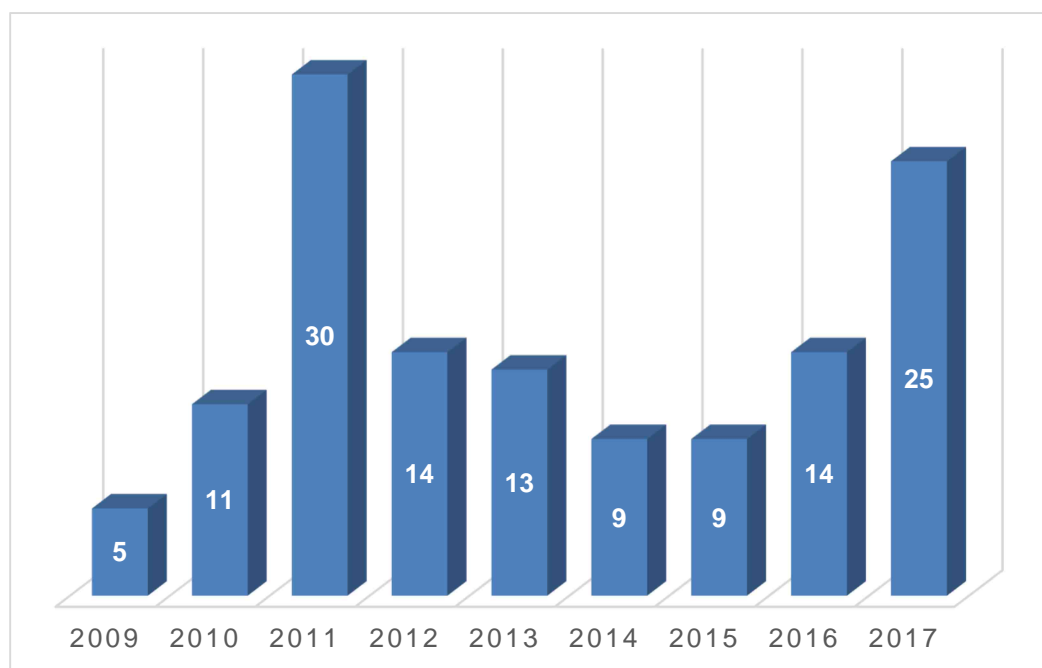
## Commission for Research Integrity

The Commission for Research Integrity is an independent body of the Austrian Agency for Research Integrity (OeAWI). The Commission examines allegations of research misconduct involving researchers and research institutions in Austria. It consists of six scientists/scholars from outside Austria whose expertise covers a broad variety of disciplines. For issues related to Austrian law, an advisor is called upon when necessary.

The Commission operates on the basis of its Rules of Procedure and the Guidelines for Good Scientific Practice ([www.oeawi.at](http://www.oeawi.at)). One important principle underlying the Commission's work is confidentiality, which must be ensured to protect the parties submitting inquiries as well as those accused of misconduct.

## Overview of Inquiries and Cases, 2009 to 2017

By the end of 2017, the Commission for Research Integrity had handled a total of 131 inquiries since it started its work in June 2009.



Graph 1: Inquiries to the Commission between June 2009 and December 2017

## Inquiries in 2017

In 2017, the Commission held three ordinary meetings. During 2017, the Commission received 25 inquiries. Some of the inquiries from 2016 were completed in 2017 and are summarized below. Some of the inquiries from 2017 are still in progress and therefore cannot be described in detail at this point. The Commission was able to complete 24 inquiries.

### Inquiry A 2016/06:

The Rector's Office of a university turned to the Commission for its critical assessment of two publications regarding possible research misconduct. The Commission was asked to evaluate the missing information of co-authorship of several cooperation partners; the publication of both studies without consent of one of the authors; and the fact that both studies indicated an affiliation with a university to which the primary author no longer belonged.

