



## GUIDELINE

### Office of the Ombudsman for Ensuring Compliance with Good Academic Practice

-- English translation, German document is binding:

Mitteilungsblatt Studienjahr 2005/06, ausgegeben am 31.01.2006, 15. Stück --

The Rectorate has adopted the following guidelines:

#### Table of contents

##### I. Compliance with good academic practice

§ 1 General

§ 2 Authorship in academic publications

§ 3 Early stage researchers

##### II. Academic misconduct

§ 4 Academic misconduct by academics

§ 5 Joint responsibility for misconduct

##### III. Ombudspersons and the Standing Committee

§ 6 Ombudspersons

§ 7 Remit of ombudspersons

§ 8 Establishment and remit of the Standing Committee

§ 9 Composition and chair of the Standing Committee

##### IV. Academic misconduct procedure

§ 10 Reporting suspicion

§ 11 Preliminary investigations by ombudspersons

§ 12 Principles of Standing Committee procedure

§ 13 Standing Committee procedure

§ 14 Decisions by the Standing Committee

§ 15 Supervision of those involved

##### V. Potential consequences of academic misconduct

§ 16 Decisions by the rector

§ 17 Academic consequences

§ 18 Consequences under labour law and civil service regulations

§ 19 Consequences under civil law

§ 20 Consequences under criminal law

§ 21 Informing third parties in need of protection and the public

##### VI. Reports and publications

§ 22 Reporting to the Rectorate

§ 23 Publications

##### VII. Entry into force

§ 24 Entry into force

## **Preamble**

Effective research requires academics to meet the highest standards of integrity. Unacceptable research conduct contradicts all academic standards, which is not the case when errors or mistakes are made.

The following guidelines ensuring compliance with good academic practice aim to help avoid academic misconduct, thus increasing the quality of research. However, the required integrity in academics cannot be replaced by rules and regulations. Legal framework conditions cannot prevent misconduct in research in general, but rules can try to limit any such unacceptable conduct. Academic misconduct can also not be judged solely on the basis of adherence to general rules; where violations have occurred, the individual circumstances must be considered on a case-by-case basis.

## **I. Compliance with good academic practice**

### **§ 1 General**

(1) The following requirements apply to good academic practice:

1. Research must be carried out in accordance with state-of-the-art standards. Current research findings and appropriate methods must be known and applied.
2. Detailed logging and documentation of the research process as well as of the outcomes is obligatory for experimental work, since the repeatability of research is one of its characteristic features. The methods used and the findings reached must be documented. Primary data must be reliably saved and kept for a duration of ten years.
3. Outcomes must be consistently and critically questioned. This includes openness to criticism and doubts voiced by peers and employees, the careful, altruistic and unbiased assessment of colleagues' work, as well as declining assessments on account of partiality.
4. The scientific public should be informed of any research outcomes; academic publications are therefore – like academic observations or scientific experiments – a form of documentation of the results of the work of academics.
5. High levels of honesty must be ensured where contributions of both partners and competitors are concerned. Competitors must not be hindered in carrying out their research.
6. The recognised principles of research must be complied with by all disciplines. Specifically in examinations, the award of academic degrees, staff recruitment and appointments, as well as in assessing research achievements, originality and quality should always take precedence over quantity.

(2) The University of Vienna acknowledges its responsibility for its graduates not least by conveying to its students – by reference to these guidelines – right from the beginning of their studies the principles of good research conduct and practice in their courses, urging them to always act honestly and responsibly. Students' attention should also be directed to the dangers of academic misconduct.

(3) With respect to its early stage researchers and technical staff, the University of Vienna also acknowledges its responsibility by instructing them – by reference to these guidelines – at the level of their faculties or centres about the principles of good research conduct and practice. This instruction must be in writing and signed as confirmation, and is usually handed over with employment documents.

(4) All academics of the University of Vienna are obliged to comply with these guidelines.

