



ÖSTERREICHISCHE
AGENTUR FÜR
WISSENSCHAFTLICHE
INTEGRITÄT

Commission for Research Integrity

Annual Report 2019

Preface by the Chair of the Commission

By the end of the year 2018, Prof. Dr. Stephan Rixen's highly successful term as chair of the International Commission of the Austrian Agency for Research Integrity (OeAWI) expired. On this occasion, we would like to express once again our sincere thanks for his circumspect and sensitive leadership. We would also like to thank those members of the Commission whose mandates came to an end last year. The grace period for the new colleagues appointed in 2019 was surely short; yet they quickly and successfully adjusted to the operational routine.

The OeAWI was, as is well-known, established in 2008; the International Commission commenced work a year later, that is, exactly ten years ago. We are currently preparing a document dedicated to these two anniversaries.

When we look at the long-term average, approximately every month the Commission receives information leading to further investigation. In 2018 the Commission—and thus also the Administrative Office—had to deal with more than the average number of cases, namely about twenty. In general, almost half of the cases involve disputed intellectual property or scientific accuracy: denied or unauthorized authorship, theft of ideas or doubts about the accuracy of publications. It is noteworthy that these conflicts frequently concern established scientists.

Approximately a third of the investigated cases were in connection to entailed allegations of plagiarism. According to its Rules of Procedure, the Commission examines such cases only when there is substance to the allegation; it does not get involved when there is not more than mere suspicion. It is particularly challenging for the Commission to do a thorough investigation of allegations of plagiarism. The OeAWI does not have the capacity nor the instruments to carry out its own electronic analysis of plagiarism. It depends on the support of others. The methods and processes used for that purpose are of different quality and validity, particularly in instances not limited to specific sources. We have been told that some members of the OeAWI are also confronted with this problem. A possible solution might be that the members of the OeAWI establish a special position equipped with the necessary tools and competencies (for example, within the Administrative Office) for shared use.

Cases of plagiarism predominantly concern the qualification requirements of junior scientists. In this context, the Commission questions whether the affected institutions have sufficiently structured supervisory processes and executed them with sufficient care.

The Commission gains more insights with every new case. In light of the fact that the Commission is made up of exclusively international scholars—except for the legal expert member—one may not assume that its members are necessarily familiar with the intricacies of the Austrian scientific/academic system. For this reason, it would be even more important—and I want to conclude with this desideratum—that the Commission receive feedback to learn whether its recommendations have been heeded or if not, why not.

