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Austrian Commission for Research Integrity

Annual Report 2018

Preface by the Chair of the Commission

In 2018 the Austrian Agency for Research Integrity (OeAWI) celebrated its tenth anniversary. Granted, the Commission for Research Integrity of the OeAWI started in June 2009 and therefore actually commemorates its tenth anniversary in 2019. Still, the relevant date for the operation of the Commission is the founding of the OeAWI in 2008.

The 2019 version of the statutes of the OeAWI, which were essentially prepared during 2018, emphasize that the agency's purpose is "to promote science and research by guaranteeing good scientific practice" (§ 2(a)). The Commission also serves this purpose examining suspected research misconduct by means of "independent investigations" (§ 2(e)) and consulting with members of the OeAWI "in all matters of research integrity" (§ 16 (1)(a)). It has become obvious: The implementation of the Guidelines for Good Scientific Practice (GSP) and thus the promotion of a culture of research integrity are not self-evident; nor are they self-executing. Instead, they require institutions like the Commission for Research Integrity of the OeAWI, which effectively establishes these standards in a real-life context.

Without any doubt investigating suspected research misconduct is very important in this regard, but that is not all there is to it. Following up on concrete allegations and investigating a case always leads to a deepened understanding of the Guidelines for Good Scientific Practice as well as their further development and clarification. In other words, any consultation on GSP issues is informed by the experience of the investigations the Commission carries out. It is exactly this sort of experience that anchors all theoretical discourse on research integrity. Real-life issues in a lab or any other site of scientific/scholarly study serve as reference points for our reflection on GSP standards.

The issues with which the Commission for Research Integrity deals shape the consultation as well as the awareness and prevention work that the Administrative Office of the OeAWI does in its own right. Without important preparatory, contributory, and follow-up work of the Admin Office, the Commission could not possibly fulfill its obligations, just as the Admin Office benefits from the expertise of the Commission, an expertise that encompasses all scientific disciplines. Therefore, the work of the Commission is, in addition to various important aspects, central to the profile of the OeAWI, which can be summarized by the phrase "Promoting a Culture of (Research) Integrity" (which is also the title of the symposium organized on occasion of the ten-year anniversary of the OeAWI).

The queries submitted to the Commission in 2018 demonstrate that topics of plagiarism or conflict of authorship continue to be highly relevant. Furthermore, we can learn from these queries that speculative and random allegations must be carefully distinguished from well-founded suspicion of research misconduct.¹ There is great danger in instrumentalizing allegations of research misconduct for non-scientific purposes or goals: this could be in the context of some

¹ Cf. in particular, the explanations regarding queries A 2018/03, A 2018/12 and A 2018/18.

personal vendetta, for the dishonest purpose of enhancing one's own career prospects inside or outside the realm of science, or as a means of politically motivated (and publicly disseminated) character assassination. All of this makes it even more crucial to apply great care in ascertaining whether any given case is really one of research misconduct. Additionally, it does not always come easy for those involved in an investigative procedure to apply the imperative of confidentiality to themselves. However, only a maximum of confidentiality allows to minimize the risk of unjustified damage to someone's reputation, which inevitably is attached to any investigation.²

The Commission fulfills its role successfully when it confirms an allegation of research misconduct but also when it refutes the claim. Institutions that resolve issues of research misconduct do not practice regulatory oversight of decency or manners in general; instead, they specifically identify unethical behavior in the practice of science. In this regard, political, public or any other non-science-related expectations are irrelevant. The Commission for Research Integrity of the OeAWI continues to be committed exclusively to this task.

Univ.-Prof. Dr. Stephan Rixen

Chair of the Commission for Research Integrity of the OeAWI (until December 2018)

² Cf. Article 1.8 of the Rules of Procedure of the Commission in its 2019 version, which was essentially prepared during 2018: "In order to protect the persons involved confidentiality is to be maintained by all persons involved in the investigation. The Commission emphasizes the duty of confidentiality to all persons and institutions involved in the investigation".