## **§ 2 Authorship in academic publications**

(1) Where several persons are involved in a research paper or the writing of an academic report, anyone who has significantly contributed towards drafting the aims and objectives, the research plan, executing the research project, evaluating or interpreting the results as well as preparing the draft or a critical revision of the content of the manuscript should be named as a co-author.

(2) A solely technical involvement in collecting the data, providing funds or the general management of the department in which the research project is carried out does not constitute co-authorship. The same applies to a mere review of the manuscript without contributing to its content.

(3) Agreeing to be named as a co-author creates joint responsibility for the publication's compliance with academic standards. This applies particularly to that area to which the co-author contributed. Co-authors are responsible both for their own contribution's correctness and for it being embedded in the publication in an academically acceptable manner.

(4) Where individual academics are named as co-authors in a publication without their consent and where they cannot give their consent (retroactively), they are expected to expressly protest against being named as a co-author to the principal author, to the editorial team of the magazine concerned and to the publishing company.

(5) Where individual academics are not named as co-authors even though they made a significant contribution to the research project in accordance with para. 1, they initially have to contact the first author and, if this is unsuccessful, the head of the University's organisational unit concerned.

## **§ 3 Early stage researchers**

(1) Early stage researchers' entry route into research is usually by way of their Magister, diploma or doctoral thesis. The University not only conveys methodological skills, but also basic ethics for research, for the responsible handling of outcomes and for cooperation with other academics.

(2) Early stage researchers are entitled to receive regular academic supervision, advice and support.

## **II. Academic misconduct**

### **§ 4 Academic misconduct by academics**

Unacceptable research conduct includes the following:

1. intentional or grossly negligent misrepresentation in the context of an academic exercise, with the circumstances of the individual case being the decisive factor. The following in particular is considered misrepresentation:

- a) fabrication of data,
- b) falsification of data, for example:
  - i) suppression of undesired results,
  - ii) manipulation of imagery,
- c) incorrect details in a letter of application or an application for funding (including misrepresentation of the means of publication and of publications to be printed),
- d) untrue claims that papers submitted have been reviewed by (certain) academics working in the field,
- e) endorsement of papers written by others for publication without having reviewed them;

2. violations of other academics' intellectual property. This includes:

- a) use of others' intellectual property, thus assuming authorship (plagiarism),
- b) exploitation of others' research approaches and ideas, particularly as a reviewer (theft of ideas),
- c) assumption or acceptance of unjustified academic (co-)authorship,
- d) unauthorised publication and unauthorised disclosure to third parties where the author has not yet published the paper, findings, hypothesis, expert opinion or research approach;

3. intentional or grossly negligent hindrance of other academics' research activities, as well as reckless and unfair attempts to diminish the academic reputation of another;

4. sabotage of research activities (including damaging, destroying or manipulating experimental set-ups, devices, documents, hardware, software, chemicals or other items an academic needs to carry out their research);

5. elimination of primary data and violation of documentation and record-keeping obligations pursuant to § 1 para. 1 no. 2.

### **§ 5 Joint responsibility for misconduct**

Academics may be jointly responsible for misconduct when:

1. they participate in another's misconduct;
2. they know about another's falsifications;
3. they are co-authors of falsified publications;
4. they grossly neglect their duty of supervision.

### **III. Ombudspersons and the Standing Committee**

#### **§ 6 Ombudspersons**

The rector chooses two experienced, internationally recognised academics and, upon their consent, appoints them as ombudsperson and deputy ombudsperson. Academics may contact them about any allegations of academic misconduct. The two ombudspersons will be appointed for a period of office of three years, and may be reappointed once for a second term. The two persons to be appointed should be from different faculties of the University of Vienna.

#### **§ 7 Remit of ombudspersons**

The duties of the ombudspersons comprise the following:

1. advising university members in relation to reports of academic misconduct;
2. examination of information about academic misconduct;
3. initiation of procedures by the Standing Committee;
4. supervision of those involved after the completion of a Standing Committee procedure;
5. documentation and reporting.

