Handling Allegations of Research Misconduct: Lessons from the German Ombudsman

Symposium
“RESEARCH INTEGRITY & RESPONSIBLE CONDUCT OF RESEARCH - NEW CHALLENGES IN A TURBULENT WORLD”
Aarhus University, April 17, 2013
In 1997 an enormous scandal of research fraud was discovered in Germany: Prof. Friedhelm Herrmann and his coworker Prof. Marion Brach, both internationally well known and highly renowned scientists in cancer research had apparently

- Forged and invented research results
- Denominated the same results more than once with different labels and different legends (example: protein gels)
- Declared a grant application that had been sent to them for reviewing and evaluation as their own and requested funding (an extreme case of plagiarism!)

- The research of these two scientists had been generously funded by the German Research Council (Deutschen Forschungsgemeinschaft, DFG)
As an immediate consequence, the German Research Council convened in 1997 and installed an **Executive Committee** to investigate this case of severe scientific misconduct.

**The Committee**
- consisted of **international experts**
- was entrusted with investigating **the causes of improbity in the research system**, discussing **preventive countermeasures**, and verifying and safeguarding existing mechanisms for scientific self-regulation.

The results were published as recommendations for **Safeguarding Good Scientific Practice**.
Safeguarding Good Scientific Practice

comprises

16 proposals with recommendations

- for single persons
- for research institutions
  (Universities as well as non-Universities)
- for authors
Safeguarding Good Scientific Practice demands…

.....from each individual engaged in research:

- absolute honesty

- documentation and conservation of all original data (addendum made in 2013: including substances, probes, cell clones) for at least ten years

- Consent to the rule that all items generated in a given Institute remain the property of this Institute (Addendum in 2013: access to such items may be granted to former members on mutual agreement).
Safeguarding Good Scientific Practice demands…

.....from Universities and all other Research Institutes:

- a commitment to Good Scientific Practice

- a commitment that training, mentoring and supervision of scholars are considered of prime importance

- the instalment of a committee dealing with suspected misconduct

- the nomination of contact persons who can be approached in cases of conflict and in questions of putative scientific misconduct ("Ombudsman" in each institution)
Safeguarding Good Scientific Practice demands...

.... from authors of scientific publications

- that all authors bear jointly the responsibility for the content of their publications

- that “honorary authorships“ are excluded
To safeguard and supervise these rules, the memorandum *Safeguarding Good Scientific Practice* recommended the instalment of a national three-member body of elected scientists.

This body:

- was established by the German Research Council Senate in 1999,
- is available to all scientists and academics, in an advisory and supporting capacity,
- has its own procedural guidelines, which are based on confidentiality, fairness and transparency,
- compiles an annual report on its activities that it presents to the German Research Council Senate.
In 2010, the German Research Council (GRC) Senate changed the name of this institution from

“Ombudsman of the GRC“

to

“German Research Ombudsman“

to reflect the clear differentiation between a national German Research Ombudsman and the GRC‘s own committee inquiring allegations of scientific misconduct as connected to GRC-related affairs.
The German Research Ombudsman: Current Personnel

• Katharina Al-Shamery
  Dr. rer.nat., University Professor, Physical Chemistry, University of Oldenburg

• Brigitte M. Jockusch
  Dr. rer.nat., University Professor
  Cell Biology, Technical University of Braunschweig

• Wolfgang Löwer
  Dr. jur., University Professor
  Institute of Public Law (Wissenschaftsrecht), University of Bonn
  (Coordinator and chairman)

Office:
• Finja Meyer
  Master of Political Sciences, University of Bonn
  geschaeftsstelle@ombuds-wissenschaft.de
The German Research Ombudsman: Structure and Mode of Operation

- Defendant
- Whistleblower
- Local Ombudsman, Local Committee of GSP
- Ad hoc Reviewers

Decision

Scientific misconduct with legal consequences

Committee with legal mandate for imposing sanctions
The Ombudsman has to sort out

- the motivation of the whistle blower
- the allegations of the defendant
- the justification to follow the query into a case

In case of legal consequences to notify the relevant board for imposing sanctions
The German Research Ombudsman: The Whistle Blower

Policy of the German Research Ombudsman:

- Whistle blowers will be asked to reveal their identity to the Ombudsman that will then keep strict confidentiality.

- Anonymous allegations will only be pursued if it seems a severe case of general importance.

Bocca del Leone
Letter box for anonymous whistle blowers
Venice, Palazzo Ducale
The German Research Ombudsman: Facing Reality

Most frequently, the whistle blowers accuse the defendants of either...

- Fraud
- Inadequate mentorship
- Authorship manipulations

...or of any combination of these...
Examples for **fraud:**

- Plagiarism

- Fabricating results

  Example: Eliminating unwanted results

http://undsci.berkeley.edu/images/us101/
The German Research Ombudsman: Inadequate mentorship

Allegations of in **appropriate mentorship** comprise ..... 

- neglect
- inadequate sponsorship
- abuse of authority
Conflicts with students or postdocs often arise because of false prophecies:

The mentor promises fame and a splendid career to the young scientist joining the group

BUT he does not mention that his main interest is his own career

If the scholar does not meet the expectations, the mentor loses interest in him and his fate

Alexander the Great convinces eagles to transport him to the sky

Freiburg, cathedral, 12. century A.D.

