

Guidelines for Safeguarding Good Scientific Practices			
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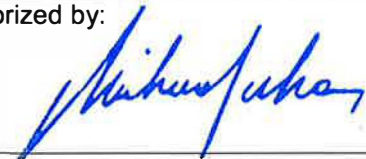

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1. Objective

As part of its mission statement, the Johannes Kepler University Linz has adopted the objective to preserve and promote each and every individual's freedom, initiative and creativity in terms of learning, education, and research. One aspect of research includes an element to satisfy the researcher's scientific curiosity, an indispensable aspect in any focused research, while simultaneously ensuring that research programmes and methods always meet ethical requirements and their findings contribute significantly to society's development and the environment. Those working at academic and scientific universities are to enjoy the highest degree of freedom in the area research and decision-making while also respecting the principles of academic and scientific ethics. The university aims to maintain a high-quality level and enable a high, international level of research to ultimately contribute to not only supporting innovation to benefit businesses, technology, society, but also to serve as a solid fundament for education. In this regard, the university aims to take measures to guarantee compliance to the guidelines and prosecute any detected violation(s) of academic/scientific ethics and principles accordingly. This guideline aims to ensure achieving the above.

2. Scope & Period of Validity

The guideline is to apply to all academic/scientific employees at the JKU and for an indefinite period of time. Students are subject to regulations as outlined in the statute section pertaining to study law.

3. Responsibilities

The JKU Rectorate is responsible for ensuring compliance with practices as outlined in this guideline.

4. Safeguarding Good Scientific Practices

4.1 The Definition of Scientific Misconduct

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

Scientific misconduct occurs in particular when, in a scientifically relevant context, false statements are deliberately made, and/or one is grossly negligent, and/or the intellectual property rights of others have been substantially infringed upon, and/or research activities have been impaired in any other way.

4.2 The Areas of Scientific Misconduct

4.2.1 Misleading Information

Misleading information includes in particular

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

4.2.2 Violating Intellectual Property Rights

Infringing intellectual property relating to a copyrighted work by another person, or relating to essential scientific findings, hypotheses, educational content, and research strategies stemming from another person is, in particular:

- unauthorized use of another person's work by claiming authorship (plagiarism)
- exploiting research strategies and ideas, particularly as a reviewer (idea theft)
- presuming or unsubstantiated acceptance of scientific authorship or co-authorship
- failing to mentioning the co-authorship of those who have contributed significantly to creating or developing a scientific finding or a publication
- omitting reference to controversial opinions
- sabotaging research activities, including any damage, destruction, or manipulation of experimental apparatus, equipment, documentation, hardware, software, chemicals, and/or any other objects required in order for others to conduct the research activity
- disposing of primary data, if this violates legal regulations and/or generally accepted principles of academic/scientific work
- scientific misconduct also determined to have occurred when sharing responsibility for the misconduct of others, particularly by means of active involvement, sharing knowledge about falsified information, co-authorship of publications containing false information, and/or grossly neglecting supervisory responsibilities.

4.3 Ombudsman's Office for Good Scientific Practices

4.3.1 Ombudsman's Office: Implementation and Structure

4.3.1.1 Ombudsman's Office: Staff

As a point of contact in regard to allegations involving scientific misconduct as outlined in this directive, the JKU will create an "Ombudsman's Office for Good Scientific Practice" consisting of four members: the dean(s) of the faculties of Business, Economics & Social Sciences, Law, Engineering & Natural Sciences, the dean of research at the Faculty of Medicine. The deans may nominate one of their deputy deans as a primary member in their place.

A substitute member is to be appointed for each member. The substitute members are to be appointed by the Rectorate by nomination from a respective faculty assembly. Only those in the highest academic standing may be appointed. Each member may only be represented by his/her appointed alternate. A member of the ombudsman's office must be represented if the ombudsman's office is required to rule on a matter in which the member of the ombudsman's office concerned could potentially be biased as outlined in § 7 of the General Law on Administration.

