



ÖSTERREICHISCHE  
AGENTUR FÜR  
WISSENSCHAFTLICHE  
INTEGRITÄT

# Commission for Research Integrity

## Annual Report 2023

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

The year 2023 brought a considerable amount of relief to the OeAWI Commission. The number of cases investigated by the Commission fell by more than half compared to the previous year (33 cases). The same can be said for the number of new cases (only nine this year compared to 21 in the previous year). The consistently high number of inquiries submitted to the Administrative Office indicates that the reduced case load for the Commission cannot be attributed to a reduced need for advice. This ratio reflects not only the great commitment and immense significance of the Administrative Office and its staff, but the substantial discrepancy between queries to the Office and cases for the Commission also indicates a new sensitivity in the preliminary evaluation that allows the Commission to focus on its core tasks. When the number of investigations commenced by the Commission gradually decreases, there is more room for individual discussions and for more detailed scrutiny of the individual steps of the process. Admittedly, these are always mere snapshots of the situation; the enormous fluctuations over recent years make it difficult to speak of any recognizable trends with certainty.

As this is the last foreword during my five-year chairmanship of the Commission, I would like to take this opportunity to reflect on the past. In my view, the OeAWI has undergone a substantial transformation in the past several years. This is not only due to a number of changes in staffing, but importantly also due to the identification and correction—in several reform steps—of major and minor flaws in the OeAWI's statutes and the Commission's rules of procedure so that future commissions will be able to deal with more difficult cases with far greater assurance. We also intensified communication and co-operation with the members of the OeAWI during this time. Furthermore, I have gained the impression that the Austrian public not only *wants* to know more about the work of the OeAWI but also actually *knows* more about its work; that final statements of the Commission are less likely to be suspected of being the result of collusion. Rather, we have succeeded in developing a degree of sensitivity for the right to procedural confidentiality in self-examination within the scientific community; and also, an understanding that this right is important and must be defended against external pressure and protected against the appetite of some for scandal.

After all, the OeAWI cannot and will not survive as a lone fighter: in order to fulfil its mission, the OeAWI must not only have the support of the scientific community but also that of a society that recognizes the significance of criticism and self-criticism and can appreciate both. I think we have made progress in this regard compared to five years ago. I wish my successor, the upcoming commissions, and the dedicated staff at the Administrative Office continued success, stamina, and broad societal support for their work.

Prof. Dr. Philipp Theisohn  
Chairman of the Commission for Research Integrity

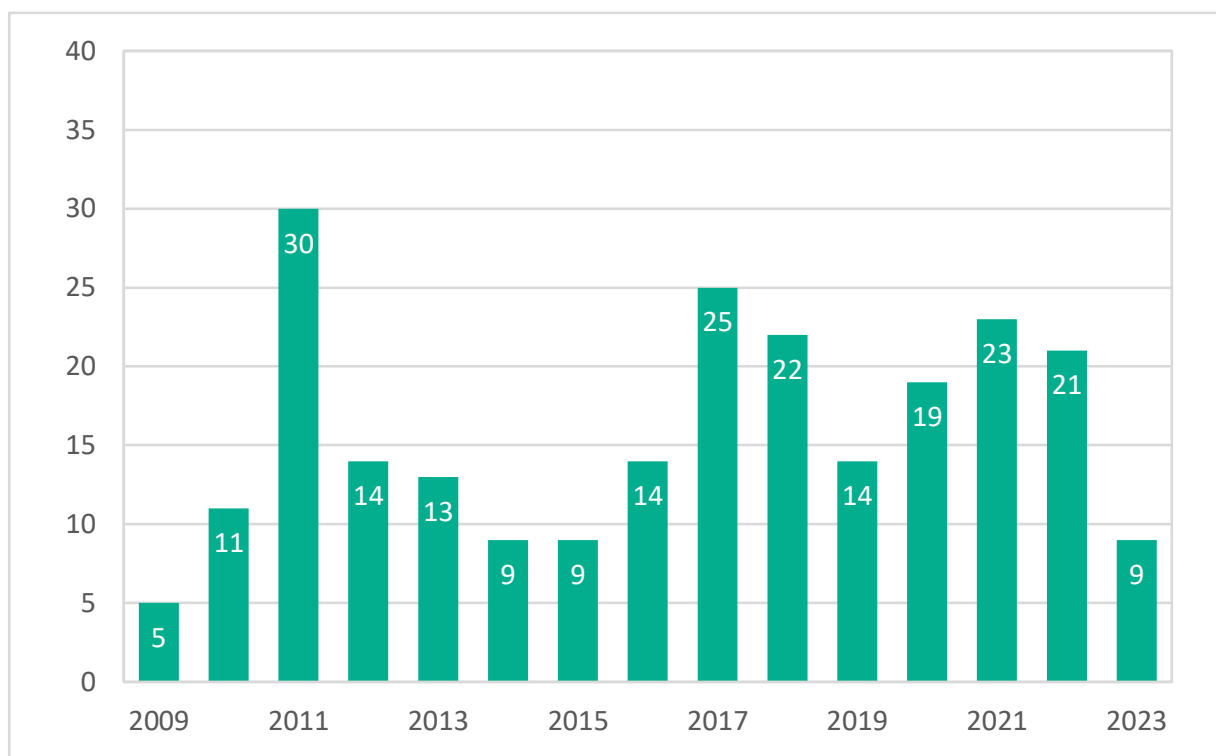
## **Commission for Research Integrity**