#### **§ 8 Establishment and remit of the Standing Committee**

(1) In order to investigate information and allegations received in relation to academic misconduct, the Rectorate appoints a Standing Committee.

(2) The Standing Committee examines whether there has been academic misconduct on the basis of a free appraisal of evidence and the principle of material truth. When dealing with pending cases, it is required to examine all incriminating and exculpatory evidence.

#### **§ 9 Composition and chair of the Standing Committee**

(1) The Standing Committee comprises the ombudsperson, a deputy and three other experienced academics of the University of Vienna who are appointed by the rector, upon giving their consent, for a period of office of three years. They may be reappointed once for a second term. All five committee members have equal voting rights.

(2) The ombudsperson or deputy ombudsperson chair the Standing Committee. They are responsible for convening and heading the meetings of the Standing Committee, as well as for representing the Standing Committee in other bodies of the University.

## **IV. Academic misconduct procedure**

### **§ 10 Reporting suspicion**

(1) Members or former members of research groups and members or former members of the University of Vienna should inform the ombudspersons about any specific suspicions of academic misconduct of a(nother) university member that they have become aware of.

(2) The report should be in writing, detailing the incriminating facts and evidence. Where information is only provided verbally, a corresponding note should be made for the records.

### **§ 11 Preliminary investigations by ombudspersons**

(1) One of the two ombudspersons will examine the allegations and try to clarify them in the course of preliminary investigations. The preliminary investigations include informing the university members concerned of the allegations and giving them the opportunity to respond to them.

(2) If, based on the preliminary investigations, the suspicion of academic misconduct is upheld, the ombudsperson dealing with the case will refer it to the Standing Committee for further processing.

(3) If the ombudsperson dealing with the case reaches the conclusion, based on the preliminary investigations, that no academic misconduct has been committed, they will drop the case.

(4) The informants, those involved in the case and the university member accused of misconduct will be informed of the results of the preliminary investigations in writing.

(5) The informants and other persons involved in the case may, if they do not agree with the ombudsperson's decision, demand the referral of the case to the Standing Committee.

(6) The rector will be informed about the results of the preliminary investigations by the ombudsperson.

### **§ 12 Principles of Standing Committee procedure**

(1) The Standing Committee will become involved at the instigation of one of the two ombudspersons. Any proceedings before the court or administrative authorities remain unaffected.

(2) The Standing Committee constitutes a quorum if at least three members are present. Decisions will be reached by majority of the voting members present.

(3) The meetings of the Standing Committee are closed to the public.

(4) The minutes must cover the material results of the meeting.

(5) To protect those involved, confidentiality must be maintained.

### **§ 13 Standing Committee procedure**

(1) The ombudsperson handling the preliminary investigation informs the other members of the Standing Committee of the report of suspicion, of the measures taken to clarify the case, of the statements obtained, as well as of their decision to close the preliminary investigation, and any reaction from those involved.

(2) The Standing Committee decides on any necessary further investigations to finally clarify the case, and also handles them. It may mandate one of its members to carry out individual investigative steps, who will subsequently have to report to the Standing Committee.

(3) Experts without voting rights may be called in if necessary.

(4) The Standing Committee ensures that any pending cases will be dealt with swiftly by setting appropriate deadlines.

(5) The informant and all those affected by the case, as far as ascertained by the investigation, must be heard by the Standing Committee in person or in writing. The person accused of misconduct must be questioned about all allegations in person or in writing. They are given the opportunity to respond to the result of the investigation within an appropriate period of time (usually within three weeks).

(6) Those involved, i.e. the informant, the accused and any other persons whose standing or rights as academics may be compromised by the facts underlying the case, may ask a person of their trust to accompany them to a hearing by the Standing Committee.

#### **§ 14 Decisions by the Standing Committee**

(1) Following completion of the investigation, the Standing Committee should preferably decide within four weeks whether the allegations raised are true and a case of academic misconduct exists.

