Guidelines for handling individual cases of possible breaches of recognized research ethics standards at VID Specialized University

Adopted by the Rector 09.032016. Revised 13.09 2017 and 21.08.2024 by the Vice-Rector for Research.

See the mandate for the Research Ethics Committee at VID Specialized University, adopted on 09.03.2016, and revised on 13.09.2017 with regards to the role of the committee.

1. Introduction

VID shall facilitate good and equitable handling of research ethics issues.

Good scientific practice shall ensure that research ethics awareness is preserved, and that recognized research ethics standards is followed at all stages of the research process. This responsibility lies with both the researcher, cf. Forskningsetikkloven § 4, and the specialized university as an organization, cf. § 5.

VID shall ensure that the research at the institution is conducted in accordance with recognized research ethics standards. Each researcher has an independent responsibility to act with caution and ensure that the research is conducted in accordance with recognized research ethics standards at all stages of the research process (planning, implementation, and reporting).

Recognized research ethics standards are the standards that apply to good scientific practice. These are expressed in both national and international documents, such as the Guidelines for Research Ethics in the Social Sciences and the Humanities (NESH), the preparatory works for the Forskningsetikkloven Prop. 158 L (2015-2016), and The European Code of Conduct for Research Integrity.

Some breaches of recognized research ethics standards are so serious that they can be understood as scientific misconduct. Scientific misconduct means *falsification, fabrication, plagiarism, and other serious breaches of recognized research ethics standards that are committed intentionally through gross negligence in the planning, implementation, or reporting of research*, cf. Forskningsetikkloven § 8, part 2. VID is obligated to handle cases involving suspicion of breaches of recognized research ethics standards, including assessing whether cased involve scientific misconduct, cf. Forskningsetikkloven § 6. The Research Ethics Committee at VID is the organizations misconduct committee under this law.

Other breaches of recognized research ethics standards are less serious breaches (ordinary misconduct). These are often referred to as borderline cases, small-scale fraud, and questionable research practices, cf. Fostering research ethics: A guide for research performing organisations (Østerhaug & Enebakk, 2023, p. 21).

Less serious cases may also include:

- Ambiguities and disagreements about authorship, where someone is either excluded from authorship on the wrong basis or included as an author on the wrong basis.
- Reporting on research results or methods in a misleading way.

- Publishing results multiple times as seemingly new (so-called self-plagiarism or duplicate publication):
- Registering and storing results and research material in an insufficient manner.

The list in not exhaustive.

This document outlines the procedure for handling cases with suspicion of serious and less serious breaches of recognized research ethics standards.

2. Basic principles for handling individual cases related to breaches of recognized research ethics standards

Reports of suspected breaches of recognized research ethics standards should first be attempted to be resolved locally within the individual faculty or department. The Research Ethics Committee may decide on its own whether a case should be handled directly by the committee.

a. Allegations and suspicions of breaches of recognized research ethics standards shall be handled in a proper and reassuring manner. The procedural rules of the Public Administration Act cf. chapter IV, on case preparation for individual decisions, applies to the handling of individual cases under these guidelines.

b. A person who is accused of breaching recognized research ethics standards is considered innocent until any preponderance of evidence suggests a contrary conclusion (requirement of clear preponderance of probability). The same principle applies to other parties, cf. the Public Administration Act's definition of the concept of party § 2, letter e.

c. The case processing shall be carried out in such a way that it ensures proper progress and handling of the individual case and in such a way that it protects both the accused, the reporter, and other involved parties in accordance with the Public Administration Act's rules on confidentiality and other central considerations for privacy.

d. A person who is accused of breaching recognized research ethics standards shall be notified, given the right to access the basis for the suspicion, and have the right to express themselves, including refuting allegations that have made (the principle of contradiction).

3. Reporting suspected breaches of recognized research ethics standards

a. Reports of possible breaches of recognized research ethics standards made against an employee at VID, an applicant for a position at VID, a person admitted to a doctoral program at VID, or a person awarded or to be awarded a doctoral degree at VID, must be made in writing.

b. As a general rule, the report should be sent to the head of one's faculty or department. Reports can also be sent directly to the chair of the research ethics committee. The chair will then assess where the case should be handled.

c. The secretariat of the committee shall provide the necessary guidance related to the further processing of the case.

d. The recipient of the report shall, without undue delay, notify the secretariat of the research ethics committee that a report has been received.

e. The dean/vice-rector may dismiss the case if the report is clearly unfounded. Such a dismissal must be in writing and justified.

