



ÖSTERREICHISCHE  
AGENTUR FÜR  
WISSENSCHAFTLICHE  
INTEGRITÄT

# **Commission for Research Integrity**

## **Annual Report 2020**

## **Preface by the Chair of the Commission**

This year's report indicates that the number of cases taken up by the Commission of the OeAWI continues to remain high. In 2020, there were altogether 26 cases, 19 of which were concluded. Looking at the past decade, this year's number of cases heard and completed by the Commission is in the top third. Of greater significance, however, is another set of data: Over the past five years the number of inquiries to the Administrative Office of the OeAWI has increased continually and reached a historic high (61 inquiries) in 2020. Even if, or perhaps because the Commission ultimately investigates by far not all inquiries, we can draw certain conclusions from this progressive trend. First, the visibility of the OeAWI and its Commission has grown and so has the interest in its work. Secondly, the awareness of issues concerning research integrity and the need for clarification have obviously grown. Both developments are certainly welcome. This increased awareness also correlates to expectations regarding the Commission's work that require critical reflection—and these expectations also lead to ongoing self-reflection within the Commission. It is important to emphasize that the OeAWI delivers opinions but does not pass verdicts; that it offers explicit recommendations to its member organizations but is not responsible for their implementation. As many cases in this year's report demonstrate, the Commission functions usually as a mediating authority. On the solid basis of its by-laws, the Commission identifies research misconduct but also always strives to promote understanding and acceptance on the part of those who disagree with the Commission's opinions. Our efforts towards mediation are not always successful—in fact, they might take up more time than the actual proceedings—but they are part and parcel of the Commission's credo.

Furthermore, it has become quite clear that even ostensibly most “clear-cut” cases of scientific misconduct require individual and context-specific attention. It is not always clear whether it is a case of obvious infraction (e.g., the illicit withdrawal of authorship) or a case of miscommunication. Even when literary property is at stake, seemingly peculiar but quite fundamental considerations arise: What kind of standards ought to be applied when dealing with a text that reviews a dissertation and reuses some of the wording verbatim? What consequences result from this? What is more appropriate: some form of instruction or sanctioning? Occasionally, contextualizing may also reveal some grave problems. Particularly in cases of harassment, career obstruction, or humiliation it is not uncommon to discern structural disparities, which can neither be addressed on the basis of the particular case nor resolved properly by the OeAWI—something that can be done only at the institutional site concerned. In such cases, it is going to be even more crucial in the future that the OeAWI can rely on the co-operation of its members.

In 2020, the OeAWI had three chairs: Prof. Dr. Gerd Müller, who resigned from the Commission in August; Prof. Dr. Beatrice Beck Schimmer, who served as an interim chair until the end of her term on the Commission; and the undersigned, who in December 2020 assumed the function of chair together with his deputy Alexandra Kemmerer. In the name of the entire Commission, I

would like to thank my predecessors for their many years of commitment. Thanks and appreciation are also due to Prof. Dr. Elisabeth Staudegger representing Austrian legal studies, who after two-and-a half years stepped down and was succeeded by Prof. Dr. Nikolaus Forgó. The Commission also welcomes Prof. Dr. Frits Rosendaal (Medicine) and Prof. Dr. Joachim Heberle (Natural Sciences and Engineering) as new members of the Commission.

