

Researcher sues over 'fraud' sanction

[MUNICH] The University of Düsseldorf in Germany has been taken to court by a researcher in its orthopaedics department who has been stripped of his right to teach at the university following an internal inquiry into allegations of scientific fraud.

The researcher, Meinolf Goertzen, claims that the university has no right to rescind his *Habilitation*, an academic qualification required for teaching in German universities (as well as in Switzerland and Austria).

But the university is defending its actions, saying its inquiry raised serious questions about the genuineness of some of Goertzen's published experiments.

At the same time, it has welcomed new guidelines on handling cases of suspected scientific misconduct published this week by an international panel set up by the Deutsche Forschungsgemeinschaft (DFG), Germany's principal university grant-giving body (see below).

The allegations of fraud focus on a paper submitted by Goertzen in March 1994 to the *Journal of Bone and Joint Surgery (JBJS)* on the effect of gamma-irradiation on the viability of knee ligament grafts in foxhounds. (Two of the three listed co-authors deny any knowledge of the paper, while the third, Klaus-Peter Schulitz, head of Goertzen's department, acknowledges 'honorary authorship'.) The paper was published the following year.

One of the figures in the paper claimed to show free sensory nerve endings reinnervating a non-irradiated graft in dogs. But soon after publication, Zdenek Halata, professor of functional anatomy at the University of Hamburg, recognized the electron micrograph as one he had taken and published in

1989 depicting stretch receptors in human ligaments. It was one of three micrographs lent to Goertzen as teaching aids.

Halata alerted the London-based journal's editor, Philip Fulford. Goertzen subsequently explained to Fulford that the picture had been sent in error, and provided another for an erratum, which was published by the journal in November 1995. But this micrograph also fell under similar suspicion.

These charges, when brought to the attention of the University of Düsseldorf, were evaluated and confirmed by its faculty of medicine's standing committee on 'good scientific practice' in early 1996. The medical faculty's standing Committee on Habilitation Affairs investigated all of Goertzen's studies on dogs, some of which had been used by Goertzen in his 1991 *Habilitation* thesis.

The investigation revealed various irregularities in Goertzen's research. These included duplicate publication of results; even Halata's electron micrograph published in Goertzen's 1995 *JBJS* paper had been published under Goertzen's name in 1994, and other micrographs had been published repeatedly with captions variously claiming to be either irradiated or non-irradiated grafts.

The number of dogs noted in the university's animal house records as being used by Goertzen in his experiments was also significantly fewer than the number referred to in his published results.

As a result of the committee's investigation, the faculty of medicine rescinded Goertzen's *Habilitation* in October 1996, along with his title of *Privatdozent* which allowed him to teach specifically at Düsseldorf University. Goertzen has challenged both

decisions in court. He declared to the court that his animal studies of 1983–94 were done both in Düsseldorf and with a company in the United States. The court refused his request that his *Privatdozent* title be reinstated pending the outcome of the case, because it judged the university's case to be very strong.

Despite efforts by Goertzen's lawyers, Fulford 'formally retracted' Goertzen's paper in an editorial published last September. One professional society of which Goertzen is a member, the German Association for Orthopaedics and Traumatology, voted to expel him shortly afterwards.

But Goertzen continues to be defended by Schulitz, his head of department, who says he will continue to do so whatever the outcome of the case.

Goertzen told *Nature* that most of his experiments on dogs were carried out at private companies — which he declines to name — in the United States many years ago, and that these companies have since destroyed the records. He also said that the electron micrographs he published were meant to be illustrative, and were not essential to the scientific conclusions of his paper.

He is demanding that his case be reconsidered by a committee of experts, since the faculty Committee on Habilitation Affairs did not consist of specialists able to judge the details of his scientific work. Andreas Scheid, however, vice-dean of the medical faculty, who organized the investigation, argues: "You don't need experts to count dogs and compare photographs."

The university itself is taking the affair seriously. Its rector, Gert Kaiser, says he is investigating how Goertzen could be dismissed — not an easy matter, as Goertzen is a tenured civil servant directly employed by the state government of Nordrhein-Westfalen.

There had also been broader uncertainty, since the rights of a university to set up a panel to investigate research misconduct had been challenged by a professor of biophysics from Giessen who was himself the subject of an investigation. He claimed that it contravened the 'freedom to research' which is guaranteed in Germany's constitution. After a series of court battles the federal constitutional court has recently confirmed this right.

Scheid says he welcomes the guidelines put forward by the DFG panel of experts, which he hopes will be put in place at his university. "We had to plough hundreds of hours into the [Goertzen] case, to work out what we could and could not do legally", he says.

A standard procedure means that any future case will be easier to handle. "No one will have to start from scratch as we did," he says, adding that the panel's recommended requirements for integrity should be written into the contracts of new staff. **Alison Abbott**

Germany proposes guidelines for good practice

[MUNICH] An independent panel set up by the Deutsche Forschungsgemeinschaft (DFG) has put forward a series of proposals for ensuring good scientific practice in Germany's universities and research institutes. Institutions failing to follow the guidelines should be excluded from research funding, it says.

Although the committee stresses that none of its recommendations is new, few German universities have formal regulations for handling allegations of scientific misconduct. The DFG set up the panel in response to a recent case in

which two senior researchers were found to have systematically fabricated data over a number of years (see *Nature* **387**, 750 & **389**, 105; 1997).

In its proposals, issued this week, the committee says that universities should have clear definitions of different types of misconduct — for example, plagiarism and manipulation of data — and should make explicit where responsibility lies in a university for handling any concerns.

It also says that each institution should appoint an independent counsellor to whom a scientist aware of

scientific misconduct in their laboratory could turn, and that the DFG should appoint an independent ombudsman to consider cases of scientific misconduct. Would-be whistleblowers, or scientists who consider themselves unfairly accused, should be able to choose whether to consult the local counsellor or the DFG ombudsman for advice.

The committee further recommends that the practice of honorary authorship should be abandoned, and that all primary data on experiments should be held for a minimum of ten years. **A.A.**