All individuals involved confirmed that they had contributed to the work leading to the publications. Apparently, in the course of the co-operative endeavor, disagreements arose between the department head and the primary author of the publications. The latter resigned from his position. Nevertheless, he wanted to get the manuscripts published and repeatedly but unsuccessfully tried to contact his former superior regarding this matter. The former employee therefore decided ultimately to submit the manuscripts and have them published without the cooperation partners (except for one). In its findings, the Commission emphasized how difficult the communication among the parties involved had become and concluded that this was not a case of research misconduct. Regarding the issue of affiliation, the Commission believed that on the one hand, the university where the studies had taken place over a period of years ought to be listed but on the other, there ought to be full transparency about the institutional affiliation of the author at the time of publication. Thus, the Commission did not identify any violation of the Guidelines for GSP.

### Inquiry A 2016/09:

A researcher considered the rejection of his conference paper for publication in the relevant conference proceedings to be research misconduct. The Commission requested an explanation of the conference organizer.

The Commission concluded that the organizers of the conference clearly communicated the criteria for paper submissions on their website; furthermore, the process included an evaluation on the part of the editorial office. Therefore, the Commission did not discern any bias in the evaluation of the contribution. Nevertheless, the Commission suggested to the conference organizer that henceforth the Association ought to be even more explicit in its presentation of the criteria applied to the selection of papers.

Inquiry A 2016/10:

A funding agency wanted to have the Commission examine the circumstances of a possible duplicate filing of an application from two separate applicants. The applications were partially identical. One of the applicants withdrew his submission upon hearing from the funding agency and chose to resubmit it with some modification and an explanatory statement. Still, the expert reviewers of the funding agency agreed that this was a case of plagiarism and a violation of the rule prohibiting “duplicate funding.”

The Commission confirmed the contested text passages and requested comments from both grant applicants. Both applicants explained that the research projects involved are different but complementary. Both conceded that there was great similarity between the applications but linked the largely verbatim concordance between the texts to the authors’ close cooperation and in addition, to the fact that both submissions were translated by the same person. The Commission agreed with the reviewers’ judgment that this was a violation of the rule prohibiting “duplicate funding.” Explaining the extensive congruence of the two applications by pointing to the applicants’ close cooperation and/or the work of the translator was not persuasive to the Commission. Jointly working on two projects, according to the Commission, ought to result in different and not almost identical grant submissions. In a nutshell, even when a translation is commissioned, it is the applicants—and not the translators—who are solely responsible for the submission.

However, the Commission did not agree with the reviewers in their identifying the submissions as plagiarized. Given the close cooperation of the two scientists, there was no reason to presume improper use of someone else’s ideas and writings.

Inquiry A 2016/12:

A scientist complained to his University that he was not listed as co-author of a publication even though his data were being used in the manuscript without permission. In addition, excerpts from his summary report and that of another colleague were included in the dissertation of a third colleague without proper referencing.

The University studied the case and discerned no violation of the Guidelines for GSP. Subsequently, the person raising the issue turned to the Commission. The Commission asked the University Management to provide reasons for its decision and give permission to evaluate the materials used in the case. The University granted both requests. Having examined all materials, the Commission reached the same conclusion as the University and confirmed its decision.

Inquiry A 2016/13:

This inquiry was actually a voluntary disclosure of a scientist who wanted to preempt the possibility of somebody raising allegations of plagiarism. Specifically, it concerned the

authorship for a poster: The person might accuse him of having lifted the text of the poster abstract from a jointly written but still unpublished manuscript.

A bit later the Admin Office of the OeAWI received information about a letter from the Austrian Student Ombudsman to the Ombudsperson of the University concerned. The letter contained charges of several (altogether eleven) former co-workers of the scientist against their superior. The charges pertained to (presumably) inadequate mentoring of junior scientists, and one of these former co-workers raised the issue of the above-mentioned allegation of plagiarism. This co-worker had also raised the issue of plagiarism with the organizers of the conference where the poster was to be presented: He stated that he had written the abstract but had not approved of the use of the text for the poster, and his name as primary author was not listed there either. Furthermore, he claimed there was yet another co-author related to the project about whose specific contribution he was not sure. The organizers decided not to permit the poster presentation. The scientist stated that he had rewritten the abstract and that this was therefore clearly his own work.