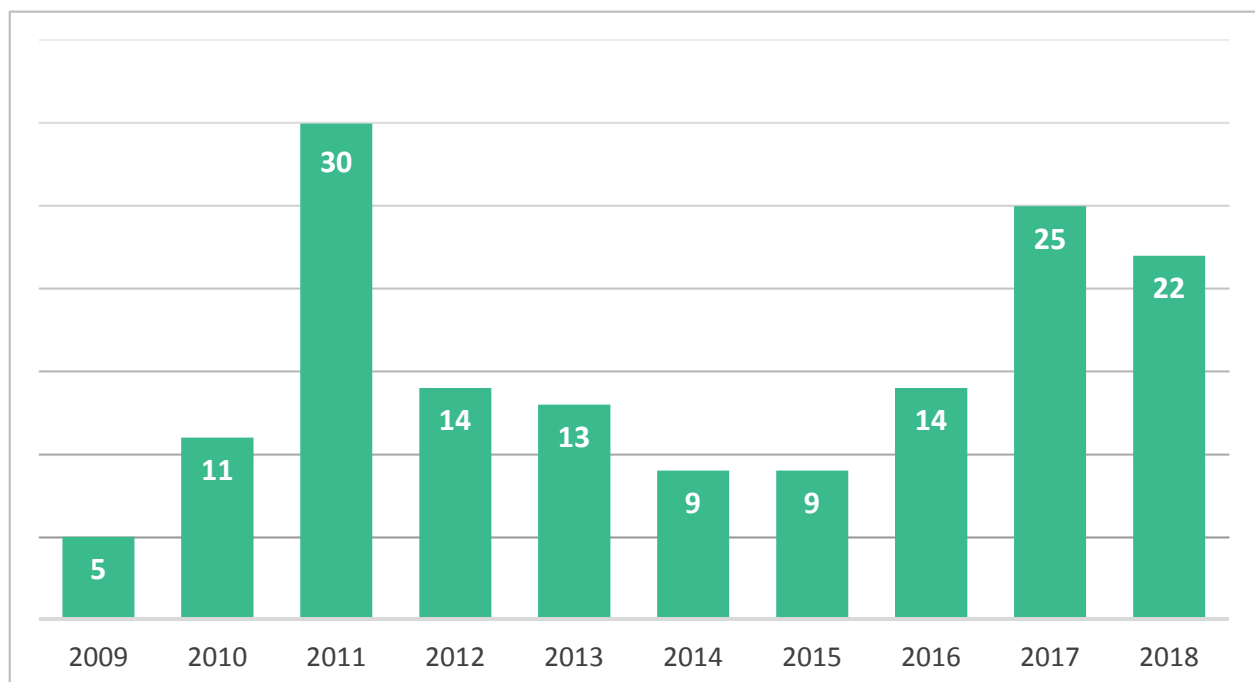
Commission for Research Integrity

The Commission for Research Integrity is an independent body of the Austrian Agency for Research Integrity (OeAWI). The Commission examines allegations of scientific misconduct involving researchers and research institutions in Austria. It consists of seven scientists/scholars from outside Austria whose expertise covers a broad variety of disciplines. In May 2018, a scientist from the field of economics and business was added to the previously six members. Additionally, since May 2018 an Austrian legal scholar serves on the Commission as a nonvoting member clarifying questions about the Austrian legal system.

The Commission operates on the basis of its Rules of Procedure and the Guidelines for Good Scientific Practice (www.oeawi.at). During 2018 the Commission's Rules as well as the bylaws of the OeAWI were reviewed in a multilevel process; the Commission proposed its own suggestions to this process. 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 (See also the foreword of the chairman).

Overview of Inquiries, 2009 to 2018

By the end of 2018, the Commission for Research Integrity had handled a total of 152 inquiries since it started its work in June 2009.