(2) Where the Standing Committee considers a case of misconduct proven, it reports the result of its investigations to the rector and suggests possible consequences.

(3) Where the Standing Committee is of the opinion that academic misconduct cannot be proven or that the misconduct is only minor, the case must be dropped. The rector will be informed of the case being dropped.

(4) The Standing Committee must inform all those involved of the decision, including all material grounds for the decision, in writing and by recorded delivery.

(5) Anyone involved may apply to the Standing Committee for the resumption of dropped or completed proceedings only if they can provide new facts or evidence that, alone or in conjunction with the results of earlier procedures, are likely to have led to a different decision in the case at hand.

(6) All files relating to the investigation are kept for ten years.

#### **§ 15 Supervision of those involved**

(1) Anyone who was involved in actions of academic misconduct through no fault of their own must be protected from further disadvantages with respect to their personal dignity and academic integrity after the completion of an investigation.

(2) Informants must be protected from disadvantages if the allegations made by them did not turn out to be completely without substance.

## **V. Potential consequences of academic misconduct**

### **§ 16 Decisions by the rector**

If the Standing Committee has ascertained academic misconduct and reported this pursuant to § 14 para. 2, the rector decides on further steps after examining the Standing Committee's proposals. In so doing, academic standards and the rights of all those directly or indirectly involved must be preserved, and the nature and severity of the academic misconduct, as well as the necessity of sanctioning it, considered.

### **§ 17 Academic consequences**

(1) Any consequences of academic misconduct within the university will be imposed by the rector.

(2) Furthermore, in accordance with relevant statutory provisions, the University of Vienna may deprive any individual of any academic degree it awarded to them if the academic degree has been obtained through deliberate or grossly negligent academic misconduct. In the case of any serious academic misconduct, the rector will inform the university bodies responsible for taking requisite measures.

(3) Other universities or non-university academic institutions and associations will be informed by the rector of any academic misconduct if these universities or non-university academic institutions and associations are directly affected or if the academic concerned holds a managerial position in the institution concerned or is a member of decision-making bodies of funding agencies or similar organisations.

### **§ 18 Consequences under labour law and civil service regulations**

If the individual found guilty of academic misconduct is in an employment relationship with the University of Vienna, consequences under labour law and civil service regulations extending to termination or dismissal and/or disciplinary action may be possible.

### **§ 19 Consequences under civil law**

Consequences to be faced under civil law in cases of academic misconduct may include, in particular: claims for return of property (with regard to stolen material), injunctive relief owing to copyright, patent and competition law, claims for return of awarded funds (such as grants and third-party funds) or claims for damages by the University of Vienna or third parties.

### **§ 20 Consequences under criminal law**

In the case of suspicion of a criminal act to be prosecuted by a court *ex officio*, the rector must be immediately informed in order to be able to report the matter to the police (§ 84 of the Austrian Code of Criminal Procedure).

### **§ 21 Informing third parties in need of protection and the public**

Where necessary to maintain confidence in academic integrity, and particularly to protect third parties, to restore academic reputation, to prevent consequential damage or where in the public interest, any third parties concerned, and possibly even the media, must be informed of the result of the formal investigation as well as of any further measures in an appropriate manner.



## **VI. Reports and publications**

### **§ 22 Reporting to the Rectorate**

Supplementary to § 14, the Standing Committee of the University of Vienna submits an annual report of its activities to the Rectorate. This report covers general experience and principles in relation to good academic practice. The Committee can present those cases that it worked on during the reporting period in a concise manner using anonymised data.

### **§ 23 Publications**

The Standing Committee can provide general information and make recommendations about standards of good academic practice on its website. To maintain confidentiality, all cases are only published with anonymised data.

## **VII. Entry into force**

### **§ 24 Entry into force**

These guidelines enter into force on the day following publication in the University Gazette of the University of Vienna.

The rector:  
Winckler