The Commission took the stance that this was not a case of plagiarism because ultimately the poster was never presented.

Regarding the accusation of inadequate mentoring of several junior scientists, the leadership of the University concerned established an action plan to help improve the governance structure of this research group.

#### Inquiry A 2017/01:

A scientist claimed co-authorship for a publication for which, in his view, he had done some groundwork. Consequently, he also approached the editor of the journal in question. A member of the Commission initiated a conversation with the head of the research institute where the scientist was employed. The Commission decided to forward to the scientist the statement the other authors had presented to the journal and requested his response. Since the Commission never heard from the person again, it closed the case.

#### Inquiry A 2017/02:

Someone filed the charge that a dissertation written in Albanian contains text passages from an Austrian diploma thesis in translation. The Commission approached the author of the dissertation. He is affiliated with an Albanian university. In his response, he stated that he had done research in various archives in Vienna - and included the relevant documentation thereof.

The Commission did not assume jurisdiction for this case because the Austrian research system was not specifically affected.

Inquiry A 2017/03:

A person approached several institutions relevant to his case (granting agency, ministry, Austrian research institution, and the Commission). His charge was related to inaccurate information in funding applications: The accused scientist, he claimed, had no right to use the title "Associate Professor." Her resume was said to be inaccurate and the list of publications presumably included non-existing publications; in addition, there was also a series of mere "honorary authorships."

After some scrutiny, the Commission established that the scientist's name was listed for publications that did not include her name in the original. In part, her name was on the list of authors while the names of other authors had been deleted. The Commission asked the scientist to clarify matters. She explained that she had been awarded the title "Associate Professor" in another country; regarding her publication list, she claimed to be quite upset fearing that somebody might have manipulated it, but conceded that she had failed to verify the listings.

The Commission was not in the position to identify the source of the inaccurate information. Therefore, the Commission presented its findings to the research institution concerned and requested clarification. It also emphasized the significance of clarifying matters to prevent possible harm (to the institution) because without it there could not be a trusting work environment within the research group. In addition, the Commission advised the institution to learn a lesson from the case and re-evaluate the means of internal quality assurance regarding the submission of grants.

Inquiry A 2017/04:

The person filing the charge was doing research on the history of specific measuring devices in Austria; a museum had refused to grant him access to some materials the informant considered necessary. The museum justified this by stating that they themselves were doing research on the topic but also disclaimed the existence of the requested materials.

Since the accuser dragged several people, including some in politics, into the case, the Commission did not assume jurisdiction for this case. It was hard to avoid the impression that the Commission being instrumentalized for political purposes.

Inquiry A 2017/05:

This was, in fact, the reopening of a previous inquiry—this time, however, upon the request of the researcher who had been charged originally. At that time, each of two researchers made the claim to be the first to put forth a particular interpretation of a portrait. When dealing with this case for the first time, the Commission concluded that it was impossible to ascertain who really came up with the interpretation first. It was the verdict of the Commission that

both parties had presented their arguments so convincingly that it was impossible to clarify the matter conclusively in one way or the other.

Inquiry A 2017/06:

This case concerned an appointment procedure involving predominantly international candidates as finalists. The Rector's Office rescinded the process. The Commission did not consider the case to be its responsibility.

Inquiry A 2017/07:

Still in progress.

Inquiry A 2017/08:

An Austrian university told the person turning to the Commission that his "Habilitation"—acquired abroad - would not be recognized in Austria. It was suggested to go through the process again and that he would be permitted to submit the same post-doctoral thesis in Austria. He had some reservations about this idea wondering whether this might not lead to charges of self-plagiarism.