The Commission for Research Integrity is an independent body of the Austrian Agency for Research Integrity (OeAWI) and deals with allegations of research misconduct that are connected to Austria. It consists of a maximum 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 2023**

By the end of 2023, the Commission for Research Integrity had handled a total of 238 inquiries since starting its work in 2009.



Graph 1: Inquiries to the Commission between June 2009 and December 2023 (N=238).

## **Inquiries in 2023**

Four meetings of the Commission took place in 2023, two of which were conducted as video conferences and two as full-day face-to-face meetings in Vienna.

The Commission processed a total of 15 inquiries during this year, including six inquiries from 2022 and nine new reports. By the end of the year, a total of 13 inquiries had been closed, six from 2022 and seven from 2023, as described below. The cases that are still being processed are marked as such.

### **Inquiry A 2021/02:**

Supplement to the Annual Report of 2022:

A university in a neighbouring country contacted the OeAWI with a request for an assessment regarding a case of possible research misconduct and qualitative shortcomings in a dissertation and related publications. The author, who was working in Austria, had completed her doctoral program at this institution and graduated with a dissertation that later gained attention due to possible plagiarism.

In the course of a preliminary evaluation, the Commission determined that there was sufficient reason to take further action based on its content-related and geographic responsibility as well as the suspicion of plagiarism. For the purpose of a more in-depth analysis, the Commission requested subject-specific expert opinions from abroad. Their findings demonstrated that a large amount of text had been copied from others without references, probably intentionally or, if not, at least grossly negligently.

The defendant was given the opportunity to respond to the allegations of plagiarism and the relevant expert opinions but she was unable to refute the charges even after submitting a counter assessment.

In a final statement, the Commission communicated the result of the main proceedings to the accused and the referring institution: namely that the inadequately identified inclusion of other authors' text passages in the dissertation constituted research misconduct. Furthermore, the Commission recommended that the referring institution consider possible legal action.

### **Inquiry A 2022/02:**

After having received an external lead on possible plagiarism, the management of an Austrian university of applied sciences requested an investigation by the OeAWI. The thesis in question — in the humanities — had been submitted more than ten years ago and had already been the subject of public accusations.

The Commission's subsequently initiated preliminary investigation, which employed software-supported text similarity checks, did not generate a clear result because some possibly problematic internet sources that had been referenced could not be accessed anymore. The accused, who no longer works at the institution concerned, was requested to provide explanations for these references but did not respond.

When the Commission asked the institution whether it was interested in the Commission investigating further, the Commission was informed by the university management that the matter had been dropped after an internal review and that, therefore, the OeAWI Commission would no longer have to pursue the case. On the basis of this institutional statement the inquiry was closed without initiating main proceedings.