Prof. Dr. Philipp Theisohn

Chair of the Commission for Research Integrity

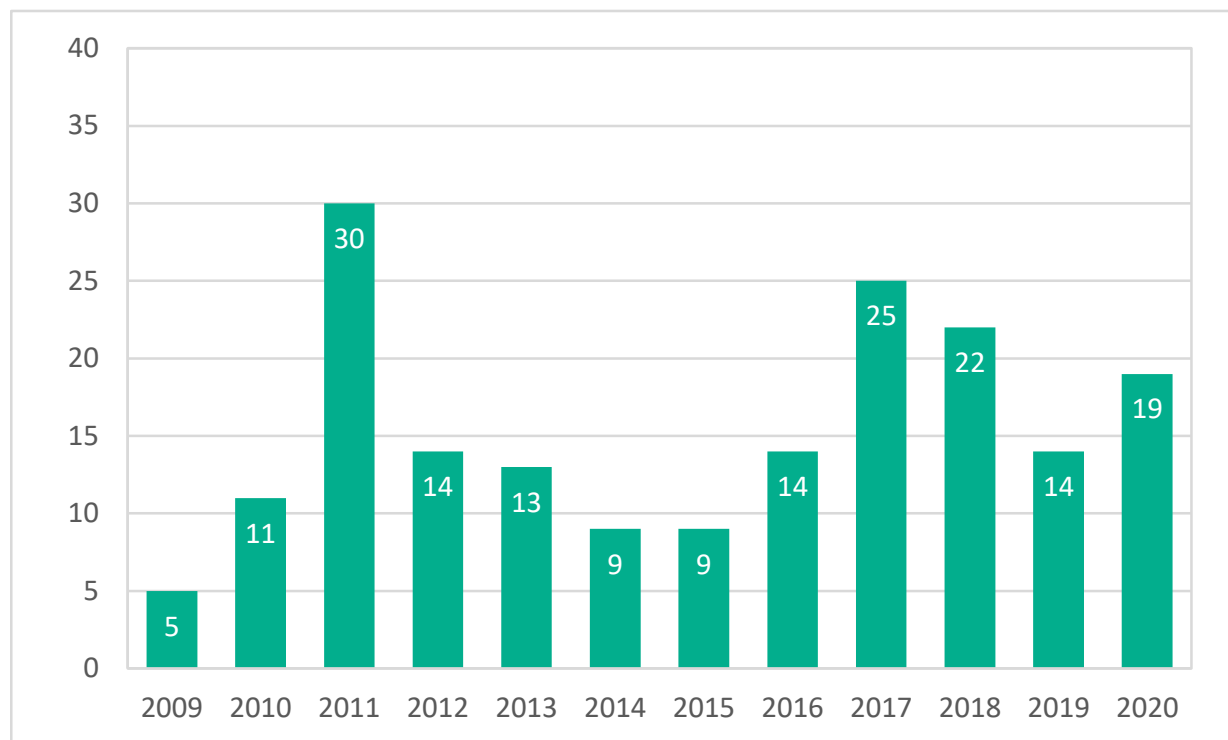
## **Commission for Research Integrity**

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 scholar 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](http://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 2020**

By the end of 2020, the Commission for Research Integrity had handled a total of 185 inquiries since starting its work in June 2009.



*Graph 1: Inquiries to the Commission between June 2009 and December 2020 (n=185).*

## **Inquiries in 2020**

In 2020, the Commission held four regular meetings and one extraordinary meeting—due to the pandemic the meetings took place via video-conferencing. During 2020, the Commission received 19 inquiries. In addition to two inquiries dating back to 2018 and five from 2019, twelve of the new inquiries were completed. Seven inquiries are still in progress. Thus, the Commission completed 19 inquiries in 2020, which will be summarized below.

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

### **Inquiry A 2018/19:**

At the beginning of 2020, the Commission closed the inquiry from a non-university research institution in conflict with a publisher about authorship and alleged data theft regarding a book project. The report focused on a great number of graphics of long statistical time series along with detailed explanations created on the basis of extensive data research by the department and made available to the publisher. According to the accused party’s own admission as well as from the Commission’s point of view, this publication went well beyond auxiliary and routine practice and should have been appropriately cited following the Guidelines of Good Scientific Practice, which the publisher had failed to do. The causes for the conflict were insufficient communication between the parties involved and a lack of agreement concerning the acknowledgment of the respective contributions to the publication. The Commission considered the given conflict to be a good opportunity to sensitize the author and publisher to the fact that all contributors whose input goes beyond technical support work should be appropriately acknowledged and relevant agreements should be made in advance. The lack of communication and the violation of the rules of citation were probably the result of negligence rather than intent. This, however, is not in accordance with the Guidelines of Good Scientific Practice. The Commission recommended that the publisher join the author’s apology.

### **Inquiry A 2018/20:**

The Commission received a report concerning several aspects of research integrity and research misconduct from a research funding agency together with four whistle-blowers from an Austrian university. These were serious allegations regarding authorship, plagiarism, as well as research and career obstruction involving two professors in their behaviour towards the junior scientists raising the issue. In the conflict with the main accused, significant violations of research integrity were found, which - according to the Guidelines of Good Scientific Practice - mandate transparent and honest communication with other scientists as well as fair and responsible treatment of

junior scientists. These criteria were systematically and repeatedly violated on the part of the professor: the accused made incomprehensible decisions over the heads of the junior scientists, failed to actively support the complainants professionally, made demonstrably false and harmful allegations and raised accusations vis-à-vis third parties, and displayed verbal lapses in his writing as well as degrading and unacceptable physical behaviour.