The Commission referred him to institutions providing the legal framework for the question (e.g., National Recognition Information Center at the BMBWF, formerly BMWFW) that might be of assistance. To ensure that the second post-doctoral thesis would not be considered "self-plagiarism," the Commission recommended the author refer to the first one explicitly.

Inquiry A 2017/09:

One physician charged another physician with failure to cite his publications even though he had been the first to describe the particular surgical procedure. The Commission asked for the response of the medical doctor charged. It was the latter's view that a case study is something altogether different from a review with a bibliography, and that therefore, a case study does not require a comprehensive reference list. Furthermore, he certainly had not claimed intellectual authorship.

The Commission believed that even though for case studies there is no expectation of a comprehensive reference list, it would certainly enhance the scientific value of the paper if there were references to and discussions of similar surgical procedures. The Commission nevertheless did not recognize any disregard for intellectual property.

Inquiry A 2017/10:

The Rector's Office of a university submitted the following information to the Commission: In a "Habilitation" process, charges were made that a researcher had used substantial parts of a previous publication in her post-doctoral thesis that a) had been written with several co-authors and b) had not been included in the reference list of the thesis. In addition, there



were numerous text sections originating from co-workers whose names had not been listed as authors.

The Commission requested the comments of all persons involved as well as expert opinions. Subsequently, the Commission concluded that both the re-used article and the substantial sections written by co-workers should have been clearly referenced in the post-doctoral thesis. It made it clear that the project manager bears primary responsibility for a timely discussion with all co-workers determining the authorship of any and all publications.

#### Inquiry A 2017/11:

A university approached the Commission requesting assistance in its search for external experts who might be able to help resolve a charge of plagiarism. The Commission offered a list of potential experts; the University proceeded with its investigation.

#### Inquiry A 2017/12:

The Rector's Office of a university approached the Commission with the case of suspected plagiarism in a dissertation. The reviewers of the thesis doubted that it was a piece of independent work, given that the style of the doctoral thesis differed markedly from the previously completed diploma thesis. The individual charged pointed out that s/he had received editing help from someone else but insisted that there had been no revision of content. This was confirmed by the person who had done the copy-editing.

The Commission cautioned that over the span of seven years, styles can very well change. Furthermore, one should acknowledge that the two theses covered completely different subject matter. For the Commission, there was no purpose in soliciting additional linguistic evaluations. Not having any grounds to refute the claims made by the doctoral candidate and the individual providing editing assistance, the Commission advocated the completion of the thesis evaluation.

#### Inquiry A 2017/13:

The Rector's Office of a university turned to the Commission in the case of suspected plagiarism: The charges pertained to plagiarism of structure and ideas. Both works, two dissertations, had been published by the same publisher within a fairly short time span.

The Commission solicited two external reviews, both of which concluded that this was not a case of plagiarism. The experts pointed out that it was difficult to prove structural plagiarism and even more difficult to prove plagiarism of ideas. However, both experts expressed serious concern regarding the fact that the second published thesis did not take the first thesis into sufficient account. To them, this kind of omission raised questions about the scientific principles of fairness, openness, and transparency—and it is these issues that, according to the reviewers, should be addressed appropriately. The Commission seconded this recommendation to the University.

Inquiry A 2017/14:

A funding agency turned to the Commission suspecting that an applicant for a fellowship abroad might have utilized parts of another project application.

The Commission requested the applicant's response. He explained that his future supervisor (at the host institution) had offered him a sample of an application that had not been funded; he himself had also come up with his own ideas and thus had made his own independent contributions.

It was the perception of the Commission that when submitting his funding request, the applicant had violated the Guidelines for GSP because he had failed to acknowledge his collaboration with his future supervisor and because only parts of the application were his own. In his rejoinder, the applicant displayed discernment and apologized for his behavior. He argued, however, that he had proceeded exactly as had been agreed upon with his supervisor, who confirmed this viewpoint.