Graph 1: Inquiries to the Commission between June 2009 and December 2018

Inquiries in 2018

In 2018, the Commission held two ordinary meetings.

During 2018, the Commission received 22 inquiries. Additionally, there was still some unfinished business from 2015, another one from 2016, and six from 2017 that were brought to a conclusion and summarized below. Some of the inquiries from 2018 are still in progress. The Commission was able to complete 17 inquiries.

Inquiry A 2015/06:

As already reported in the Annual Report of 2015, this case concerns a non-Austrian scientist accusing an Austrian scientist of not having his works listed in publications and grant applications. Initially, the Ombudsperson of the affected Austrian university handled this inquiry. In 2017 however, the Commission was asked to take over the case because the non-Austrian party upheld his allegations despite copious correspondence. Of consideration was also the fact that over a fairly long period of time, both scientists had cooperated resulting in approximately 30 joint publications. Obviously, their cooperation started to deteriorate when the Austrian scientist became more independent starting his own research team.

The Commission found no evidence of research misconduct (for example, “theft of ideas”, plagiarism, or any unjustified co-authorship). The accused scientist demonstrated convincingly that he had participated in the research process, met the criteria of co-authorship, and applied already published methodology (resulting from his own cooperation as well as that of other groups).

Inquiry A 2016/03:

A person contacted the Commission claiming that there were possibly intentional inaccuracies (e.g., in a statistical analysis) in a publication. He had done his own analysis of the data and written up a detailed commentary. The Commission proposed to have the commentary published as a “Letter to the Editor”. In this way, his critique would become public and encourage an academic discussion of his objections. The editor rejected the submission, among other things, because of its length. The complainant was not willing to revise his document. The Commission solicited two expert opinions to better assess the validity of the accusation. The experts did not find any evidence of intended misrepresentation. They believed that all data had been represented transparently and the standard rules of empirical research had been applied. In their opinion, using an inaccurate or inappropriate model did not amount to research misconduct. The Commission seconded this judgment and terminated the process. It suggested, however, that the complainant find an appropriate venue for his commentary to raise the issue for academic discussion.

Inquiry A 2017/18:

The Rector's Office of a university turned to the Commission regarding suspected plagiarism in a diploma thesis. The Commission did not receive any concrete references to specific passages. Given the lack of substantial references to suspected research misconduct, the Commission refused to take up the case. The Commission considered it unacceptable to even suggest suspected plagiarism in the absence of meaningful facts.

Inquiry A 2017/20:

A complainant turned to the Commission with the following allegation: Three diploma theses from the nineties had very similar titles, were submitted to one and the same supervisor, and the empirical research sections showed minimal differences. Only one of the three authors made reference to the similarities of the other two theses. The Commission brought up the allegation with the University. The University in turn confirmed that according to the supervising team, this graduation assignment consisted of collaborative work in a diploma seminar and individually developed case studies resulting from the seminar. Consequently, the topics were assigned and evaluated in full knowledge of a shared theoretical section, which automatically rules out misleading the supervisor. The Commission reached the same conclusion.

Inquiry A 2017/21:

A complainant approached the Commission alleging that three theses at a university were plagiarized. One of them had presumably already been evaluated internally. All three originated in the same working group. The accusation focused on the idea that in their work, the authors had concealed or even suppressed the scientific contributions of their supervisor. The Commission of the OeAWI did not discern any research misconduct in the investigated cases.

Inquiry A 2017/23:

Together with non-Austrian scientists, several Austrian scientists submitted a joint project in response to a bilateral call for proposals by two grant agencies. The project was not accepted for funding the first time. In a second bilateral call on a similar topic, the project proposal was submitted once again - this time, to the foreign grant agency. In this submission, one of the Austrian scientists (the complainant) was not listed as project partner but rather one of his former team members. This time the project was approved. When the complainant came across the abstract of the proposal with an identical project title on the website of the foreign grant agency, he turned to both agencies with his allegation of "theft of ideas". The foreign grant agency investigated the case but did not confirm the suspicion. The Austrian grant agency requested help from the Commission: It sought clarification on the issue whether the complainant had been correctly informed about not being included in the second application. Additionally, there was the allegation of plagiarism and violating the rules of authorship.