Considering the reports of the informants, the submitted evidence as well as the testimony of witnesses, the Commission established serious research misconduct on the part of the accused. In addition to these offenses, the accused also violated the Guidelines of Good Scientific Practice as the Commission presented in its analysis: In a grant application as well as in a publication there was no identification of the co-applicant or co-author; and preparatory work and contributions by the others were neither quoted nor acknowledged in any other form.

In the view of the Commission, it was a particularly egregious violation of research integrity that for years the informants had brought the matter to the attention of various offices in the department without action being taken in even a single case.

The evaluation and assessment of the copiously presented complaints suggested to the Commission that the departmental leadership had tolerated grave and long-term violations of the Guidelines of Good Scientific Practice. This resulted in the Commission's call for a thorough review of the efficacy of the internal processes and structures. Due to the complexity of the inquiry, the Commission did not think it had the capacity to fully investigate the misconduct and therefore strongly recommended that the department establish an internal special commission to deal with the presented violations of research integrity and, if at all possible, to rectify past research misconduct.

#### **Inquiry A 2019/04:**

A university professor submitted a dissertation suspected to be plagiarized for investigation by the Commission. The dissertation was from another university. The professor's own initial evaluation had already demonstrated several plagiarized text passages. An external review proved the great extent of plagiarism. In its analysis, the Commission agreed with the expert opinion but recognized a significant share of responsibility on the part of the supervisor or evaluator of the doctoral thesis and the school that had accepted it in fulfilment of the degree requirements.

Given the gravity of the case, the response to the university concerned included the recommendation to re-examine this case and to consider revoking the award of the doctoral degree, if necessary.

**Inquiry A 2019/11:**

An informant believed that her co-authorship had been ignored in some research papers and presentations and that she had suffered deliberate systematic exclusion. Before submitting her complaint to the Commission, she had approached one of the accused parties with the request that her co-authorship should be acknowledged, which was complied with by the time the Commission investigated the case.

In another dispute about co-authorship, the accused rejected all allegations, stating that the informant had not contributed sufficiently to the project meriting authorship. The informant stated that her contributions were available on the departmental server, to which she had been denied access. The complainant's long-term absence from the department suggests that there were administrative reasons for the denial of access. In order to discover the truth, the Commission considered it necessary to recommend that data access—limited to this particular project—be granted. On the basis of the information presented during the investigation period, no research misconduct by the accused could be determined.

Regarding the discrepancy in bibliographic information for a poster, the accused referred to the limited possibilities in the set-up software of a conference, which did not allow to distinguish between authors and study group, and thus making it impossible to list any further participants. The Commission saw no research misconduct.

The suspicion of systematic exclusion could not be substantiated. The Commission made the recommendation to the complainant that there be a mediation between her and the relevant parties at the institution. As the OeAWI cannot provide such mediating services, the Commission suggested that it would be willing to contact the appropriate offices with the promise of utmost confidentiality, should this be desired.

**Inquiry A 2019/12:**

In a suspected case of plagiarism in a dissertation and following an external report, a university professor solicited the comments of the supervisor concerned, the external reviewers, and the author. He also carried out an electronic plagiarism check. Upon the assembly of all relevant documents he reported the case to the Commission.

Based on the comments of the reviewers and the Commission's own interpretation, it became clear that the referenced passages of alleged plagiarism had little relevance to the core findings of the dissertation; they merely presented foundational knowledge. The Commission was unable to substantiate the allegations of plagiarism in any part of the dissertation.

The accusation of research misconduct was rejected based on the discerned inadequacies of the dissertation. However, there was a violation of the Guidelines of Good Scientific Practice because there was no consistency in citation

From the viewpoint of the Commission of the OeAWI, the inadequacies of the dissertation were not of such gravity that it would have been appropriate to recommend that the university take any further measures.