Univ.-Prof. Dr. Gerd Müller

Chair of the Commission for Research Integrity of the OeAWI

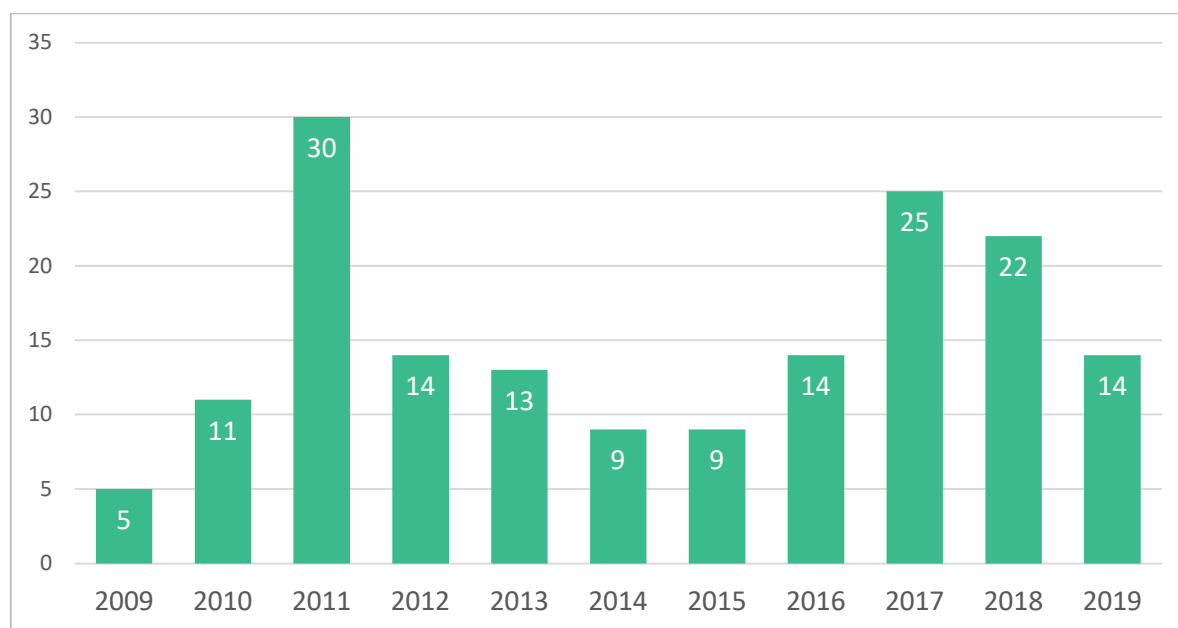
Commission for Research Integrity

The Commission for Research Integrity is an independent body of the Austrian Agency for Research Integrity (OeAWI). The Commission examines allegations of research misconduct pertaining to Austria. It consists of seven scientists/scholars from outside Austria whose expertise covers a broad variety of disciplines. An Austrian legal expert also serves on the Commission as a non-voting 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). An 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, 2009 to 2019

By the end of 2019, the Commission for Research Integrity handled a total of 166 inquiries since starting its work in June 2009.



Graph 1: Inquiries to the Commission between June 2009 and December 2019 (n=166).

Inquiries in 2019

In 2019, the Commission held two regular meetings.

During 2019, the Commission received 14 inquiries, which will be summarized below. Moreover, 10 inquiries from 2018 were completed. Some inquiries from the years 2018 and 2019 are still in progress. The Commission succeeded in completing 19 inquiries in 2019.

This report is based on a style guide that emphasizes inclusion, and thus the personal pronouns “she” or “he” will be used alternatively in addition to using the gender-neutral plural “they”.

Inquiry A 2018/06:

A scientist contacted the Commission claiming that his lab experiments were undermined on several occasions by intentional contamination of his specimen by other persons. For months, he was trying to prove the act of sabotage through experiments, which he documented in great detail. The Commission solicited two expert opinions. Both did not consider the allegations sufficiently concrete and substantive and were rather doubtful that any sabotage had happened. They surmised that the problems might have arisen from an unfortunate sequence of events. The Commission seconded this judgment. One of the experts pointed out that at the institution concerned, the Guidelines of Good Scientific Practice (GSP) had not been followed due to lack of communication and the absence of an academic discussion of constructive solutions. The Commission reminded the supervisor of her responsibility and stressed the importance of creating an atmosphere of trust encouraging academic discussion and critical debate. Furthermore, there was the expectation that the supervisor would propose remedies addressing the problems described.

Inquiry A 2018/08:

In the summer of 2018, the Commission received an inquiry regarding a very serious case of plagiarism in a dissertation at a university in a neighbouring country. This specific case also concerned Austria because an Austrian educational institution served as a co-operating partner of the university. Since the existing allegation of plagiarism was not an isolated case—an internet platform pursuing such allegations lists a number of suspected cases—there is a reason to presume systematic deficiencies in quality control regarding academic degrees. Obviously, the Austrian institution benefits from the arrangement that doctoral programs can be offered with the help of the foreign institution, since it does not have the right to award doctorates on its own. The Austrian institution quite aggressively advertises its international co-operations on its homepage.

From the Commission’s perspective, there was no doubt that this was a case of plagiarism. From the previously mentioned internet platform it became clear that on every single page of the doctoral thesis, there were plagiarized passages. The fact that the head of the Austrian institution, who also served as second supervisor of the dissertation, was a close relative of the accused person, compounded this case further. Given these circumstances, there was clearly a major conflict of interest in addition to obvious and serious plagiarism.

