

Guidelines for processing cases of possible scientific misconduct at VID Specialized University

Adopted by the Rector on 9 March 2016. Revised on 13 September 2017 based on the Act concerning the organization of work on ethics and integrity in research (Research Ethics Act) of 1 May 2017.

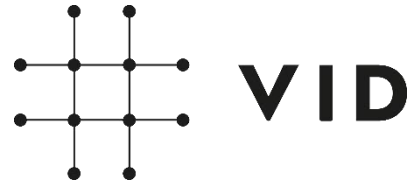
See the mandate for the Research Ethics Committee at VID Specialized University, adopted on 9 March 2016, and revised on 13 September 2017 as regards the role of the committee.

1. Definition of scientific misconduct

Scientific misconduct is defined for these purposes as falsification, fabrication, plagiarism and other serious breaches of recognized research ethics norms that have been committed intentionally or through gross negligence when planning, carrying out or reporting on research, see Section 8, last paragraph of the Research Ethics Act.

2. Basic principles for processing cases concerning scientific misconduct

- a. Allegations and suspicions of scientific misconduct shall be dealt with in a proper and safe manner. The general rules governing administration proceedings in the Public Administration Act apply to the processing of cases under these guidelines.
- b. A person accused of scientific misconduct is considered innocent until such time as any preponderance of the evidence indicates otherwise (requirement for clear preponderance of evidence). This also applies to other parties. The definition of parties in the Public Administration Act applies here.
- c. The case shall be dealt with in such a manner as to ensure proper processing and handling of the case and to protect the person against whom a complaint has been raised, complainant and other parties involved in accordance with the Public Administration Act's rules on confidentiality and other important considerations for protection of privacy.
- d. A person accused of scientific misconduct shall be notified of this, given the right to acquaint himself with the suspicion and be entitled to comment, including by responding to allegations made (the principle of contradiction).



3. Report of suspected scientific misconduct

Reports of possible scientific misconduct submitted against an employee of VID, an applicant for a job at VID, a doctoral student at VID, or someone who has been awarded or will be awarded a doctorate at VID, shall be made in writing.

Reports shall as a general rule be submitted to the Dean/Vice-Dean (Pro-Rector if PhD students are involved). Reports can be made anonymously. The Dean/Vice-Dean (Pro-Rector if PhD students are involved) shall, without undue delay, notify the Rector and head of the Research Ethics Committee that a report has been received.

The report can, in special cases, also be sent directly to the head of the Research Ethics Committee. The head of the committee shall then provide the necessary guidance for the further processing of the case, including determining whether the case should be submitted directly to the Research Ethics Committee.

4. Preliminary investigation

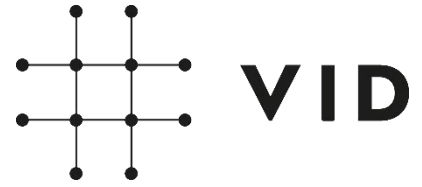
a. Reports received will initially be subject to a preliminary investigation. The purpose of the preliminary investigation is to establish the facts in the case and to clarify whether there are grounds for the suspicions presented.

The Dean/Vice-Dean (Pro-Rector if PhD students are involved) of the unit where the person accused works/is affiliated to is responsible for conducting the preliminary investigation. If the case concerns several units, the Rector shall appoint a unit to be responsible for the case.

In special situations, for example, if the suspicion applies to a dean/vice-dean/pro-rector or rector, or if the Dean/Vice-Dean/Pro-Rector (Pro-Rector if PhD students are involved) is incompetent on grounds of partiality, the Research Ethics Committee shall be responsible for the preliminary investigation.

b. The Dean/Vice-Dean (Pro-Rector if PhD students are involved) shall, without undue delay and no later than two weeks after receipt of the report, evaluate the basis for the suspicion of scientific misconduct. The Dean/Vice-Dean (Pro-Rector if PhD students are involved) shall be assisted in his/her assessment by at least one experienced member of the academic staff.

c. If the suspicion is not upheld or it transpires that the case concerns less serious breaches of research ethical norms, the processing of the case as a misconduct issue shall be terminated. The Dean/Vice-Dean (Pro-Rector if PhD students are involved) will draw up



a report reflecting this, explaining why the case is no longer being treated as a misconduct issue. The report is then sent to the Research Ethics Committee and the Rector.

d. If the preliminary investigation reveals that scientific misconduct may have been committed, the Dean/Vice-Dean (Pro-Rector if PhD students are involved) will prepare the case for local investigation by the Research Ethics Committee.

5. Case processing rules for preliminary investigations

a. Gathering the facts

The Dean/Vice-Dean (Pro-Rector if PhD students are involved) shall ensure that the case is elucidated as clearly as possible before a decision is made.

The facts shall be ascertained by reviewing notifications, interviews/meetings with the complainant, person accused and others, through obtaining documents or in some other way.

The Dean/Vice-Dean (Pro-Rector if PhD students are involved) must be given access to all the material that is necessary for a proper assessment of the report.

b. Conducting interviews/meetings

The Dean/Vice-Dean (Pro-Rector if PhD students are involved) shall hold individual meetings with the complainant and the person accused. The complainant and the person accused are entitled to bring a legal representative to these meetings. A written record of the meetings shall be made and this must be sent to all parties present for approval. The record must show any disagreement about formulations in the record. The final record should be signed by all parties present.