4. Preliminary investigations

a. Cases that proceed to further processing are first examined in a preliminary investigation. The purpose of the preliminary investigation is to establish the facts of the case and determine whether there are grounds of the suspicions that have been raised.

b. The dean/vice-rector, where the accused has their position/affiliation, is responsible for conducting the preliminary investigation. If the case involves multiple units, the rector appoints the responsible unit.

In special situations, for example, if the suspicion concerns a dean/vice-dean/vice-rector or rector, or if the person responsible for handling the case is disqualified, the research ethics committee itself is responsible for the preliminary investigation.

The dean/vice-rector shall, without undue delay and no later than two weeks after the report has been received, assess the basis for the suspicion of breaches of recognized research ethics standards. The dean/vice-rector shall be assisted in their assessment by at least one experienced academic staff member.

c. If it turns out that the suspicion is unfounded, the case is closed as a case of breach regarding recognized research ethics standards.

d. If it becomes clear that the case involves *less serious breaches* of recognized research ethics standards, but not scientific misconduct (cf. item 1), the case is sought to be resolved locally within the faculty/department. The dean/vice-rector shall prepare a memo that shows this and justifies why the case is closed. The memo shall contain a summary of the case, which research ethics standards are affected, and why the case is considered a less serious breach.

The memo is sent to the research ethics committee.

e. If the preliminary investigation reveals that the case may involve serious breaches of recognized research ethics standards, the dean/vice-rector shall prepare a report justifying this. The report is sent to the research ethics committee.

5. Procedural rules for preliminary investigations

a. *Gathering facts*
The dean/vice-rector shall ensure that the case is as well-informed as possible before a decision is made.

Facts are obtained by reviewing reports, interviews/conversations with the reporter, the accused, and others, by obtaining documents or in other ways. The dean/vice-rector shall be given access to all material necessary for a proper assessment of the report.

b. *Conducting interviews/conversations*
The dean/vice-rector shall personally conduct conversations with the reporter and the accused. The reporter and the accused shall be entitled to have an attorney present during the conversations. Written minutes shall be kept of the conversations. The minutes shall be sent to all present for review. If there is disagreement about the wording in the minutes, such disagreement shall be noted in the minutes. The final minutes should be signed by all present.

Conversations may also be conducted with other employees and persons outside the university college with knowledge of the case, and with persons who possess special expertise in the research field where the case has arisen. The conversations shall be minuted.

c. *Right to access*
Parties have the right to acquaint themselves with the case documents in accordance with the rules in the Public Administration Act §§18-19.

d. *Confidentiality*
All correspondence, minutes, records, and other written material shall be treated confidentially.

e. *Assessment and written report*
The investigation shall make an assessment based on the information obtained. It is possible to obtain expert assistance if needed. Those involved in the case shall be informed of who is participating in the process. The person under investigation shall have the opportunity to comment on the participants' impartiality and suitability. The dean/vice-rector shall record the facts of the case, with copies of relevant original documents, in a written report in accordance with the provision in point 4. The report shall be forwarded to the Research Ethics Committee.

The report shall address:

- whether there is a breach of recognized research ethics standards, including whether any breaches are serious or not,
- whether the researcher has acted scientifically dishonestly or not,
- whether there are systemic errors at the institution.

f. The Research Ethics Committee receives the report

The Research Ethics Committee shall receive reports from the preliminary investigation, both when it concludes to close the case and when it concludes to forward the case for further investigation by the Research Ethics Committee.