It turned out that at the time of the second submission, the complainant was no longer employed at an Austrian university and thus without access to the specific, relevant material necessary for the intended research. Therefore, in the second grant application, his former colleague and team

member was still included as project partner (who was, in fact, the preferred project partner of the non-Austrian scientists). She had rewritten large parts of the application relating to her own research area. Furthermore, different material was to be used than in the first application. When the issue of plagiarism was being examined, it became clear that the passages referenced wrongly or not referenced at all in both applications, had been plagiarized by the complainant himself. Thus, only one accusation remained: namely, the fact that the complainant had been informed of the resubmission too late.

The Commission did not consider this research misconduct. It suggested however that the project partners offer an apology. Nevertheless, the complainant could not have acted as project partner since he was not employed with an Austrian university at the time.

Inquiry A 2017/24:

A complainant turned to the Commission with the following concern: in a manuscript that was submitted to a journal he believed data to have been interpreted inaccurately. He had originally been one of the authors and had repeatedly pointed out the misinterpretation. Furthermore, so he stressed, he had made his co-authorship dependent on correcting the mistakes. In response, he was told that the manuscript would be submitted without any changes and he would be mentioned in the “acknowledgements”.

The Commission proposed a clarifying, joint conversation with all authors - moderated by a member of the Commission - to settle the issue amicably. The complainant refused such a conversation, continued to insist however that his critical objections be taken into account in the manuscript. Therefore, the Commission approached one of the authors suggesting that the questionable interpretation in the manuscript be discussed accordingly. It turned out that one of the reviewers had raised similar objections and the authors were willing to follow up on it. Shortly afterwards, the manuscript was accepted for publication.

Inquiry A 2018/01:

A complainant approached the Commission accusing a scientist of using his theories, hypotheses and insights without proper source referencing in her dissertation. The Commission solicited two expert opinions, according to which the data collection and some additional materials used in the dissertation were supposedly based on the complainant's work but were modified for the scientist's own purposes. The expert reports did not consider this a violation of the GSP Guidelines. It was pointed out, however, that when they started her dissertation, she and the complainant were still colleagues in the same department. One of the reviewers considered the exchange of data between the two as quite likely and consensually since otherwise, the reaction or complaint would have had to be expressed much sooner.

The Commission reached the same conclusion and rejected the claim of a violation of the Guidelines for Good Scientific Practice.

Inquiry A 2018/02:

A grant agency approached the Commission alleging that an almost identical application (90%) for a postdoc position had been submitted twice by two different non-Austrian applicants; in each case, the Austrian co-applicant was the same. The first application had been withdrawn a few months before the second application reached the agency. In this second application, the first applicant was not listed as co-author on the required form. Except for a few tiny changes, both grant submissions were indeed identical; even the individual career plan was identical except for the change of names. The suspicion of violation(s) of the Guidelines for Good Scientific Practice included plagiarism, non-identification of a co-author, and non-existence of a new contribution to the project by the second grant applicant.

The Commission contacted the first applicant requesting clarification whether he had written the first application and known about the second submission. He confirmed both. He had no problem with somebody else continuing his project but admitted not having been informed about time and form of the second application.