#### **Inquiry A 2019/14:**

A professor of a university in a neighbouring country had confronted those involved in a dissertation project at an Austrian university with charges of alleged research misconduct. Very specifically he listed uncoordinated changes of supervision, theft of ideas, conflict about authorship, concealment of the origin of data, and concealment of employment. In response to the charges, the accused as well as an externally recruited supervisor from outside the university presented their positions, solicited expert opinions and turned to the Commission of the OeAWI for clarification. The latter determined that the changes in supervision were in accordance with existing regulations after the complainant himself had chosen to formally terminate his supervision. Therefore, the doctoral student was free to search out a new supervisor.

This was not a case of theft of ideas because the doctoral student had composed the abstract independently. The abstract did not contain any details of intellectual property worth protecting. Given the fact that the research topic has been widely studied for a long time, no infringement of intellectual property rights was identified.

In its findings, the Commission also rejected the complainant's claim that his name had inappropriately been removed from the doctoral student's publications because the former had explicitly demanded not to be listed as co-author.

With reference to the charge of concealing an employment relationship in the publication and the resulting potential conflict of interest, the Commission agreed with the expert opinion. This charge, however, is mainly to be blamed on the industry partner and not the doctoral student.

The Commission of the OeAWI came to the conclusion that mistakes were made in the process of the student's doctoral graduation and his supervision but these mistakes cannot be classified as serious research misconduct.



**Inquiry A 2019/01:**

A junior scholar brought a suspected case of plagiarism to the attention of the Commission. The case was in literary studies: the informant discovered verbatim parts of her published master's thesis in a digitally available article by a professor working overseas. Both had met at a conference, and the accused had first written a review of the complainant's master's thesis.

The investigation turned out to be a dual problem because first, the presented documents in two foreign languages required experts in command of both languages, and secondly, all publications were available only digitally—in contrast to print publications, cases of plagiarism related to exclusively digitally accessible documents can be very complex due to the difficulty of chronological allocation. The complainant also submitted digital documents posted before the writing of the master's thesis, which the appointed expert confirmed as identical with the allegedly plagiarized text taken from the master's thesis. Despite great effort and two external reviews, it was impossible to reach a transparent and evidence-based decision due to the difficulty in temporal and spatial placement of the digital texts as well as due to the insufficient provision of documents by both parties. The investigation was initiated on the assumption that in addition to the brief internet text, there would be printed books with suspected plagiarized passages; the disparity between the scope of the investigation and the brevity of the relevant text, however, resulted in terminating the proceedings.

**Inquiry A 2020/01:**

Still in progress.

**Inquiry A 2020/02:**

Regarding alleged plagiarism in an English-language dissertation in economics, the Admin Office of the OeAWI was requested to recommend external reviewers. The Commission provided several names of reviewers with expertise in business administration or business informatics. The inquiry did not require an investigation.

**Inquiry A 2020/03:**

A funding agency approached the Commission with suspicion of data manipulation and research misconduct in a project report. The use of manipulated data might possibly lead to the approval of the grant application. According to the expert reviewers of the application the alleged manipulation of graphs did not determine the acceptance of the proposal nor could they be confirmed. The Commission advised the project leader to carefully verify all data intended to be used in a thesis or a publication.

**Inquiry A 2020/04:**

An informant approached the Commission a second time regarding a case that had been completed in the previous year. This time he requested a further investigation concerning deliberate distortion of data, refusal to inspect primary data, and obstruction of research. In accordance with the recommendation of the Commission regarding his first request, he and the co-authors of the publication in question were able to obtain the desired correction in the publishing journal. Reacting to the charge of deliberate data manipulation and unjustified refusal of access to primary data, the Commission now—in its second and final opinion—referred to its previous findings: it had already rejected these allegations justifiably in the first place. The Commission did not assume responsibility for clarifying the issue of alleged obstruction of research activity because this is not a matter of research misconduct but falls into the domain of labour law.