The new rector of the foreign university was informed of the case that had occurred before his term. He was upset about the incident and assured the Commission that he would strongly advocate revoking the academic title, which is legally not yet possible in his country at this point. Furthermore, he recognized that much improved quality control at his institution was necessary—in particular, regarding theses written in German or English. The person charged with scientific misconduct promised the rector to refrain from using the doctoral title.

The Commission is unaware of any other consequences. Various foreign media reported about the case with some interest. The Commission briefed the Austrian Ministry of Education, Science and Research about the situation and requested that the Ministry evaluate the given procedures at the Austrian institution and intervene if necessary.

Inquiry A 2018/10:

A complainant turned to the Commission with the following allegation: his research ideas and the related experimental design were stolen from his grant application and subsequently published by another research group. The Commission solicited two expert opinions. Their findings suggested that it is possible that both groups had the same ideas but that it cannot be ruled out that the complainant's ideas were taken over by the other group. The experts noted, however, that in the acknowledgments of the publication, the authors thanked the complainant for his co-operation. This expression of gratitude was, however, missing in a later version of the publication.

The Commission was not in a position to prove or disprove the theft of ideas and was forced to complete this case without gaining certainty. As in all cases within the work of the Commission, the complainant has the right of recourse.

Inquiry A 2018/11:

This inquiry concerned the allegation of theft of ideas and the suspicion that research findings were published without ever having done the relevant research. As both parties were already involved in a law suit concerning the issue, the Commission refused to investigate the case (cf. Rules of Procedure of the Commission § 3.4, accessible at <https://oeawi.at/en/investigation/>).

Inquiry A 2018/14:

A journalist relayed to the Commission a reader's suspicion about inaccuracies in a publication. The claim was that an image in the publication had possibly been manipulated. The Commission questioned the authors and several experts, who stated that there had been no intention of deception but that the specific rendition of the image was customary and not considered scientific misconduct at the time of submission (2004). Suspecting scientific misconduct on the part of the authors of the afore-mentioned publication would therefore be unwarranted.

Inquiry A 2018/15:

This inquiry was taken up by the university concerned, which also kept the Commission informed about the ongoing investigation. A figure in a publication was in question, as it might have been

deliberately falsified. After Commission's request for information, the university concerned responded that the publication had been withdrawn.

Inquiry A 2018/16:

A chemist approached the Commission regarding missing acknowledgment of co-authorship of a publication with a co-operating partner. The Commission made the following assessment of the submitted materials: motivation, impulse, and selection of the chemical compounds to be researched could be ascribed to the co-operating partners, whereas the complainant's contribution lay only in the subsequent synthesis of the already described compounds. If one wanted to be quite generous in the interpretation of authorship, one could surely advocate and justify co-authorship for this publication. However, from the Commission's viewpoint, there was no compelling reason for it.

Inquiry A 2018/17:

A complainant turned to the Commission claiming that in a publication dating back to 2011 an insufficient number of data had been used and the experiments had not been described adequately. As a matter of fact, already in 2012, the Commission had dealt with an inquiry concerning more than fifty publications of the accused but in that investigation, the Commission had confirmed alleged data fabrication only in one publication. In his evaluation of the publication that was again in question now, one of the expert reviewers had found „some evidence of sloppy science, but no evidence of additional data fabrication“. The accused scientist had left academia soon after the confirmed research misconduct. Since the final (and corresponding) author of the publication was not Austrian, the Commission suggested to the complainant to approach the editors of the journal.

Inquiry A 2018/19:

Still in progress

Inquiry A 2018/20:

Still in progress

Inquiry A 2018/21:

Due to suspected plagiarism in a post-doctoral thesis (*Habilitation*), a university turned to the Commission, which solicited two expert opinions: both evaluations—using different approaches—reached the same conclusion: the thesis was plagiarized. In the thesis, numerous passages were presented as originals even though they derived from other texts without being identified as quotations. In other cases, there were copied texts not marked as quotations even though references were provided.