The Commission concluded that not identifying the co-author (initial grant applicant) represents a violation of the GSP Guidelines (and in the specific case, also of the guidelines of the grant agency). Therefore the almost identical re-use of the project application must be considered plagiarism (cf. § 2 (1)(2) of the GSP Guidelines of the OeAWI). The Commission determined that the Austrian co-applicant failed to assume his responsibility as principal investigator and mentor. Ideally, he should have served as a role model for the next generations of scientists and familiarized them with the (Austrian) GSP Guidelines. Furthermore, the Commission noted that the application guidelines of the grant agency are not very explicit about the requirement of the applicant writing the project description himself, even though this ought to be self-evident. The Commission urged the grant agency to review the relevant diction in its application guidelines; and additionally, it advised the agency to develop clear rules for withdrawing or resubmitting an identical application.

Inquiry A 2018/03:

A complainant turned to the Commission alleging that a dissertation contained various idiosyncracies as well as a high number of paraphrased quotations (patchwork plagiarism); in addition, this thesis was not made accessible to the public for three years.

The Commission noted that it may investigate allegations of research misconduct only in cases of sufficiently argued reasons for the suspicion (cf. § 2 (2) of the Rules of Procedure of the Commission in the 2019 version; identical with § 3 (2) of the previous version). This necessitates very specific information permitting the Commission to investigate a case. Vague or very general claims requiring the Commission to first develop serious indicators (exploration of the validity of the claim) are not acceptable. For this reason, this inquiry was not processed further.

Inquiry A 2018/04:

The person raising this issue was struck by two strikingly similar contributions of a research team at an international conference in two subsequent years. Since several text passages were used without significant changes - without reference to the earlier document - he submitted the charge that GSP rules had been violated.

The Commission raised this issue with the research group involved: The group noted that the presentations were so-called lab reports providing interim (or progress) reports on ongoing projects. The textual repetitions were to facilitate the comprehension of the overall context. Based on these explanations, the Commission did not recognize any violation of the Guidelines for Good Scientific Practice. However, it considered the choice of procedure rather unfortunate: choosing identical titles for contributions in two years in a row could certainly be considered confusing. It is dangerous to duplicate extensive text passages literally without clarifying the context because it could be interpreted as plagiarism or self-plagiarism.³ Any confusion could easily have been avoided by referencing the previous contribution. The Commission explicitly advised to follow this course of action in the future.

Inquiry A 2018/05:

A non-Austrian scientist who had worked at an Austrian university approached the Commission with a number of complaints about various Austrian institutions. Not all of his accusations concerned violations of Good Scientific Practice or research misconduct. One of his complaints pertained to his term appointment and the possible misuse of project-related grant funds. It turned out that there had been personal problems between him and other team members. Due to the provisions of his existing chain contract it was suggested that the scientist apply for a scholarship. Shortly before the decision date, he withdrew his application. The work situation continued to deteriorate and finally, the scientist resigned.

The grant agency determined that all decision-making concerning the terms of any employment contract - financed through external funds - rests solely with the principal investigator. It was perfectly legitimate to hire two additional team members at short notice because their methodological expertise was needed for the project. This sort of judgment is ultimately up to the grant agency. The complainant brought forth another issue: according to him, the university had warned him against bringing his concerns to the attention of any third party (outside the university) because this would be a breach of confidentiality.

³ The term „self-plagiarism“ is misleading. What is meant here is an insufficiently transparent, that is, not crystal-clear reiteration of one's own texts (cf. § 2 (1)(3) GSP Guidelines of the OeAWI; and also ALLEA, The European Code of Conduct for Research Integrity, revised edition, 2017, sub 3.1, www.allea.org: “Re-publishing substantive parts of one's own earlier publications, including translations, without duly acknowledging or citing the original (‘self-plagiarism’).” There are good reasons why the re-publication of a previously published text or text passages must include a reference to any earlier publication: 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, unless the format of the scientific text (e.g., a review of literature amounting to a systematic overview) makes this self-evident. See also the “Annual Report 2017” (pg. 10ff) of the body “Research Ombudsman” of the Deutsche Forschungsgemeinschaft (DFG) www.ombudsman-fuer-die-wissenschaft.de/jahresberichte/

The Commission clarified that such a claim was totally inappropriate - in general, as well as in particular with regard to the Commission for Research Integrity of the OeAWI, when the university is a member of the OeAWI, as was the case here.