**Inquiry A 2020/05:**

An Austrian junior scientist requested the support of the OeAWI in her dispute about authorship with a professor at a non-Austrian university. Their good, long-term cooperation on a professional as well as personal level turned into a dysfunctional relationship: After the junior scientist had decided to withdraw the co-authorship of a publication from the professor - unilaterally and without the latter's knowledge - the university in question in a European country established research misconduct in its preliminary investigation as well as in the main proceedings after the postdoc's objection. Subsequently, she first turned to an independent national agency for research integrity, which considered the university's investigation to have been executed properly. Then the postdoc approached the OeAWI. In the statement the Commission solicited from the professor, several additional, serious examples of suspected research misconduct (e.g., fabrication of data) were listed, which - contrary to the unjustified withdrawal of co-authorship - could not be confirmed by the investigation. For the purpose of clarifying the accusations, the head of the proceedings held an informal, quite positive conversation with the junior scientist. It was addressed how common conflicts in the relationship between junior and senior researchers are and how difficult the emancipation of junior researchers from their supervisors can be. Accordingly, the final report of the Commission asked both parties to change their future behaviour and anticipate any potential for conflict. Offering some comfort to the junior scientist a concluding paragraph on the repeated misconduct of the journal editors (their failure to inform the professor regarding the stripping of her/his co-authorship) was added. The editors were not contacted by the Commission.

**Inquiry A 2020/06:**

A scientist turned to the OeAWI requesting the investigation of a case of alleged plagiarism. The complainant had discovered a (very positive) review of her dissertation in a journal written by a graduate student at an Austrian university. About two thirds of the extensive review consisted of paraphrased text from the dissertation, which the informant described as plagiarism. Admittedly, the boundary between paraphrase and plagiarism was transgressed several times, but in this specific case—given the nature of the text type—there was no basis to see the review as an example of research misconduct. The exclusive reference to the ostensibly plagiarized work had the clear genre markers of a “review.” The Commission decided to respond with three letters: In their letter to the accused reviewer the Commission pointed out that scientific standards also applied to the format of reviews. In their communication with the journal in question, the Commission provided information about the case and recommended that in the future more care ought to be taken so that reviews would also comply with the Guidelines of Good Scientific Practice. In their concluding report to the informant, the Commission stated that the review of her dissertation was extraordinarily favourable and did not put her authorship into any doubt. Therefore, her work and her reputation were certainly not harmed even though the reviewer had been sloppy regarding correct citation practices.

**Inquiry A 2020/07:**

Still in progress.

**Inquiry A 2020/08:**

The subject of this inquiry was the allegedly incorrect process of an appointment procedure regarding a management position at a public institution (but not in the university sector). The Commission did not take up this case because aspects of Good Scientific Practice regarding this appointment procedure apply only very marginally and therefore, any further investigation was ruled out according to the Agency’s by-laws.

**Inquiry A 2020/09:**

The issue of this inquiry was whether there might be a question of theft of ideas when two similarly specialized departments - reacting to a current issue and using the same mailing list - almost simultaneously sent out an e-mail survey on an almost identical topic to a small audience of professionals in Austria. The contents of both surveys were obvious, not very original and conceptually most likely an experimental data collection even though the gathered data were then to be analysed and used scientifically. It is likely that two groups of scientists with a similar and thus competing research focus would, independently of each other, come up with comparable ideas and carry out similar surveys/experiments given a current, unprecedented

situation. The Commission completed the investigation by informing the querying party that the allegation of research misconduct regarding “theft of ideas” could not be substantiated.

#### **Inquiry A 2020/10:**

An applicant requested that the Agency clarify whether a non-favourable external evaluation of her dissertation - submitted to an Austrian university - could be declared null and void and replaced by yet another (third) evaluation. The primary supervisor had given her work a better grade than the external reviewer she herself had requested. After the complainant had already approached the dean, the vice-rector, and the ombudsman-office of the university with the request for annulment, she herself wrote a multi-page critique of the evaluation, in which she insinuated research misconduct on the part of the external reviewer. The University’s position on the requested annulment was clear: an evaluation is not a decision and can therefore not be objected to. A third opinion could be solicited only if one of the existing ones were negative, if there were major procedural errors, or if this had been agreed upon beforehand. None of these conditions applied, however.

The Commission of the OeAWI did not consider the requested annulment of the external evaluation and the wish for a third expert opinion possible. The Commission found no indication of research misconduct on the part of the external evaluator; much rather, the expertise was thorough, fact-based, and constructive in its criticism. In a concluding statement, the complainant was informed that there was no reason to doubt the validity of the external evaluation and that her efforts to replace an unfavourable assessment by another one, were considered academically dishonest. Furthermore, her insinuation of any impropriety represented research misconduct on her part. With reference to her thesis defence, the Commission made the recommendation that the external evaluator be included in order to engage in a dialogue about the presented criticism and thus allow the possibility to improve the grade.