The Commission took the stance that given the quantity of unidentified incorporations of text materials, it was a case of deliberate, intentional or, at best, grossly negligent behaviour (see § 3 (1) of the GSP Guidelines of the OeAWI, accessible at <https://oeawi.at/en/investigation/>). Therefore, the Commission recommended that the university initiate yet another scholarly

evaluation of the thesis taking the numerous instances of plagiarism into account and deciding whether the given piece of post-doctoral work is worthy of its name at their institution.

Inquiry A 2018/22:

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

Inquiry A 2019/01:

Still in progress

Inquiry A 2019/02:

A grant agency turned to the Commission regarding its potential funding of a publication. One of the expert reviewers had expressed her concerns about some of the sources used in the publication. She believed that these sources would first have to be contextualized historically and ethically before ethical misgivings about this publication could be overcome.

The Commission concluded that the case raised questions of research integrity but that the ethical dimensions were far more significant. Not being the right authority for ethical questions, the Commission was not willing to take on the case. However, it referred the grant agency to an expert so that it could solicit an evaluation of the given case.

Inquiry A 2019/03:

The co-author of a publication contacted the Commission alleging that the lead author had prevented him from executing another analysis of data and despite repeated requests, he had not been given access to the raw data. Furthermore, he believed that the publication contained a deliberate distortion of data.

The Commission pointed out that the submitted version of the manuscript –listing all authors (including the complainant)—had been accepted in its current form. The lead author explained that the complainant certainly had access to all data. The Commission did not assume that there was a deliberate distortion of data but considered the representation of facts insufficiently precise and transparent. Accordingly, the Commission did not discern any research misconduct. The Commission recommended that the authors follow up and submit a corrigendum with a more explicit data representation to the journal. Furthermore, the Commission made clear that transparent rendition of data is part of GSP standards and surely should not be a *post factum* reaction to pointers given by co-authors or external researchers.

Inquiry A 2019/04:

Still in progress

Inquiry A 2019/05:

A university turned to the Commission regarding suspected plagiarism. It concerned two scholarly/scientific works: an article and a recently submitted post-doctoral thesis (*Habilitation*) of a researcher at the university. The two pieces of writing were evaluated separately because they were not at all thematically related and thus required different reviewers with relevant expertise.

The Commission solicited two evaluations analyzing the alleged plagiarism in the article. On practically every page the reviewers found text passages presented as originals and not identified as quotations from other sources. According to one of the expert reviewers, approximately 66% of the article consisted of extraneous text material “that was used but not listed in the bibliography.” The material was drawn primarily from individual texts of various authors making it a clear case of appropriating others’ intellectual property.

The Commission concluded that this was a particularly egregious case of plagiarism and violated clearly the standards of GSP. Given the incredible quantity of unidentified text inclusions, there was no doubt about deliberate and conscious research misconduct (see § 3 (1) of the GSP Guidelines of the OeAWI, accessible at <https://oeawi.at/untersuchung/>). Given the severity of the case, it was up to the university to act upon the reviewers’ suggestion to examine other publications by this scholar/scientist regarding possible plagiarism.

Regarding the post-doctoral thesis, the Commission pointed out that the university had not provided any concrete references to plagiarized passages. The Commission, however, required an underlying reason for suspicion. It did some random checks and sure enough, identified several blocks of appropriated text, which led the Commission to believe that this could be yet another case of deliberate deception. Therefore, the Commission suggested that a subsequent technically assisted evaluation of the post-doctoral thesis by means of an anti-plagiarism software would allow the university to gather evidence for its findings. The gravity of the case, so the Commission, could justify the suspension of the *Habilitation* procedure. Even the dissertation dating back to the 1980s might have to be investigated for potential plagiarism. Furthermore, the Commission suggested that other publications should be checked for plagiarism.