Inquiry A 2018/06:

Still in progress

Inquiry A 2018/07:

In the context of an investigation of plagiarism concerning a dissertation, a University Commission raised general questions about the process of any plagiarism assessment; particularly concerning the definition of plagiarism, the use of anti-plagiarism software, and the relevance of expert opinions evaluating the allegation of plagiarism. Furthermore, and in relation to the given case, the University Commission asked questions about the value of expert opinions on the dissertation as well as the GSP Guidelines applied to a piece of writing done fifty years ago.

The Commission of the OeAWI responded to these questions following the GSP Guidelines and the Rules of Procedure of the Commission as well as pointing to the § 89 UG 2002; and it emphasized that great care is imperative in the use of anti-plagiarism software. The Commission admitted that applying currently valid standards to past circumstances might be problematic. Any caveats may be less significant however, if today's standards are in essence similar to those of the past. Therefore, it is most crucial to ascertain the nature of these past standards. In cases of allegations of plagiarism, it is too facile to raise the objection that "in those days" the standards were totally different. It is essential to evaluate such claims carefully because standards do not automatically change just because of the passage of time.

Inquiry A 2018/08:

Still in progress

Inquiry A 2018/09:

Shortly after his interview as part of his application to an Austrian university, a scientist noticed that another scientist at this school had published a minimally paraphrased, unauthorized and unidentified translation of his own paper; thus, a plagiarized piece of work. For that reason, he saw no basis for a collegial working relationship or a constructive working climate at this university and subsequently withdrew his application.

The Rector's Office of the university approached the Commission, which solicited two expert opinions. Both evaluations confirmed decisively the allegation of plagiarism - a case of translation plagiarism. The Commission reached the same unequivocal verdict.

Inquiry A 2018/10:

Still in progress

Inquiry A 2018/11:

Still in progress

Inquiry A 2018/12:

A complainant asked the Commission to check a diploma thesis for possible plagiarism without even presenting good cause for such an allegation. The Commission responded by stating that it could follow up on any inquiry only if there was a solid basis to the suspicion (cf. § 3 (2) of the then applicable Rules of Procedure of the Commission, corresponding to § 2 (2) of today's Rules). A general claim of plagiarism is insufficient (cf. explanations regarding inquiry A 2018/03). Therefore, the Commission did not proceed with an investigation.

Inquiry A 2018/13:

A university asked the Commission to identify experts able to help resolve an issue of alleged plagiarism, and the Commission supplied the requested information. The subsequent investigation took place at the university.

Inquiry A 2018/14:

Still in progress

Inquiry A 2018/15:

Still in progress

Inquiry A 2018/16:

Still in progress

Inquiry A 2018/17:

Still in progress

Inquiry A 2018/18:

A complainant approached the Commission with the following allegation: A graduate of an Austrian university had told her recently that she had paid another graduate (from the same school) to write a dissertation for yet another person - on a topic comparable to that of her own thesis. The Commission informed her that it could take up any case only on the basis of sufficiently argued cause requiring very specific information. Given the lack thereof and having only accusations relying on hearsay, the Commission would not pursue this matter of possible research misconduct any further. Provided there would be more substantial evidence, the Commission would be willing to start an investigation (cf. explanations regarding inquiries A 2018/03 and A 2018/12).