(Photograph: Harald Jockusch)
The German Research Ombudsman: Authorship conflicts

Authorship conflicts emerge from

- Prophecies and promises to young researchers
- Authorship manipulations

Frequently, the Ombudsman has to deal with Journal editors as a third party involved....
The German Research Ombudsman: The tedious walk to an agreement

Deadlocks (frequently encountered in allegations of authorship or mentorship misconduct)

If the conflict cannot be solved by written, phone or mail arguments, the Ombudsman arranges for a personal consultation

Cape Buffalos, Lake Baringo, Kenya
(Photograph: Harald Jockusch)
Decisions may comprise

A proposal agreeable to both parties

A statement to either party of wrong behaviour, like
- false accusations from the whistle blower
- misconduct of the defendant
Committees with a legal mandate for imposing sanctions include

The boards installed at all Universities or other Research Institutes for dealing with misconduct in all academic affairs, like
- plagiarism or fraud suspected in promoting academic titles
  (Ph.D., Habilitation)
  (Local ombudsmen can be members of such boards)

The boards installed by supporting agencies
(Example: The “Ombudsman of the GRC“)
The German Research Ombudsman:
Some Statistics

- New in 2012
  Queries: 59
  Cases: 19

- Still pending from 2011:
  Queries: 3
  Cases: 15

- Still pending from 2010:
  Cases: 1

- 5 Conferences in 2012
- 2 personal consultations
- 1 International Symposium
- Countless consultations by letters, phone or email
The German Research Ombudsman: Some Statistics

- 2005-2009: 55 items
- 2012: 59 items

- Life sciences
- Science and Engineering
- Humanities
The German Research Ombudsman: Some Statistics

- **Authorship conflicts**: 40%
- **Impediment of research**: 30%
- **Plagiarism**: 20%
- **Problems with evaluations**: 10%

- **Defendants: Group leaders**: 60%
- **Whistle blowers: Females**: 40%
The German Research Ombudsman: The dual functions

Justice of the Peace for conflict parties?

General Guardian of GSP?

Head of the Roman god Janus coin minted during the reign of Servius Tullius, ca 220 AD (Wikipedia)
**Executive Board**
(6 Members)

Chairman of the Board:
President of the Austrian Science Fund (FWF)

**Agency**
Financed by member contributions

**Members**
(32 Institutions)

All universities, research Institutes and funding organisations

**Committee**
(6 members from other countries)

Nominated by the Austrian Science Board (ÖWR)

**Scientific misconduct**

Raising of awareness prevention

**Structure**

**Anybody**
Number of enquiries and cases

Number of enquiries
June 09 – Dec. 12: **60**

Number of cases
June 09 – Dec. 12: **21**
Da kannst dann unsere zwei Maps reingeben, die müssen jetzt aber erst nach allen Kommentaren finalisiert werden.

**ABBREVIATIONS**

- Austria: OeAWI Austrian Agency for Research Integrity
- Belgium: FWO Research Foundation – Flanders
- CESHE Croatian Committee on Ethics in Science and Higher Education (until Nov. 2010)
- Denmark: DCSD Danish Committees on Scientific Dishonesty
- Croatia: CESHE Croatian Committee on Ethics in Science and Higher Education
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- Denmark: DCSD Danish Committees on Scientific Dishonesty
- Finland: TENK Finnish Advisory Board on Research Integrity
- France: CNRS Centre national de la recherche scientifique
- France: INSERM Institut national de la santé et de la recherche médicale
- Germany: OMBUDSMAN Ombudsman für die Wissenschaft
- Ireland: HRB Health Research Board
- Ireland: RIA Royal Irish Academy
- Italy: CNR Consiglio Nazionale delle Ricerche
- Luxembourg: FNR Fonds National de la Recherche
- Netherlands: LOWI National Board for Research Integrity
- Netherlands: LOWI National Board for Research Integrity
- Norway: ETIKKOM The National Committees for Research Ethics
- Poland: PAN Polska Akademia Nauk
- Slovakia: SRDA Slovak Research and Development Agency
- Spain: CSIC Centro Superior de Investigaciones Científicas
- Sweden: CEPN Central Ethical Review Board
- Switzerland: SA Swiss Academies of Arts and Sciences
- United Kingdom: UKRIO UK Research Integrity Office

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State-specific Handling of Scientific Misconduct

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         KVAB Royal Flemish Academy of Belgium for Science and the Arts
Croatia  CESHE Croatian Committee on Ethics in Science and Higher Education (until Nov. 2010)
Denmark  DCSD Danish Committees on Scientific Dishonesty
Finland  TENK Finnish Advisory Board on Research Integrity
France  CNRS Centre national de la recherche scientifique
        INSERM Institut national de la santé et de la recherche médicale
Germany  OMBUDSMAN Ombudsman für die Wissenschaft
Ireland  HRB Health Research Board
         RIA Royal Irish Academy
Italy  CNR Consiglio Nazionale delle Ricerche
Luxembourg  FNR Fonds National de la Recherche
Netherlands  LOWI National Board for Research Integrity
Norway  ETIKKOM The National Committees for Research Ethics
Poland  PAN Polska Akademia Nauk
Slovak Republic  SRDA Slovak Research and Development Agency
Spain  CSIC Centro Superior de Investigaciones Científicas
Sweden  CEPN Central Ethical Review Board
Switzerland  SA Swiss Academies of Arts and Sciences
United Kingdom  UKRIO UK Research Integrity Office