Inquiry A 2019/06:

A university asked the Commission to investigate alleged plagiarism in a diploma thesis from 2003. The Commission clarified that in accordance with its Rules of Procedures, it normally does not take up cases dating back more than ten years. However, the particular case had already been presented to the OeAWI by an individual person a year earlier. At that time, a lack of a substantive information did not permit processing the case; now an expert opinion was provided and so the Commission decided to get involved.

The diploma thesis as a requirement for a doctoral degree in medicine was nothing but a literature review, which by the nature of its genre consists exclusively of a series of quotations. The evaluation recognized a high degree of similarities but several of the references were published only after the thesis was written and therefore could not possibly have served as sources. The Commission discerned unsystematic citation and occasionally possible mistakes in

the citations but did not consider these deficiencies as research misconduct. It did not reveal any deliberate deception because a literature review can contain only extraneous sources.

Inquiry A 2019/07:

An organization put together a booklet: only one of the two individuals who shared responsibility for the document was gratefully acknowledged in the preface. Additionally, the submitted materials had not been returned to the authors for verification and approval before going into print. Instead, there had been only a single query regarding an unclear expression. This complaint, so the Commission held, was justified but the process might be excused given time pressure and the fact that copy-editing had already taken place in the department. The Commission could not discern any grave research misconduct in this regard. More problematic for the Commission was the issue of co-editorship, which the ultimately single editor had originally wanted. One of the two later withdrew from participation and presented the other with a *fait accompli* in this way.

The Commission concluded that the failure to uphold commitments regarding the planning and implementation of the publication represented a violation of the GSP Guidelines. An expression of thanks in the preface to the booklet was not enough to make amends. Therefore, the Commission suggested that, for example, a reprinting of the booklet would allow a proper acknowledgement of the persons originally assigned the task of co-authorship.

Inquiry A 2019/08:

This inquiry was a follow-up to a query from 2010 that had led the former Commission to identify a violation of good scientific practice. It turned out that the dispute underlying the past query was still not settled. The Commission pointed out that it could not take up the case yet again because according to its Rules of Procedure, cases submitted to the courts cannot be resolved by the OeAWI (see Rules of Procedure, §3.4; <https://oeawi.at/en/investigation/>).

Inquiry A 2019/09:

A university asked the Commission to examine alleged plagiarism in a diploma thesis from 2004 because it showed striking similarities to another diploma thesis from 2003. The author of the latter had already been denied her academic title. Both theses had been submitted to the same supervisor at the university. The Commission was provided both theses and another diploma thesis of a different university from 1998. As evidence and catalyst for the investigation, the Commission was also given an evaluation indicating 50% similarity between both pieces. Furthermore, it turned out that the first 80 pages of the 2004 thesis were a straightforward copy of the 1998 thesis. Even the formatting was taken over and entire text passages were copied without any reference to the source. The Commission considered the 2004 thesis in large part to be plagiarized.

Inquiry A 2019/10:

This inquiry was withdrawn by both institutions that initially contacted the Commission.

Inquiry A 2019/11:

Still in progress

Inquiry A 2019/12:

Still in progress

Inquiry A 2019/13:

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 2019/14:

