

Guideline for safeguarding good scientific practice			
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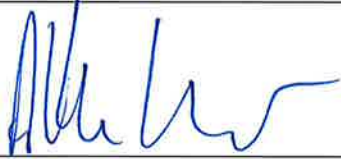
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Table of contents

1. Objective	2
2. Scope & period of validity	2
3. Responsibilities	2
4. Safeguarding good scientific practice	2
4.1 Definition of scientific misconduct.....	2
4.2 Areas of scientific misconduct	2
4.2.1 Misleading information.....	2
4.2.2 Violation of intellectual property rights.....	3
4.3 Ombuds office for good scientific practice.....	3
4.3.1 Setting up and staffing the ombuds office	3
4.3.1.1 Staffing the ombuds office	3
4.3.1.2 Chairperson of the ombuds office.....	3
4.3.1.3 Equipping the ombuds office	4
4.3.2 Tasks of the ombuds office.....	4
4.4 Expert commission	4
4.4.1 Staffing of the expert commission	4
4.4.2 Tasks of the expert commission	4
4.5 Sequence of the proceedings	5
5. Miscellaneous	6
6. Key changes to the last published version	6
7. Contact.....	6

1. Objective

In its mission statement, the Johannes Kepler University Linz has set itself the goal of preserving and promoting the individual freedom, initiative and creativity of each and every individual in terms of learning, teaching and research. One aspect of research is the element of satisfying the scientific curiosity of the researcher, which is indispensable for any dedicated research, while at the same time ensuring that the research programmes and methods always meet ethical requirements and that their results make a beneficial contribution to the development of society and the environment. People working at scientific universities shall enjoy the highest degree of freedom in research and decision making, while respecting the principles of scientific ethics. For the university to be able to maintain a high level of quality and for research to be possible at a high international level, which contribute to the support of innovations in business, technology and society and represent an essential basis for teaching, it is important that measures are taken to ensure that these are observed and that any violation of the principles of scientific ethics is detected and prosecuted accordingly. The objective of this guideline is to ensure that the above is achieved.

2. Scope & period of validity

This guideline shall apply to all scientific staff at the JKU and for an indefinite period.

3. Responsibilities

The rectorate at the JKU are responsible for ensuring that this guideline is adhered to.

4. Safeguarding good scientific practice

4.1 Definition of scientific misconduct

Good scientific practice is essentially characterised by the principle of maintaining strict honesty in terms of contributions from partners, competitors and predecessors. This is also reflected in the acknowledgement of the diversity of opinions.

Scientific misconduct shall be deemed to exist in particular if, in a scientifically relevant context, false statements are made deliberately or through gross negligence, intellectual property rights of others are substantially infringed or research activities are impaired in any other way.

4.2 Areas of scientific misconduct

4.2.1 Misleading information

Misleading information includes in particular

- simulating the collation of data
- falsifying data, e.g. by selecting and/or rejecting unwanted or insignificant results without disclosing them, or by manipulating a representation or illustration,
- incorrect information, e.g. in a grant application (including incorrect information about the publication body and publications in print).

4.2.2 Violation of intellectual property rights

An infringement of intellectual property relating to a copyrighted work of another person, or relating to essential scientific findings, hypotheses, teachings or research strategies originating from another person is, in particular:

- unauthorized use of third-party works under the presumption of being the author (plagiarism)
- exploitation of research strategies and ideas, especially as reviewers (theft of ideas)
- presumption or unfounded acceptance of scientific authors or co-authorship
- not mentioning the co-authorship of persons who have made a significant contribution to the creation of a scientific finding or publication
- omission of reference to controversial opinions
- sabotage of research activities, including damaging, destroying or manipulating experimental apparatus, equipment, documentation, hardware, software, chemicals or any other objects necessary for others to carry out the research activity
- elimination of primary data if this were to violate legal provisions or generally accepted principles of scientific work
- scientific misconduct also exists in the case of sharing responsibility for the misconduct of others, in particular through active participation, co-knowledge of falsifications, co-author of falsified publications or gross neglect of the obligation to provide supervision.

4.3 Ombuds office for good scientific practice

4.3.1 Setting up and staffing the ombuds office

4.3.1.1 Staffing the ombuds office

As a contact point for allegations of scientific misconduct within the scope of this guideline, an "ombuds office for good scientific practice" will be established at the JKU. This consists of five members: the dean(s) of the faculties of business and social studies, law, engineering and natural sciences and the dean of research of the faculty of medicine, and the vice rector for research. A substitute member shall be appointed for each member. The substitute members for the deans are appointed by the rectors on the recommendation of the respective faculty assembly, the substitute member for the vice rector for research is the vice rector for student affairs. Only persons of the highest scientific standing may be appointed. Each member may only be represented by their own substitute member. A member of the ombuds office must be represented if the ombuds office has to assess a case in which the member of the ombuds office concerned is biased within the scope of § 7 AVG.

4.3.1.2 Chairperson of the ombuds office

At the first (constituent) meeting, the members of the ombuds office shall elect a chairperson and a deputy chairperson for a term of three years.

4.3.1.3 Equipping the ombuds office

The rectorate shall provide the ombuds office with sufficient personnel and other resources to fulfil its duties and support the members of the ombuds office in their tasks. Subject to the availability of resources, the legal department of the JKU will be available to the ombuds office for content and administrative support services.

4.3.2 Tasks of the ombuds office

The members of the ombuds office perform their duties independently and without instructions.

The ombuds office is obliged to examine all suspicious cases and relevant reports of scientific misconduct of which it becomes aware by members of the science staff at the JKU within the scope of this guideline.

If the ombuds office is reported information in purely oral form, a memo shall be written containing this information. The ombuds office only has to investigate anonymous reports if the report is substantiated and the accusations appear plausible.