#### **Inquiry A 2020/11:**

The OeAWI was informed about a proven case of plagiarism regarding a dissertation at a university in a neighbouring country. The OeAWI’s responsibility was a given because an Austrian educational institution is a co-operation partner of that university. This newly submitted charge of plagiarism in combination with several already existing cases of suspected plagiarism at that university was yet another indicator of poor quality control concerning the award of academic degrees at the institution. The co-operation with the university seems to provide the Austrian institution—without the right to award doctorates on its own—the advantage of offering doctoral programs together with its international partner; something that is being advertised quite aggressively.

Given the experience of a serious case of plagiarism involving these co-operating institutions investigated by the Commission in the previous year and subsequently reported to the Ministry of Education, Science and Research as well as to the rector of the foreign university pointing out the lack of quality control of scientific standards, the Commission issued yet another urgent appeal to penalize and end the intolerable current practice of awarding degrees and titles.

#### **Inquiry A 2020/12:**

The Commission was informed that there were no sanctions in a proven case of plagiarism - the subject of a completed investigation during the previous year (A 2018/21), which had substantiated the suspicion of plagiarism in a post-doctoral thesis (*Habilitation*) with the help of external expert opinions. In this past case, the Commission had identified research misconduct on the basis of numerous unidentified incorporations of text materials and had recommended that the university initiate yet another scholarly evaluation of the thesis taking the multiple instances of plagiarism into account and also consider the option of revoking the academic title. Upon receiving this new letter from the informant, the Commission contacted the university asking for an explanation. According to the response, revoking the title could not be justified after assessing the procedural requirements for a resumption of the *Habilitation* process in accordance with § 69 AVG.

#### **Inquiry A 2020/13:**

In a conflict about authorship concerning a publication in a very reputable journal, a retired professor of a research institution in a neighbouring country and a professor of an Austrian university approached the Commission. The head and some members of a working group at the same Austrian university were accused of research misconduct: the informants listed particularly a lack of agreement on co-operation, insufficient contractual agreements on resources and the duration of the collaboration as well as improprieties in connection with the publication (insufficient consultation on authorship, non-transparent representation of individual research contributions by the respective authors and missing acknowledgements).

The Commission of the OeAWI could neither confirm the allegation of serious research misconduct nor discern any damage to the persons or institutions involved. Rather, the concluding statement noted a certain degree of negligence in the transfer of information on the part of the colleagues in other working groups and institutions co-operating with the complainants.

**Inquiry A 2020/14:**

The Commission received information on suspected plagiarism in a dissertation. At the same time, the informant turned to the media with his suspicions. In addition to the dissertation, which was already being examined by the university concerned, a series of publications connected to the dissertation also had to be checked for plagiarism. After consulting with the complainant, the list of publications was submitted to the university for further investigation.