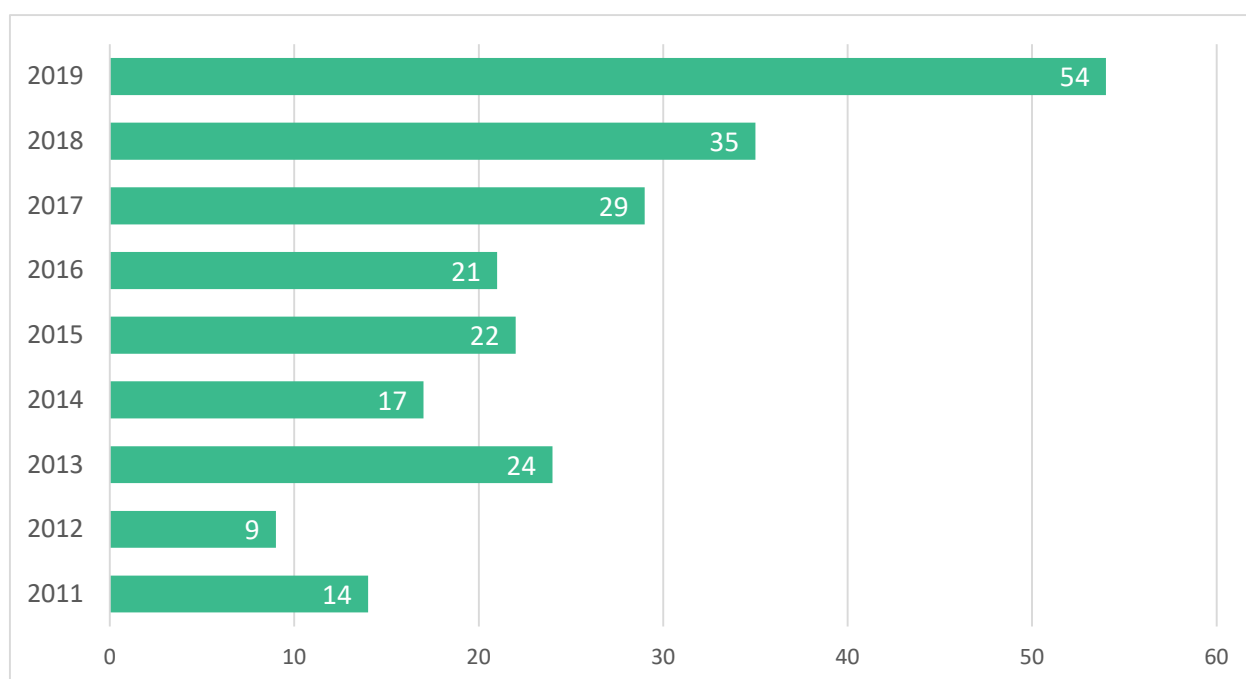
Still in progress

Inquiries to and Consultation by the Administrative Office

In 2019, there were also 54 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, contract research, supervision; plagiarism, anti-plagiarism software; referencing standards; data collection (who owns the data/who is allowed to present the data, expiration of data archiving), possible data manipulation; research methods; cumulative dissertation versus monograph; EU projects (conduct vis-à-vis cooperation partners, data, authorities on research integrity); quality of graduation papers; intellectual property, theft of ideas; ethics approvals; institutions for the enforcement of ethics standards or standards of research integrity (e.g., ethics commissions, ombudspersons, commissions for research integrity); concerns about ethics of publication and research ethics, GSP Guidelines, discrimination, fair application processes, mobbing.

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



Graph 2: Overview of inquiries (n=225) to the Commission and the Administrative Office (inquiries to the latter have been recorded only since 2011).

Members of the Commission for Research Integrity:

Prof. Dr. Gerd Müller (Chair since Jan. 2019)
Prof. Dr. Eveline Baumgart-Vogt (until Oct. 2019)
Prof. Dr. Beatrice Beck Schimmer
Prof. Dr. Andreas Diekmann
Prof. Dr. Michael Hagner (until Oct. 2019)
Alexandra Kemmerer, LL.M. eur (since Oct. 2019)
Prof. Dr. Susanne Modrow (since Oct. 2019)
Prof. Dr. Kerstin Schneider
Prof. Dr. Elisabeth Staudegger
Prof. Dr. Philipp Theisohn (since Oct. 2019)

Administrative Office

Dr. Nicole Föger
Mag. Birgit Buschbom (until Sept. 2019)
Samuel Mühllechner (since Oct. 2019)
Armin Schmolzmüller, MSc
Mag. Sabine Schnetzinger
Mag. Teodora Konach (since Sept. 2019)

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