In the event of serious reports of scientific misconduct within the scope of this guideline, the ombuds office shall conduct preliminary surveys. In the course of the preliminary investigations, the university member(s) accused of scientific misconduct (hereinafter also referred to as the "person(s) concerned") shall also be given the opportunity to comment on the allegation after being informed accordingly. If, on the basis of the preliminary investigations, there is a suspicion of scientific misconduct, the ombuds office must set up an expert commission to examine and assess the facts of the case. The ombuds office has to hand over the collection of documents to the expert commission.

Ombuds office resolutions are passed by simple majority. Ombuds office meetings are not open to the public.

4.4 Expert commission

4.4.1 Staffing of the expert commission

The expert commission consists of the dean closest to the department to which the person accused of scientific misconduct belongs, and of two other persons with sufficient scientific qualifications (teaching personnel or persons with equivalent qualifications). These two additional members of the expert commission must be nominated by the ombuds office. One of these members shall be appointed on the recommendation of the person accused of scientific misconduct, who may select the member from a list of three persons proposed by the ombuds office. When nominating the members of the expert commission, care must be taken to ensure that they have no institutional relationship and no personal affinity with the person affected by the allegation of scientific misconduct, so that impartiality is guaranteed.

The expert commission shall be chaired by the dean of the commission referred to in the first paragraph of 4.4.1. The members of the expert commission shall elect a deputy chair.

4.4.2 Tasks of the expert commission

The members of the expert commission perform their duties independently and without instructions.

The expert commission shall investigate the facts of the case and examine the allegations of scientific misconduct in accordance with the principle of material truth and in the free appraisal of all incriminating and exculpatory evidence. On the basis of the results of the appraisal, it shall decide whether the allegations made are correct and whether scientific misconduct has occurred.

The expert commission is only able to reach a conclusion if all members are present in person. Representation is not permissible. The expert commission's conclusions shall be taken by simple majority.

4.5 Sequence of the proceedings

If the ombuds office becomes aware of suspicions of scientific misconduct, it must immediately conduct preliminary investigations. If the suspicion of scientific misconduct remains on the basis of the facts ascertained, the ombuds office shall set up an expert commission to examine the case.

The expert commission shall decide on all further investigations necessary for the case to be concluded and shall obtain the essential information relevant for the decision. The expert commission shall obtain a written statement from the informant and from any persons whose rights might be affected by suspected scientific misconduct, or shall give them the opportunity to present their views orally in front of the commission. Minutes shall be taken of statements made orally.

The science employee affected by the suspicion must be personally informed of the allegations and details of the suspicious case revealed, although the name of the informant must be kept secret if they have so requested.

The science employee affected by the suspicion has the right to comment on the allegations within 3 weeks of receipt of notification. During this period he/she must also be given the opportunity to be heard orally. This period may be extended by the expert commission at the request of the member of staff affected by the suspicion in duly substantiated cases (e.g. absence from work). The procedure as well as all incriminating and exculpatory facts, including evidence, shall be documented in writing. The person concerned has the right to request access to all documents concerning him/her.

The persons involved in the investigation procedure (suspect, informant, persons whose rights are impaired due to suspicion of scientific misconduct) have the right to call in a person they trust at oral hearings before the expert commission.

At the end of the period granted to the affected party to submit his/her statement, the expert commission shall meet without undue delay to discuss and decide on the existence of scientific misconduct.

The commission's discussions shall be oral and shall take place at private meetings. Minutes shall be drawn up of these discussions and shall include the dates of the meetings, the persons present and the results of the discussion.

The commission is entitled to take all steps necessary to clarify the facts (in compliance with existing laws). To this end, it may obtain all necessary information and statements within the framework of the legal possibilities. It is entitled, with the consent of the rectorate, to make use of qualified employees of central services to carry out the relevant investigations.

If necessary, the commission may consult experts in an advisory capacity or instruct other persons to provide expert opinions.

The chairperson of the expert commission shall inform the person concerned, the chairperson of the ombuds office and the rectorate in writing of the result of the investigation and of the commission's decision on the existence of scientific misconduct, stating the main reasons for the decision.

The person concerned has the right to appeal to the rectorate regarding any shortfalls in the procedure or in the decision which, in the face of objective considerations, could have led to a different decision. The rectorate must examine the objection and, if necessary, refer the matter back to the ombuds office for a re-run. If the impartiality of a member of the ombuds office or the expert commission involved in the proceedings has been objected to and the rectorate comes to the conclusion that this objection is justified, the person concerned may no longer participate in the re-run proceedings. If the objection of the party concerned is not upheld, the party concerned shall be notified in writing of the result of the investigative process. No appeal may be lodged against this notification. Furthermore, there is no right of appeal against the decision of the expert commission.

If the expert commission has decided that scientific misconduct has occurred, the rector shall take appropriate disciplinary measures regarding the member of the university concerned.

If the suspicion is not confirmed, the expert commission shall elect to discontinue the proceedings. This must be communicated to the rectorate, the ombuds office, the person concerned and the persons involved in the proceedings and, at the request of the person concerned, published by the rector in the JKU bulletin.

5. Miscellaneous

The proceedings at the JKU do not replace any legal, judicial or official proceedings relating to the facts regulated here.

The members of the ombuds office and the expert commission as well as all JKU employees involved in the entire process are bound to secrecy.

6. Key changes to the last published version

- Point 4.3.1.1 Staffing the ombuds office
 - Previously, the vice-rector for research was to be replaced by the vice-rector for personnel. Now the vice rector for student affairs is to act as a substitute member.
 - It has been clarified that for the faculty of medicine the dean of research of the faculty of medicine is the member of the ombuds office.

7. Contact

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