### **Inquiry A 2022/16:**

A doctoral candidate at a university in a neighbouring country turned to the ÖAWI with a request for an investigation of alleged plagiarism she brought against a scholar of the humanities working at an Austrian university. The accusations concerned an essay by this scholar (as first author), in which she presented labour-intensive literature research and transcription work and results thereof as her own work, when all of this had already been done by the whistle-blower in her own master's thesis.

The Commission decided to review the specific charge regarding copious, unidentified secondary citations and requested a written statement from the accused. In her response the accused confirmed to have been familiar with the master's thesis in question but denied having used it as a source. According to her statement, she had carried out her own archival research and transcriptions. The whistle-blower was given the opportunity to respond to this statement. Ultimately, she maintained her accusation of not having been named as the primary transcriber.

According to the Commission, this approach by the defendant, who very compellingly explained that she had seen the texts concerned in the original and carried out the transcriptions herself, did not represent a violation of the Standards of Good Scientific Practice (GSP).

Therefore, the Commission issued a final statement to the complainant and the defendant clarifying that it was certainly possible to refer to unused preliminary work by other scientists/scholars but that this was neither mandatory nor was it a generally applicable regulation.

**Inquiry A 2022/17:**

A junior researcher in the humanities approached the OeAWI with accusations of inappropriate use of authorship and intellectual property, obstruction of research, and discrimination as a whistle-blower. According to him, his superior and project manager did not leave him any scholarly leeway within the framework of the funded project, which he was originally supposed to lead but which was then carried out under the superior's leadership. Contrary to the agreement, he was therefore no longer able to concentrate on his own research priorities. Furthermore, he was not only hindered in his research, which he had already reported to the funding agency with a request for an investigation, but he was subsequently also confronted with discrimination: His project manager would assign him only work outside his own research focus; work that would not even be integrated into the funded project.

The funding agency initially suggested to the parties to the conflict that they design a work plan allowing the complainant's ideas to be integrated into the project as far as possible. If no agreement could be reached, the junior researcher would have the option of submitting his ideas as a new project proposal. However, such a proposal would have to be substantially different from the ongoing project as no duplicate submissions of funding applications are permitted.

Developing a viable work plan and a timetable failed, and option 2 was rejected by the whistle-blower. Subsequently, the funding agency — not having identified any research misconduct — turned the matter over to the OeAWI for possible follow-up.

After two consultations with the OeAWI Administrative Office, the whistle-blower submitted an abridged report to the Commission: In it, he drops his first charges but not the complaint regarding obstruction of research and discrimination as a whistle-blower.

After a preliminary review of the inquiry, the Commission saw no reason to reopen this case of alleged research misconduct that had already been conclusively investigated by the funding agency. However, the Commission requested that the defendant respond to the statement of the complainant, according to which the accused was not following the funding agency's recommendations and was assigning research activities to the complainant that would not be included in the funded project. Based on documents and correspondence, the defendant provided ample and clear evidence that the whistle-blower had submitted partially inaccurate and misleading information. For example, in his report to the Commission, the complainant presented an abridged version of a written exchange with the defendant, which gave the impression that the defendant had assigned tasks irrelevant to the project and expressed his intent not to include the results of these activities in the project. In fact, the actual wording of the exchange—submitted also by the defendant—indicated that the work of the ostensibly wronged person was not *not* to be used for the project but *not without his consent*.

The Commission held that no research misconduct had taken place given no evidence for such claims and concluded the proceedings with a letter to the two parties. Furthermore, the Commission suggested to the complainant to heed the recommendation of the funding agency (supported also by the defendant) and submit a new funding proposal and also publish his own research results in papers under his authorship.