Inquiry A 2018/19:

Still in progress

Inquiry A 2018/20:

Still in progress

Inquiry A 2018/21:

Still in progress

Inquiry A 2018/22:

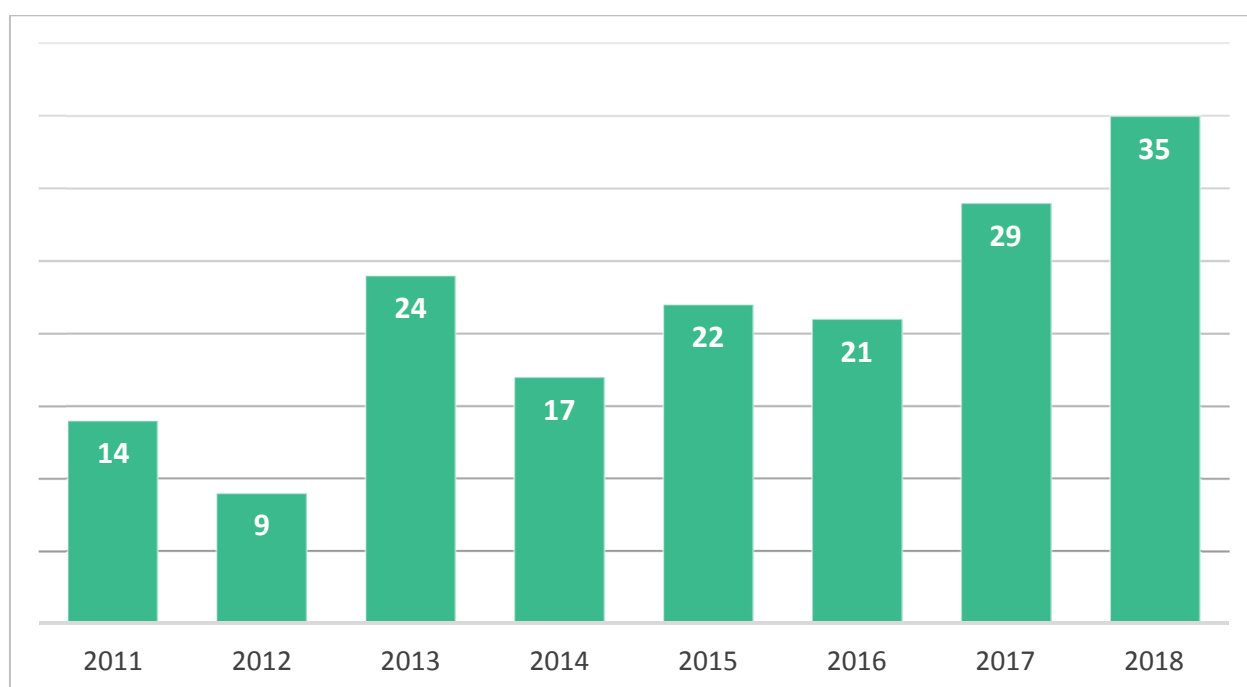
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Inquiries to and Consultation by the Administrative Office

In 2018, there were also 35 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, supervision, plagiarism; anti-plagiarism software; referencing standards; electronic laboratory notebook; re-use of large parts of one's own work (e.g. parts of a master thesis included in a doctoral thesis); use of biased scientific surveys; cumulative dissertation versus monograph; misuse of grant funds; re-submission of grant applications; appointment of external experts; appointment procedures and partiality; theft of ideas; ethics approvals; institutions for the enforcement of ethics standards or standards of research integrity (e.g., ethics committees, ombudspersons, commissions for research integrity); concerns about ethics of publication and research ethics; wage dumping.

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 Commission and the Administrative Office (the latter have been recorded only since 2011).

Members of the Commission for Research Integrity:

Prof. Dr. Stephan Rixen (Chair until December 2018)

Prof. Dr. Eveline Baumgart-Vogt

Prof. Dr. Beatrice Beck Schimmer

Prof. Dr. Andreas Diekmann

Prof. Dr. Michael Hagner

Prof. Dr. Gerd Müller

Prof. Dr. Kerstin Schneider (since May 2018)

Prof. Dr. Elisabeth Staudegger (since May 2018)

OeAWI Office:

Dr. Nicole Föger

Mag. Birgit Buschbom

Armin Schmolzmüller, MSc (since June 2018)

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