4.3.1.2 Ombudsman's Office: Chairperson

During the initial (constituent) meeting, ombudsman office members are to elect a chairperson and a deputy chairperson for a three-year term of office. Once this term of office expires, a new chairperson is to be elected. If a new chairperson is not elected within a two-month period after the end of the respective term of office, the chairperson is to be appointed by the Rectorate for a three-year term on office.

4.3.1.3 Ombudsman's Office: Equipment

The Rectorate is to provide the Ombudsman's Office with sufficient human resources as well as general resources to enable the office to perform and carry out its designated responsibilities as well as support Ombudsman's Office members in performing their duties and responsibilities. In accordance with the availability of resources, the JKU's legal department shall be available to the Ombudsman's Office to provide substantive and administrative support services.

4.3.2 Ombudsman's Office: Responsibilities

The Ombudsman's Office members are to perform their duties independently and without directives.

As outlined in this guideline, the Ombudsman's Office is required to review and examine any suspicious cases and indications of academic/scientific misconduct brought to its attention by faculty members at the JKU.

If information is provided to the Ombudsman's Office in verbal form, a corresponding memo is to be written detailing the information. The Ombudsman's Office is only required to follow up on anonymous reports providing the report is substantiated and the raised allegations appear plausible.

If there are serious reports of scientific misconduct as outlined in this guideline, the Ombudsman's Office shall conduct a preliminary investigation. During the course of the preliminary investigation, the university employee(s) accused of scientific misconduct (hereinafter also referred to as "person(s) concerned") shall be given an opportunity to comment on the allegation once he/she has been informed accordingly. If, on the basis of the preliminary investigation, there is reason to suspect scientific misconduct, the Ombudsman's Office is required to create a subject area-specific commission (expert commission) to review and assess the facts of the case. The Ombudsman's Office is required to provide the expert commission with the documents it has compiled.

Decisions rendered by the Ombudsman Board are to be passed by simple majority. In the event of a tie, the chairperson shall have the casting vote. Ombudsman Board meetings are not open to the public.

4.4 Expert Commission

4.4.1 Expert Commission: Staff

The expert commission is to consist of the dean closest to the department in which the individual affected by the accusation of scientific misconduct is affiliated with as well as two additional individuals holding comparable academic/scientific qualifications (faculty members or individuals holding comparable qualifications). The Ombudsman Office is required to nominate these two additional expert commission members. The individual accused of scientific misconduct may nominate a member to be appointed by recommendation, selecting a member from a list of three individuals proposed by the Ombudsman's Office. When nominating expert commission members, consideration shall be given to ensuring there is no institutional relationship and no close personal relationship to the person allegedly accused scientific misconduct, thereby guaranteeing unbiasedness.

The respective dean of the commission (as referred to in the first paragraph of 4.4.1) shall chair the expert commission. The expert commission members are to duly elect a deputy chair.

4.4.2 Expert Commission: Responsibilities

The expert commission members are to perform their duties independently and without directives.

The expert commission shall investigate the facts of the case by examining the allegations of scientific misconduct in accordance with the principle of material truth and in full consideration of all supporting and incriminating facts and evidence. Based on the review findings, the commission will decide whether or not the raised allegations are substantiated and whether or not there was scientific misconduct.

The expert commission shall only have a quorum providing all of the members are present in person or, in accordance with the rules of procedure for collegial bodies, the members can attend virtually. Proxy representation is not permitted. Resolutions passed by the expert commission will be adopted by simple majority.

4.5 Proceeding Sequences

If the Ombudsman's Office receives information pertaining to a suspected case of scientific misconduct, the office must immediately conduct a preliminary investigation. If the suspected case of scientific misconduct persists based on collected facts, the Ombudsman's Office shall create a subject area-specific commission to review the suspected misconduct.

The expert commission shall decide on any and all additional investigations required in order to conclude the case and shall obtain the substantial information required to render a decision. The expert commission shall obtain a written statement by the informant and any others whose rights could potentially be impacted by a case of suspected scientific misconduct, or give them an opportunity to verbally present their standpoint before the commission. A record of minutes is to be kept in regard to any verbal statements made.