Inquiry A 2017/15:

Someone approached the Commission indicating that a scientist had submitted a dissertation essentially consisting of commissioned studies he had contracted in his previous position at a company.

The Commission solicited commentaries and expert evaluations; it invited the scientist to come to a hearing. The Commission concluded that this was not a case of plagiarism because the scientist had been actively involved in the commissioned studies, which was confirmed by others' testimony. The charge of missing references was not refuted, however. Given the Guidelines for GSP, all used sources used are to be listed, which could surely have been done using the term "unpublished project report" - something that, in fact, had been done for two other reports similar in nature. It was the Commission's recommendation to the university to re-evaluate its guidelines and operational procedures regarding contract research (of companies) with the explicit goal to define clear and transparent regulations, which would ensure strict adherence to the Guidelines for GSP and confidentiality agreements.

Inquiry A 2017/16:

As has been reported in the media, the University of Vienna approached the Commission for Research Integrity with the request to have the so-called "Kindergartenstudie" reviewed.

The Commission's findings of November 7, 2017 have been published in the meantime—with the permission of the author of the study and in conjunction with the author's "personal statement." See the news release of the University of Vienna (April 24, 2018):

<https://medienportal.univie.ac.at/presse/aktuelle-pressemitteilungen/detailansicht/artikel/kindergartenstudie-gutachten-veroeffentlicht/>.

Inquiry A 2017/17:

The Rector's Office of a university requested that the Commission identify some expert reviewers for a case of alleged plagiarism of a dissertation. The subsequent investigation took place at the University.

Inquiry A 2017/18:

Still in progress.

Inquiry A 2017/19:

A member of an appointment committee at a university turned to the Commission for Research Integrity at the OeAWI with the charge that the public criticism of the University Management had damaged his own reputation. The Commission was of the opinion that it was not its responsibility to evaluate an academic appointment process and verify its procedural correctness. This would apply both to the work of the committee and the decision of the Rector's Office to suspend the process. Regarding the issue of damaged reputation, the Commission believed that not only the members of the appointment committee but also the University at large had suffered some reputational damage. For that reason, it was recommended that all parties involved ought to come together for constructive dialogue to review all unresolved issues—and to do this in a rational manner with the benefit of hindsight. This would be the appropriate measure to re-build trust.

Inquiry A 2017/20:

Still in progress.

Inquiry A 2017/21:

Still in progress.

Inquiry A 2017/22:

Someone requested that the Commission evaluate the research integrity of a study commissioned by a public agency. The Commission believed that it was not responsible for assigned research serving public agencies and similar authorities since these institutions are not part of the Austrian research system. Research, according to the Commission, is not central to their activities. The Commission suggested that the person requesting help write a paper for a journal in which he puts forth his concerns, which would likely lead to a debate.

Inquiry A 2017/23:

Still in progress.

Inquiry A 2017/24:

Still in progress.

Inquiry A 2017/25:

Someone criticized the presentation or rather the conclusions of a published project report on the research (methods) applied, which led to the development of a set of rules by a working group.