### **Inquiry A 2022/19:**

A postdoctoral researcher working in Austria turned to the OeAWI for advice accusing a doctoral student in the humanities of theft of ideas. The complainant felt that her career as a junior researcher was negatively impacted in two ways: First, in a grant proposal the accused made, without her consent and without reference, use of the whistle-blower's dissertation regarding content as well as methodology. Her own dissertation had demonstrated an innovative research approach. Secondly, the proposal and associated research project revealed significant overlap with a previous application that she had submitted jointly with the accused doctoral student before completing her own dissertation.

After completing her dissertation, the complainant had become aware of the objectionable project of the former co-applicant, which showed strong overlap with her dissertation and, thus, her own area of research. As a consequence, the complainant turned to the funder of both researchers. She enclosed the funder's written statement in her report to the OeAWI. According to the funding agency, it was not in a position to conclusively investigate the charges of research misconduct due to its mandate of impartiality and confidentiality but instead, it suggested the OeAWI as the appropriate body.

In a preliminary investigation, the Commission did a thorough review of the copious material that had been submitted. Ultimately, there was no evidence of possible research misconduct that would have justified starting main proceedings.

This final result of the preliminary investigation was presented to the complainant by the Commission in writing, providing the following details: The material submitted did not substantiate the allegation of theft of ideas. The alleged appropriation of intellectual property by the accused could not be discerned in either any plagiarized lengthy text passages or in the form of nondisclosed use of her research ideas. With regard to the accusation that the complainant's research focus was appropriated without consent, the Commission clarified that in general there was no exclusive right to any research topic or research questions any individual researcher may have chosen. Anybody in the scientific community is entitled to work on any area of research. As a matter of principle, it is an entirely legitimate academic process to use the prior work of other researchers, to build on it or also to replicate existing studies while accurately acknowledging the original authorship. Following good scientific practice, it is certainly mandatory to identify others' intellectual property; otherwise, it is plagiarism and thus research misconduct.

The Commission further pointed out that it was solely up to the funding agency to judge whether the accused applicant had sufficient expertise for the project. It was, so the Commission added, entirely up to scholars/scientists to decide freely with whom they wanted to collaborate.

This letter with the Commission's finding that no research misconduct had been established, concluded the review process of the inquiry.

#### **Inquiry A 2022/20:**

Due to an external report of suspected plagiarism in a dissertation in the social sciences, the Austrian university concerned turned to the Commission requesting its recommendation of independent expert reviewers. After providing a list of suitable experts from abroad, the inquiry was closed without initiating any proceedings. The university in question assumed responsibility for an institutional inquiry.

#### **Inquiry A 2022/21:**

The OeAWI received a report of suspected plagiarism by mail from an anonymous group which, according to its own description, pursues whistle-blowing action against plagiarism in the research community and, to this purpose, randomly examines post-doctoral theses (*Habilitationen*) at Austrian universities. The letter contained two plagiarism software scans prepared in 2020 revealing more than 50% text similarities in two articles from different journals in the field of applied life sciences. According to the whistle-blowers, the rectorate of the institution concerned had not reacted to their report of suspected plagiarism and, therefore, they were requesting the OeAWI to follow up on the matter.

In order to complete the submitted material, the Office of the OeAWI acquired the relevant, publicly unavailable articles *in toto*. Their primary author was a scientist working in Austria. The Office then used a plagiarism software to check for text similarities. The similarity reports resulting from this check and the submitted materials from the whistle-blowers were presented to the Commission with the request for a preliminary review and an assessment of suspected plagiarism.

The text similarities turned out to be unproblematic in the disciplinary context of the criticized publications and did not substantiate the allegation of plagiarism resulting in the termination of the review process. In a letter, the Commission communicated these findings to the vice-rectorate of the university that had initially received the complaint and where the accused scientist had completed her *Habilitation*: After a thorough evaluation, the charge of plagiarism regarding two scientific articles could not be confirmed since both publications addressed the same subject matter but each used a different set of data relating to different research questions.

Therefore, no research misconduct could be established, and the Commission was not going to initiate a more in-depth investigation.

The anonymous whistle-blowers did not contact the OeAWI again after their initial report, and due to the fact that there was no contact information, they were not informed about the results of the preliminary review.