6. Processing in the Research Ethics Committee

a. The Research Ethics Committee decides for itself whether a received case should be processed or dismissed. The committee can also take up cases on its own initiative. Any further processing shall be carried out by the Research Ethics Committee. The Research Ethics Committee shall ensure that the case is well-informed before the committee decides on the outcome of the case. If the case is dismissed, a reason for the dismissal shall be provided. If someone disagrees with VID's dismissal of a case, they can report to the *National Commission for the Investigation of Research Misconduct (Granskningsutvalget)* to review the case. The *Granskningsutvalget* decides for itself which cases they will handle.

b. It is possible to ask the Commission for Research Integrity at another institution to handle the case.

c. Members of the Research Ethics Committee who are disqualified according to the Public Administration Act § 6, shall not participate in the processing of the case and shall not be given access to the case documents. The decision on whether a member of the committee is disqualified is made by the committee itself without the participation of the member in question.

d. The procedural rules in point 5 apply to the Research Ethics Committee's processing of the case as far as they are applicable.

   If there is a need to obtain additional material that is necessary or required for a proper assessment of the case, this material shall ordinarily be obtained and assessed by the dean/vice-rector before forwarding to the Research Ethics Committee.

   The Research Ethics Committee shall, if necessary, be able to conduct conversations with the reporter, the accused, and others. The reporter, the accused, and other involved parties shall be entitled to bring an attorney to these conversations.

e. The Research Ethics Committee shall, after a conscientious examination of the available evidence, conclude whether there is a breach of recognized research ethics standards, including whether it constitutes scientific misconduct, or not. The committee's assessment and conclusion shall be recorded in a written statement.

f. The Research Ethics Committee has a quorum in such cases when at least half of the members are present.

7. Requirements for the content of the Research Ethics Committee's statement

a. The statement shall include an overview of the case documents. The statement shall also include a summary of the relevant facts that the committee has relied upon, and the conclusions the committee has drawn based on these facts.

b. The statement shall address (cf. Forskningsetikkloven §§ 5 and 6):

1. Whether there is any breach of recognized research ethics standards, including
2. Whether any breaches are serious or not
3. Whether the researcher has acted with scientific dishonesty or not
4. Whether there are systematic errors and whether the scientific work should be corrected or retracted.

Therefore, the statement should include the following elements:

- An account of the sequence of events before the initiation of the investigation, a description of the research or activity to which the suspicion relates, and the reason for the suspicion.
- An overview of the case documents.
- An account of the qualifications of those involved in the investigation work, as well as their impartiality.
- An account of how the case has been handled, for example, how the parties have been heard, what statements have been obtained from experts, etc.
- If there are grounds for it, the report should point out opportunities for improvement and preventive measures (system criticism).
- Conclusion on the question of whether the researcher in question has acted scientifically dishonestly or not, including any dissent. A reasoned assessment that for each point indicates whether or to what extent the criteria for scientific dishonesty are met. This also includes an assessment of the severity and subjective guilt. If it turns out that the suspicion(s) are unfounded, this should be indicated and justified.

c. The committee makes an independent assessment of what should be included in the statement in accordance with the above principles.

8. Follow-up on cases of possible breaches of recognized research ethics standards handled by the Research Ethics Committee

a. The statement is sent to the dean/vice-rector, who follows up on the case. If the statement also points to systemic errors, it shall also be sent to the specialized university management. The committee's statement shall follow the case and may become publicly available when the case is closed at the institution.

b. The vice-rector sends the statement to the parties involved in the case (the reported and the reporter, and possibly others). Statements that conclude that a researcher has acted with scientific dishonesty can be appealed by the researcher to the Granskningsutvalget, cf. Forskningsetikkloven Act §§ 6 and 7.

The statements of the Granskningsutvalget are final and cannot be further appealed. The researcher shall be informed of this right of appeal along with the statement.

c. The vice-rector for research shall ensure that the Granskningsutvalget is informed about the case, the case processing, the outcome of the case, and any follow-up (also at the system level).

Normally, the reporter and the reported are anonymized when such information is sent to the Granskningsutvalget.

d. If a doctoral student is found guilty of scientific misconduct, cf. the Universities and University Colleges Act § 13-2, cf. Forskningsetikkloven Act § 8, item 2, the specialized university may decide on forced termination. Decisions on forced termination due to academic misconduct are then made by the specialized university appeals committee (cf. Forskrift om graden ph.d. ved VID, § 5-5, item 3). Appeals against such decisions are handled by the Ministry of Education and Research or a special appeals board appointed by the ministry, cf. the Universities and University Colleges Act § 14-2.