



Commission for Research Integrity: Rules of Procedure

Preface

The Commission for Research Integrity is an organ of the Association known as the “Austrian Agency for Research Integrity”. The Commission investigates allegations of research misconduct having a connection to researchers or research institutions with relation to the Austrian research system. The Rules of Procedure regulate the general procedural principles and the investigation procedures of the Commission for Research Integrity in addition to the Statutes.

1 General procedural principles

- 1.1 The Commission shall be convened at least twice a year. The Chairperson may announce a Commission meeting along with the accompanying agenda at least two weeks in advance in writing or electronically at any time. Equally, 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.
- 1.2 At least half of the voting members of the Commission must attend the meeting in person in order to constitute a quorum. An electronic participation is only possible in exceptional and justified cases.
- 1.3 Resolutions shall be taken by a simple majority of votes. Votes may be assigned to another member of the Commission. Where voting results in a tie, the Chairperson of the Commission shall have the casting vote.
- 1.4 If necessary, the Commission may also make decisions in the form of circular resolutions. Such motions are to be sent by the Chair to all members of the Commission in writing or electronically along with a deadline of at least ten calendar days for responses. The quorum requirements apply as defined in Section 1.3. 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.
- 1.5 If an allegation constitutes a Conflict of Interest for a member of the Commission, the member must not participate in the consultation and investigation of this issue. A Conflict of Interest must be declared to the Chair of the Commission immediately. In case of doubt the Commission shall decide.
- 1.6 The identification of research misconduct as a violation of the rules of good scientific practice shall be based on the Guidelines for Good Scientific Practice (Annex I).
- 1.7 The procedures of the Commission shall not be public; the Commission may allow persons involved inspection into the documents as long as the purpose of the investigation is not at risk.
- 1.8 In order to protect the persons involved confidentiality is to be maintained by all persons involved in the investigation. The Commission emphasises the duty of confidentiality to all persons and institutions involved in the investigation.
- 1.9 The results of meetings are to be recorded in the minutes and certified by the Chair.
- 1.10 The results of Commission investigations are to be conveyed to the persons involved.



2 Preliminary review of competence

- 2.1 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.
- 2.2 The Commission is materially competent in cases where, on the basis of the available evidence, the suspicion of research misconduct appears sufficiently justified in accordance with the criteria listed in the Guidelines for Good Scientific Practice (Annex I). 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.
- 2.3 The Commission is geographically competent when a case exhibits a strong connection to an institution with relation to the Austrian research system or to a researcher working in Austria.
- 2.4 If a procedure regarding the alleged misconduct is pending with another affected institution, the Commission may refuse or discontinue the handling of the case.
- 2.5 The Commission may also refuse to handle allegations in case where the alleged misconduct lies more than ten years in the past.
- 2.6 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.

- 2.7. The Commission is generally obliged to inform all affected full members of the Agency for Research Integrity about resolutions pursuant to Section 2.6. without delay. In justified exceptional cases, however, in order to protect the persons involved 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.

3 Investigation procedures

- 3.1 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.
- 3.2 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.
- 3.3 At the suggestion of the Commission member leading the investigation, the Commission may, in justified cases, initiate a procedure for resolving conflicts 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.



- 3.4 Persons involved in the investigation procedures must inform the Commission when other procedures (e.g. civil, criminal or disciplinary procedures) have been initiated in connection with the case to be investigated. Regarding such procedures, the Commission may resolve to suspend the case at any stage of the procedure.

4 Preparation of Commission opinions

- 4.1 Upon completion of the investigation according to Section 3, the Commission member leading the investigation shall immediately compose a final statement which contains an assessment of the results of the investigation. This opinion is to be presented to the other Commission members for approval with a deadline of ten days.
- 4.2 In case a member of the Commission requests the issue to be discussed in a meeting, the statement must be discussed, amended/supplemented as necessary and resolved at the next scheduled meeting of the Commission.
- 4.3 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;
 - d) Where required, recommendations about measures beyond the concrete case.
- 4.4 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.
- 4.5 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. When the investigation is closed, the Commission informs the Chair of the Board about the outcome of the investigation.
- 4.6 In all cases, opinions on severe cases of research 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.
- 4.7 The submission of the opinion in accordance with Section 4.6 shall mark the end of the Commission's procedure.

Vienna, February 2019