#### **Inquiry A 2023/01:**

A lecturer working at Austrian universities turned to the Commission of the OeAWI requesting support after he had been excluded from a working group under his deputy leadership— unjustifiably from his perspective. This would, he argued, negatively impact his research and his career as a researcher and, thus, represent research misconduct.

The Commission initiated a preliminary investigation of the matter, obtained supplementary information from the complainant, and with his consent, asked the accused party to respond to the allegations. In their response, which was also submitted to the complainant with the opportunity to reply, the accused vehemently rejected the claims and offered a detailed description why their collaboration had been terminated and why this termination, however, would not hinder the complainant's further research activities or his career development.

After a thorough review and discussion of the opposing viewpoints and arguments as well as a consideration of all the submitted materials, the Commission did not find sufficient evidence of research misconduct. Given the fact that neither the Commission nor the institution concerned were able to shed more light on this case of "one person's word against another's", the Commission suggested in its conclusions that the parties to the conflict opt for mediation.

#### **Inquiry A 2023/02:**

A researcher working in Austria requested that the Commission of the OeAWI investigate alleged research misconduct by an Austrian university for which he had temporarily worked. In his view, the institution concerned had obstructed his research activities and his career by not offering him a permanent position which he had believed to have been promised. Additionally, he was worried about future unauthorized use of texts, ideas, and concepts derived from collaborative projects carried out at the university.

With the complainant's approval, the Commission obtained further information from the university in question in order to clarify its responsibility and asked the institution to respond to the following charges: Obstruction of the scientist's career development; possible future use of

texts without reference to the author, who feels wronged; and presumably intended appropriation of his research ideas and concepts.

The respondents rejected all allegations: The position for which the complainant could have applied was ultimately not created. Furthermore, there was never any promise of a permanent position and there was definitely, neither at present nor in the future, any intention to appropriate any material he had conceptualized or already developed.

Considering the objective situation and carefully assessing all the statements as well as evaluating the submitted materials, the Commission concluded that it was not responsible for this case: The OeAWI or its Commission has responsibility only when - based on the available evidence - there is legitimate reason to suspect research misconduct according to the Guidelines of Good Scientific Practice (GSP). Other alleged examples of misconduct in the work environment, such as a presumably incorrect allocation of positions at higher education institutions, do not justify any responsibility. Therefore, the inquiry was concluded after the preliminary investigation and a corresponding letter was sent to the parties in conflict. The whistle-blower was offered the opportunity to turn to the OeAWI again if, against all assurances of the other party, any research results might be used without his authorisation.

#### **Inquiry A 2023/03:**

Following an external report of suspected plagiarism in a dissertation in the humanities, the Austrian university concerned asked the Commission for recommendation of independent expert reviewers. After submitting a list of appropriate experts from abroad, the inquiry was concluded without initiating any proceedings. The university in question assumed responsibility for an institutional inquiry.

#### **Inquiry A 2023/04:**

A professor of social sciences working in Austria turned to the OeAWI for advice in a conflict about authorship with two junior researchers. After consulting with the OeAWI Office, he first tried repeatedly to find an amicable solution with the two researchers in this dispute about a publication that was under peer-review. His efforts ultimately failed.

The conflict about his co-authorship, which he was denied notwithstanding his preparatory work and his contribution, marked the beginning of the disagreement after a fairly long period of good collaboration. In the course of further discussions and a closer look at the article, the complainant noticed discrepancies in the data causing him to contact the OeAWI again. After a lengthy consultation process, the complainant requested that the Commission investigate a number of presumable violations of the Standards of Good Scientific Practice (GSP): Denial of co-authorship, data manipulation and violation of his data ownership rights, since he was the owner of some of

the data used in the publication. At that time, the peer review process of the relevant publication was on hold.

After a thorough evaluation of the copious materials submitted, the Commission decided to initiate main proceedings and, with the complainant's consent, asked the accused to provide a written statement in response to the charges. The two junior scientists countered the allegations in detail attaching numerous documents.