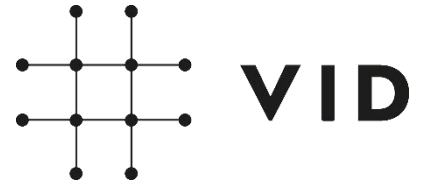
Meetings should also be held with other personnel and persons outside VID with knowledge of the case and with persons who possess special expertise in the field of research in which the case has arisen. A written record shall be made of these meetings.

c. Right of access

Parties have the right to acquaint themselves with the documents in the case pursuant to the rules in Sections 18 and 19 of the Public Administration Act.

d. Confidentiality

All correspondence, records of meetings, memorandums and other written material must be treated confidentially.



d. Written report

The Dean/Vice-Dean (Pro-Rector if PhD students are involved) shall lay out the facts of the case, with a copy of relevant original documents, in a written report in accordance with the provision in section 4.

6. Local investigation

Local investigations shall be conducted by the Research Ethics Committee to determine whether a case should be subject to a substantive investigation or rejected. If rejected, the grounds for rejection shall be given.

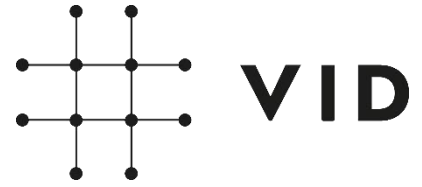
In special cases, the Research Ethics Committee may recommend that the Rector asks the National Commission for the Investigation of Research Conduct to take over the case. The Research Ethics Committee at another institution may also be asked to process the case.

Research Ethics Committee members who are incompetent on grounds of partiality (see Section 6 of the Public Administration Act) shall not participate in the processing of the case. The decision on whether a committee member is incompetent shall be taken by the committee itself, without the participation of the member concerned.

The Research Ethics Committee determines whether there is a need to bring in external experts. The parties involved in the case will receive information about who is participating in the process. The person being investigated shall be given the opportunity to comment on the participants' impartiality and suitability.

The procedural rules in section 5 apply to the Research Ethics Committee's processing of the case. Where it is necessary/required to obtain additional material in order to ensure proper assessment of the case, this material shall normally be obtained by the Dean/Vice-Dean (Pro-Rector if PhD students are involved) and shall be considered by this body prior to submission to the Research Ethics Committee. The Research Ethics Committee may, if necessary, talk with the complainant, the person accused and others. The complainant, person accused and other involved parties are entitled to take a legal representative to these meetings.

Following a meticulous review of the presented evidence, the Research Ethics Committee shall conclude whether scientific misconduct has been committed or not. The committee's assessment and conclusion must be presented in a written report.



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

The report shall contain an overview of the documents of the case. The report shall further contain a summary of the relevant facts that the committee has used as its basis and the conclusions it has drawn based on these facts.

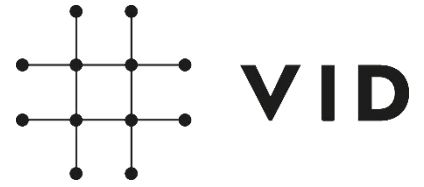
The Research Ethics Act requires that in cases of possible breaches of recognized research ethics norms, statements from research institutions pursuant to Section 5 of the Act and from the Committee on Scientific Misconduct pursuant to Section 6, second paragraph, always consider the following:

- a) whether the researcher has committed an act of scientific misconduct or not,
- b) whether there is a systematic failure at the institution, and
- c) whether the scientific work should be corrected or withdrawn.

The report should therefore contain the following elements:

- An account of the course of events prior to initiation of the investigation, a description of the research or activity that has been reported as suspicious, and the reason for the suspicion.
- An overview of the documents in the case.
- A specification of the qualifications held by those involved in the investigative work, as well as their competence in terms of impartiality.
- An account of how the case has been dealt with, for example how parties have had their say, what statements have been obtained from experts etc.
- If there is a basis to do so, the report should indicate improvement potential and suggest preventive measures (a critical assessment of VID's system for investigating cases of possible scientific misconduct).
- Conclusion on whether the researcher in question has committed an act of scientific misconduct or not, including any dissenting opinions. A reasoned judgement that indicates for each point whether or to what extent the criteria for misconduct are met. This also includes assessments of severity and subjective guilt. If the suspicions are not upheld, this shall be indicated and substantiated.

The committee shall undertake an independent assessment of the content of the final report in accordance with the aforementioned principles.



7. Follow-up of misconduct cases processed by the Research Ethics Committee

The report by the Research Ethics Committee is addressed to the Rector, who makes the final decision on the case. The Rector shall assess whether it is desirable to receive proposals from the Research Ethics Committee on how such cases should be followed up. The Committee's statement shall accompany the case and be made public as soon as the processing of the case has been finalized at the institution.

The Rector shall ensure that the National Commission for the Investigation of Research Misconduct is kept informed about the case, the case processing, the outcome of the case and any follow-up (also at a system level). The identities of the complainant and person accused are normally anonymized when such information is sent to the National Commission for the Investigation of Research Misconduct.

Statements that conclude that a researcher has committed an act of scientific misconduct can be appealed by the researcher to the National Commission for the Investigation of Research Misconduct, see Sections 6 and 7 of the Research Ethics Act. The decision of this committee is final and cannot be appealed.

If a PhD student is guilty of scientific misconduct; see Section 4-13 (1) of the Act relating to universities and university colleges, and Section 8, last paragraph, of the Research Ethics Act, the institution may approve compulsory termination. Decisions on compulsory termination due to academic misconduct are then taken by VID's appeals board (see the Regulations relating to the Degree of Philosophiae Doctor (PhD) at VID Specialized University, Section 5-5 (3)). Appeals against such decisions are dealt with by the Ministry or a special appeals board appointed by the Ministry; see the Act relating to universities and university colleges, Section 4-13 (1).