Supporting researchers in cases of conflict –
How ombudspersons contribute to the prevention of scientific misconduct

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German Research Ombudsman, Office
www.ofdw.de
“Safeguarding GSP”: 17 Recommendations as national Code of Conduct

Recommendation 5: Local ombudspersons

“Universities and research institutes shall appoint independent mediators (ombudspersons) to whom their members may turn with questions concerning good scientific practice and in cases of suspected scientific misconduct.”

Recommendation 16: A national committee

“The DFG should appoint an independent authority in the form of an Ombudsman (or a small committee). Its mandate should be to advise and assist scientists and scholars in questions of good scientific practice and its impairment through scientific dishonesty, and to give an annual public report on its work.”

(The Code of Conduct is currently under revision)
RI across the German research landscape

- 428 Universities
- 309 non-university research institutions

- Currently > 600 local ombudspersons appointed (see list of ombudspersons, www.ofdw.de)

- Individual RI guidelines based on the memorandum „Safeguarding GSP“

(Numbers according to The Federal Statistical Office, 2019)
The German Research Ombudsman

- Four committee members, appointed by the DFG
- Four-year terms (re-election possible)
- Volunteer-based
- Regular meetings, daily communication
- Supported by an office based in Berlin

Prof. Dr. Stephan Rixen (Spokesperson)
Constitutional and Administrative Law, University of Bayreuth

Prof. Dr. Renate Scheibe
Plant Physiology, University of Osnabrück

Prof. Dr. Daniela N. Männel
Immunology, University of Regensburg

Prof. Dr. Joachim Heberle
Experimental Molecular Biophysics, Freie Universität Berlin

Fanny Oehme
Dr. Hjördis Czesnick
Saskia Welde
The German Research Ombudsman

- Main task: advice/consulting on RI and conflict mediation
- Principles: strictly confidential, neutral, fair
- Acting based on evidence
- On the phone or via e-mail/letter (hearings optional)

The German Research Ombudsman is not a legal entity, no sanctions can be imposed
The *Ombudsman* Procedure

Concerns regarding a suspected scientific misconduct

- Whistleblower informs local ombudsperson or the committee of the *German Research Ombudsman*

Pre-Assessment by *Ombudsman* committee and office

1. Concerns cannot be confirmed
   - Proposal to withdraw the accusation
2. Suspicion confirmed, misconduct can be corrected
   - Mediation between whistleblower and respondent (seeking a compromise)
3. Evidence for a severe misconduct (ffp)
   - Case transferred to a commission handling alleged research misconduct at the institution concerned

*German Research Ombudsman, WCRI 2019*
Number of Enquiries 1999 - 2018

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Enquiries</th>
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<tbody>
<tr>
<td>1999</td>
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<tr>
<td>2018</td>
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</tr>
<tr>
<td>2019</td>
<td>106</td>
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German Research Ombudsman, WCRI 2019
## Case Management in 2018

<table>
<thead>
<tr>
<th>Description</th>
<th>95 Enquiries (2018)</th>
</tr>
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<tbody>
<tr>
<td>Conflict <strong>conciliation/mediation</strong> (Dialogue with concerned party, <strong>with explicit consent</strong>)</td>
<td>13</td>
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<tr>
<td>RI consulting including <strong>comprehensive research</strong> (e.g. other institution contacted, <strong>with explicit consent</strong>)</td>
<td>11</td>
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<tr>
<td>RI consulting via <strong>e-mail/letter</strong></td>
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<tr>
<td>RI consulting via <strong>telephone</strong></td>
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<tr>
<td>Contacted by a <strong>local RI structure</strong> (Consulting/Advice for local proceedings)</td>
<td>9</td>
</tr>
<tr>
<td>Case <strong>forwarded to a university</strong> (2018 in all cases evidence of plagiarism)</td>
<td>3</td>
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<tr>
<td>Case <strong>forwarded to a publisher</strong></td>
<td>-</td>
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<td>Case <strong>forwarded to the German Research Foundation</strong> (DFG)</td>
<td>1</td>
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<tr>
<td><strong>Another institution</strong> is dealing with the case – no action required</td>
<td>6</td>
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<tr>
<td><strong>Refusal or referral to other institution</strong> if possible (e.g. no evidence submitted, no RI matter)</td>
<td>6</td>
</tr>
</tbody>
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Ombudsman Enquiries 2018 – Topics (N = 95)

- Authorship conflicts (n=19)
- Plagiarism - Allegations or general questions (n=11)
- Scientific discourse (n=4)
- Research impediment (n=6)
- Data access and data usage (n=14)
- Data fabrication and manipulation (n=5)
- Conflict of interest in review processes (n=2)
- Lack of supervision/mentoring (n=9)
- Complaint about other authorities (n=8)
- Procedural matters (n=3)
- GSP: How to deal with anonymous whistleblowers (n=2)
- Other (n=12)
Ombudsman Enquiries – Research Fields

Enquiries 2017 (N = 106)

- Humanities and Social Sciences: 25%
- Life Sciences: 35%
- Natural Sciences: 11%
- Engineering and Informatics: 8%
- Others and Interdisciplinary: 7%
- Not known: 11%

Enquiries 2018 (N = 95)

- Humanities and Social Sciences: 29%
- Life Sciences: 27%
- Natural Sciences: 17%
- Engineering and Informatics: 9%
- Others and Interdisciplinary: 6%
- Not known: 11%

German Research Ombudsman, WCRI 2019
Authorship Conflicts as “Classic Cases”

• Whistleblowers contact the Ombudsman...
  ... because they are **omitted** as (first) authors
  ... because they disagree to the **order** of authors
  ... because certain persons might not deserve an authorship („**honorary authors**“)

• How to solve the predicament?

  ▶ **Ask for statements** on the matter
  ▶ **Ask for evidence** (written agreements, e-mails, research proposals etc.)
  ▶ **Consider RI guidelines of the respective discipline**
Authorship Conflicts – Causes and Prevention

- Insufficient communication
  - Supervisors need to discuss/explain decisions
  - Involved researchers/PhD students need to communicate their expectations

- Lack of supervision
  - Insufficient mentoring can cause conflicts, misunderstandings, even misconduct

- Authorship guidelines not known or falsely interpreted
  - Training at all career stages

- Lack of understanding of another fields’ research culture
  - Communication of expectations is especially important in interdisciplinary research
How to deal with (anonymous) whistleblowers

• Should anonymous enquiries be dealt with?

• Dependence is the main cause of fear – especially for early career researchers

• Impartial advisors and established structures to protect whistleblowers are required

Anonymous (n=15)

Identity revealed (n = 91)

Inquiries to the Research Ombudsman in 2017 (N = 106):
A substantial part of enquiries has been submitted anonymously

German Research Ombudsman, WCRI 2019
Means to prevent misconduct:

- **Contact bodies** to seek confidential advice (also anonymously):
  - Local ombudspersons and a national *Ombudsman* committee

- **Institutional protection** of „good faith“ whistleblowers
  - Allow and promote whistleblowing

- **Education**: RI courses should be mandatory, for researchers of all career stages
  - Spread the knowledge that contact bodies exist
  - Enhance visibility of guidelines (e.g. websites of funders, universities, research institutions)
Upcoming Ombudsman activities

• Symposium for Ombudspersons in Germany (February 2020):
  “Research Integrity and Power Structures in Research and Academia”

• Developing RI standards
  (e.g. dialogue platforms, workshops on RI policies)

• National and international networking
  (ENRIO - European Network of Research Integrity Offices)
Contacting the Ombudsman

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+49 030/ 20370 484

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www.ombudsman-fuer-die-wissenschaft.de