Considering all arguments and materials of both parties, the Commission found the allegation of unjustified refusal of co-authorship to be untenable: On the one hand, there was ample reference to earlier ideas, concepts, and publications of the complainant (and the scientific community would be at liberty to make further use of these); and his authorship was also correctly recognized. The whistle-blower's claim of co-authorship could not really be derived from this. On the other hand, his own contributions, such as his commentary on publication drafts, were not sufficient to meet the criteria necessary for co-authorship.

The Commission could not confirm the alleged data manipulation either. Following the two authors' explanations of their data use, the Commission did see an idiosyncratic manner of presenting the data but found no evidence for data manipulation with the intent of fraud.

Due to a lack of sufficient evidence, the third allegation could not be upheld either. The defendants' line of argumentation supported by documentation made clear that they had participated in the data collection at an early stage and, thus, probably also acquired rights to the data. The Commission recommended a decision on the contested data sets but would leave this up to the authors due to lack of evidence.

In separate final statements the Commission informed the complainant and the accused party of its findings: Based on the testimony of both parties to the conflict and based on the submitted documents as well as the ensuing analysis of these documents by the Commission, no allegation could be substantiated. The Commission advised the complainant to clarify any possible authorships with all parties involved in advance of a publication and record the outcome of the discussions in writing. The two authors were advised to adjust their data presentation in accordance with standard scientific practice.

The Commission also informed the journal involved in the allegations of research misconduct of its findings and communicated its explicit request that the data presentation in the article in question be revised.

### **Inquiry A2023/05:**

The OeAWI received a two-part report from a person with a doctorate in the social sciences who is no longer active in higher education and resides in a neighbouring country. He alleged plagiarism in three texts of a postdoc working at an Austrian university; secondly, he submitted a complaint about the Ombudsperson's Office at that university which he had contacted with his request for an investigation before approaching the OeAWI: He maintained that their investigation of suspected plagiarism was not transparent and their communication with him as whistle-blower inadequate.

After a thorough review and discussion, the Commission was unable to substantiate the charges of plagiarism: No plagiarized passages were discernible in the texts to which the whistleblower had objected, meaning that there was neither research misconduct nor a breach of good scientific practice. Therefore, the Commission concluded the query with the preliminary investigation without initiating main proceedings. The whistle-blower, the accused, and the institution concerned were informed of the result of the preliminary investigation in a final letter from the Commission. In a separate letter, the Commission asked the Office of the Ombudsperson to communicate more clearly in the future—for example, by means of standardized text modules—when it considers queries to be closed because this might help avoid misunderstandings. The Commission did not identify any research misconduct or a violation of good scientific practice on the part of the Office.

**Inquiry A 2023/06: As of 12-31-2023 still in progress**

**Inquiry A 2023/07: As of 12-31-2023 still in progress**

**Inquiry A 2023/08:**

Following a report of suspected plagiarism by a scientist from abroad, the ethics committee of an Austrian non-university research institution asked the Commission for a recommendation of independent expert reviewers. After submitting a list of appropriate social science experts from abroad, the inquiry was concluded without initiating any proceedings. The investigation was carried out at the research institution.

**Inquiry A 2023/09:**

The last inquiry submitted in 2023 concerned two very different kinds of possible violations of good scientific practice according to the whistle-blower working in Austria: A social scientist intermittently working in Austria was reported to have a substantial amount of incorrect information in his curriculum vitae and reported to claim suspicious honorary authorship.