**Inquiry A 2020/15:**

Still in progress

**Inquiry A 2020/16:**

Still in progress

**Inquiry A 2020/17:**

Still in progress

**Inquiry A 2020/18:**

Still in progress

**Inquiry A 2020/19:**

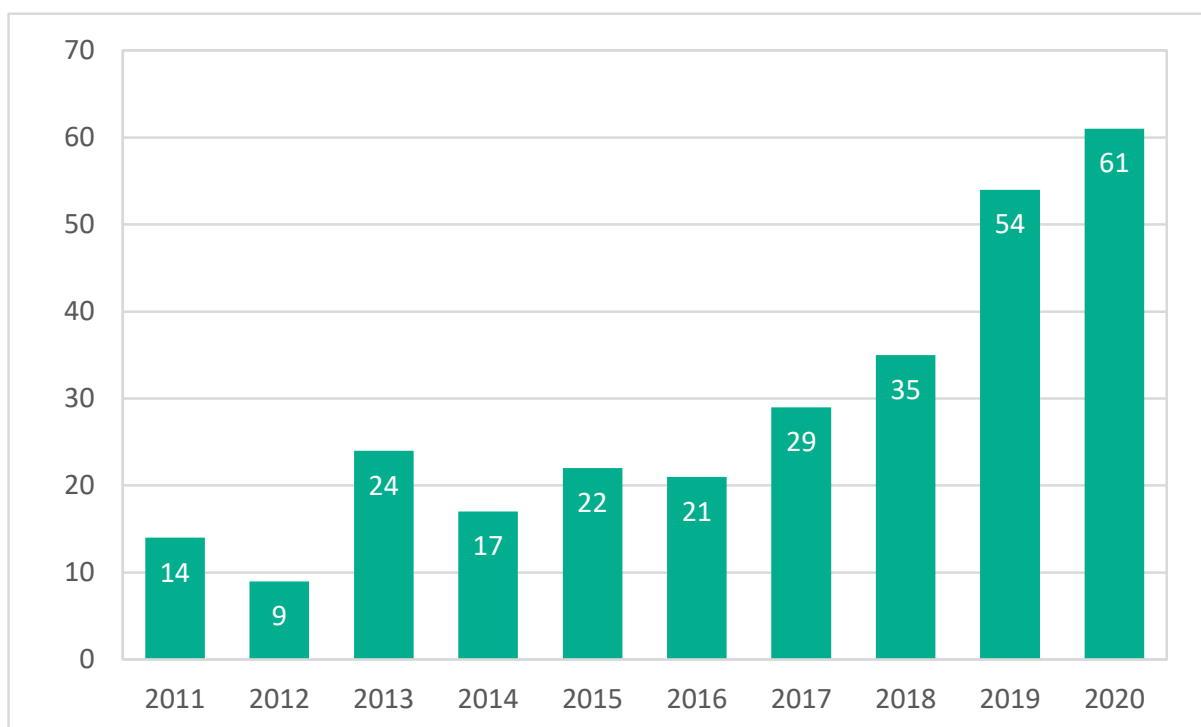
Still in progress

## **Inquiries to and Consultation by the Administrative Office**

In 2020, there were also 61 inquiries (e-mails, phone calls, and personal consultation sessions or submissions to the BKMS Compliance System) to the Administrative Office of the Agency for Research Integrity. These queries involved different kinds of topics:

There were issues of authorship, refusal of authorship, honorary authorship; obstruction of research; (non)-sanctioning of misconduct; processes of investigations of research misconduct; affiliation of researchers; confidentiality obligation in research projects; (non)-reaction of editors to identified research misconduct; questionable use of academic titles; non-adherence to publication requirements of clinical studies; international equivalents of the OeAWI; whistle-blower software; unfair accusations; ethics of publication; plagiarism; ghost-writing; citation; research data management (who owns the data/who is permitted to present the data, expiration of data archiving); possible data manipulation; EU projects (conduct vis-à-vis cooperation partners, data, authorities on research integrity); evaluators and the quality of expert opinions; intellectual property, theft of ideas, and use of intellectual property; ethics approvals; institutions for the enforcement of ethics standards or standards of research integrity (e.g., ethics commissions, ombudsman offices, commissions for research integrity); concerns about ethics of publication and research ethics; research training standards; obstruction of career development in connection with a previous case; and others, such as mobbing, sexual harassment (in the context of research obstruction); and training sessions on GSP Guidelines (international requests).

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



**Graph 2: Overview of Inquiries (n=316) 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 of the Commission until August 2020)

**Prof. Dr. Beatrice Beck Schimmer** (Interim Chair of the Commission from Sept. to Dec. 2020)

**Prof. Dr. Philipp Theisohn** (Chair of the Commission since December 2020)

**Alexandra Kemmerer, LL.M. eur** (Deputy Chair of the Commission since December 2020)

**Prof. Dr. Andreas Diekmann**

**Prof. Dr. Nikolaus Forgó** (since November 2020)

**Prof. Dr. Susanne Modrow**

**Prof. Dr. Frits R. Rosendaal** (since November 2020)

**Prof. Dr. Kerstin Schneider**

**Prof. Dr. Elisabeth Staudegger** (until October 2020)

## **Administrative Office:**

**Dipl. Geogr. Eva Korus** (since October. 2020)

*Coordinator of the Commission Affairs*

**Dr. Nicole Föger**

*Managing Director of the OeAWI, Consulting and Training*

**Mag. Sabine Schnetzinger** (sick leave since August 2020)

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