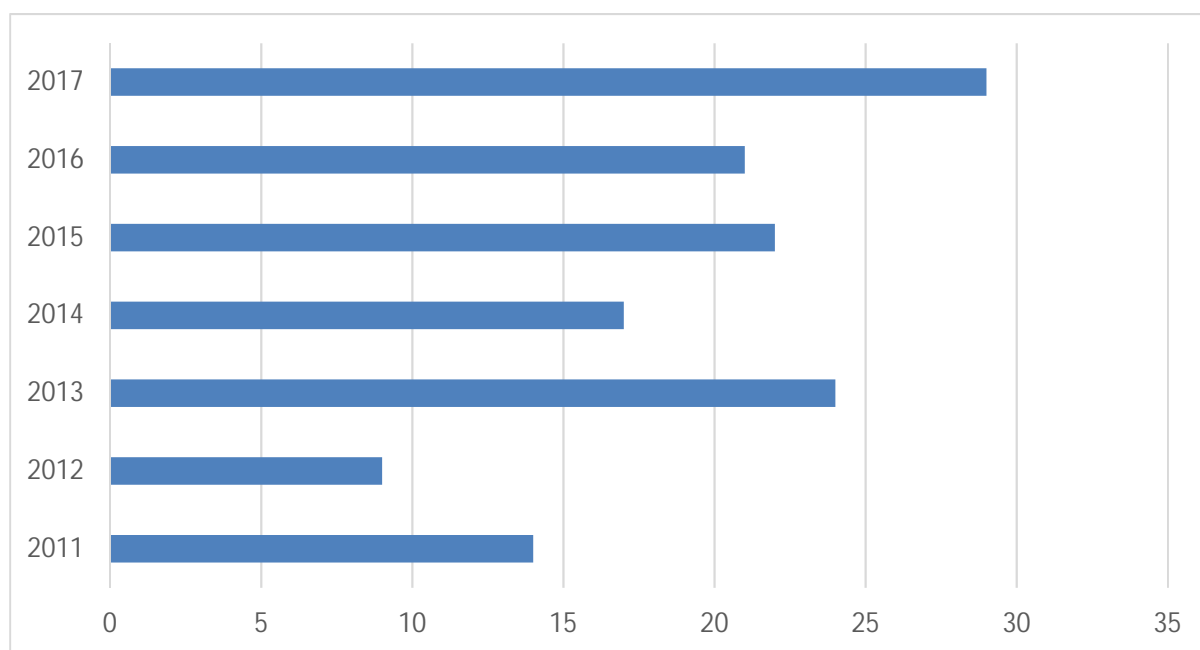
Based on the given information, the Commission operated on the premise that the working group had the right to decide on such a set of rules. It would be within the working group's purview to determine to what extent it wants to consider scientific studies. No violation of the Guidelines for GSP could be discerned.

### Inquiries to and Consultation by the Administrative Office

In 2017, there were also 29 inquiries (e-mails, phone calls, and personal consultation sessions) to the Administrative Office of the Agency for Research Integrity. These queries involved different kinds of topics:

There were issues of authorship, plagiarism, ghostwriting; queries concerning the Commission's investigations; questions about publications, citation of withdrawn publications, annulment of academic titles; workshops on data protection; ethics approvals; data analysis; concerns about research ethics, inaccurate presentation of data, data ownership, right of use of visual materials; the approval process of doctoral theses; data access; wage dumping; self-plagiarism<sup>1</sup>; requests for contact info regarding offices of research integrity abroad; multiple academic degrees.

In all such matters, the Administrative Office assumed a consulting role or served as a mediator between conflicting parties.



Graph 2: Overview of Inquiries to the Administrative Office (have been recorded only since 2011).

<sup>1</sup> The GSP Guidelines of the OeAWI avoid the misleading term "self-plagiarism." It is not an issue of plagiarism but something else: Since the scientific discourse emphasizes innovation and aims at gaining more insight, it ought to be perfectly clear whether a publication offers something new or not. If research is published for the second time, good scientific practice mandates including a clear reference to the previous publication (See (§ 2 section. 1, No. 3 GSP Guidelines of the OeAWI).

Members of the Commission for Research Integrity:

Prof. Dr. Stephan Rixen (Chair)

Prof. Dr. Daniela Männel (Deputy Chair until October 2017)

Prof. Dr. Eveline Baumgart-Vogt (since November 2017)

Prof. Dr. Beatrice Beck-Schimmer

Prof. Dr. Andreas Diekmann

Prof. Dr. Michael Hagner

Prof. Dr. Gerd Müller

OeAWI Office:

Dr. Nicole Föger

Mag. Birgit Buschbom

Mag. Alexandra Mariotti (from March to July 2017)

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