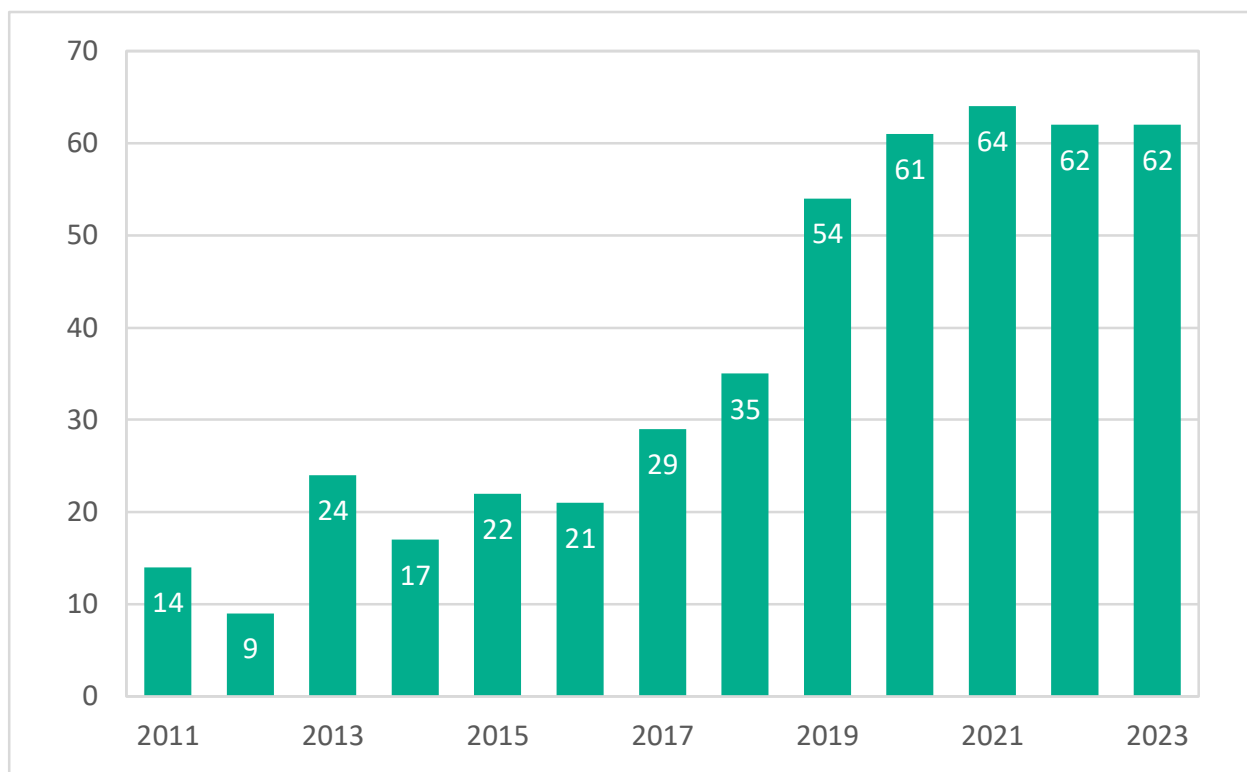
In order to ascertain the content-related and geographic responsibility of the Commission, it was necessary to obtain supplementary information from the Austrian higher education institution and from the accused. On the basis of the facts of the overall situation, it became clear that the Commission had neither content-related nor geographic responsibility: The accused had always had his place of work and his residency in a neighbouring country. He had only held a temporary position at the Austrian institution and it had not been in an academic but administrative or co-operating function. As there was no strong connection to an institution situated within the Austrian academic system or a connection to a researcher working in Austria, the Commission could not claim any geographic responsibility according to its own rules of procedure.

The allegations that had become public were not pursued any further due to lack of responsibility. With a letter to the complainant, the accused, and the institution concerned, the Commission concluded the inquiry without initiating main proceedings.

## **Inquiries to and Consultation with the OeAWI Office**

As in the previous year, 62 new reports and requests for consultation and information as well as various complaints were submitted to the Office of the OeAWI in 2023. Twelve of these reports were made by anonymous whistle-blowers, four of whom disclosed their identity in the course of the consultation and two of whom were clearly identifiable without any special effort based on the personal data in the submitted documents.

The function of the Office is to advise or refer, but not to mediate between the conflict parties. The time series in the graph below illustrates that the number of requests for consultation has more than quadrupled compared to the base year 2011.



*Graph 2: Overview of Inquiries (N=474) to the Office (recorded since 2011).*

The OeAWI Activity Report for 2023 contains details on consultations with the Office and other inquiries to the Office.

## **Members of the Commission for Research Integrity:**

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