The academic employee/faculty member involved in the suspected case is to be personally informed about the raised allegations and the expressed suspicions, whereby the informant's name is to be kept confidential, if they have so requested.

The academic employee/faculty member involved in the suspected case has the right to comment on the raised allegations within a 3-week period after receiving notification. During this period, he/she must also be given an opportunity to provide a verbal statement. The expert commission may extend the time period at the request of the employee involved in the suspected case in justified cases (e.g. absence from the office). The procedure, as well as any and all incriminating and exculpatory facts and evidence, is to be documented in writing. The person concerned has the right to request access to all of the documents that concern him/her.

During the verbal hearing to be held before the expert commission, the individuals involved in the investigation procedure (the person concerned, the informant, those impacted on account of a suspected case of scientific misconduct) have the right to call in and consult with someone they trust.

At the end of the period granted to the person concerned to submit his/her statement, the expert commission is to meet without undue delay to deliberate and render a decision in regard to whether or not there is a case of scientific misconduct.

The commission's deliberations are to be verbal and held in non-public meeting meetings. Minutes of these discussions shall be taken and are to include the meeting dates, the persons present, and the discussion results.

In compliance with applicable laws, the expert commission is authorized to take all of the steps necessary to clarify the facts. To this end, the expert commission may request all of the required information and statements as part of all of the legal options. Upon approval by the Rectorate, the commission is authorized to engage the services of qualified employees in the area of central services to conduct the corresponding investigations.

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

The expert commission's chairperson shall inform the person concerned, the Ombudsman's Office chairperson, and the Rectorate in writing of the investigation findings and the commission's decision as to whether or not there is a case of scientific misconduct, also stating the key reasons for the decision.

The person concerned has the right to appeal to the Rectorate in regard to any shortfalls during the procedure, or the decision which, according to objective considerations, could have resulted in a different decision. The Rectorate must examine the objection and, if necessary, refer the matter back to the Ombudsman's Office for a new decision. If there is an objection regarding a member of the Ombudsman's Office as being impartial, or an objection to the expert commission's proceedings, and the Rectorate concludes that the objection(s) are legitimate, that particular individual will not be a part of a new proceeding. If the objection raised by the party concerned is not upheld, the party concerned is to be notified in writing as to the investigative process findings. There is no right of appeal regarding this notification. Furthermore, there is no right of appeal regarding the expert commission's decision.

If the expert commission has decided there is a case of scientific misconduct, the Rector shall take appropriate disciplinary measures under civil law in regard to the member of the employee concerned.

If the suspected case of scientific misconduct cannot be confirmed, the expert commission shall elect to discontinue the proceedings. Details are to be communicated to the Rectorate, the Ombudsman's Office, the person concerned, those 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 Ombudsman's Office and the expert commission, as well as all JKU employees involved in the entire process, are subject to strict confidentiality and secrecy.

6. Significant Changes Compared to the Previously Released Version

- Reference to the supplement pertaining to section on study law.
- Pt. 4.3.1.1: Ombudsman Office: Staffing
 - Deans are permitted to nominate a deputy dean to proxy as a primary member.
 - The Vice-Rector for Research is no longer a main member; the Vice-Rector for Academic Affairs is no longer a substitute member.
- Pt. 4.3.1.2: Supplement to the rule on electing a chairperson after the end of the first term of office.

- Pt. 4.3.2: As there are now only 4 members, in the event of a tie, the chairperson will cast the deciding vote.
- Pt. 4.4.2: In accordance with stipulations in the GO-KO, Ombudsman's Office meetings can also take place online (virtually).

Proceedings that were pending at the time during which these amendments were adopted shall continue to be regulated by the guidelines as amended on November 1, 2019.

- Point 4.3.1.1 Ombudsman Office: Staffing
 - 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 Ombudsman Office.

7. Contact

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