



HÖGSKOLAN
DALARNA

Procedures for Handling of Scientific Misconduct at Dalarna University

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I. Definition of the term scientific misconduct¹

The meaning of *scientific misconduct* applied here is that a researcher "deliberately and in a misleading way makes deviations from scientific demands or consciously breaks commonly accepted ethical norms. ... in connection to the application for research grants, in execution of research or when reporting results of research". It is to be regarded as misconduct.

Scientific misconduct thus refers to:

- *fabrication*, which "means that one invents new data or results which has not resulted from an investigation or is part of the referred investigation."
- *falsification*, which means that, acquired data or results have been manipulated in some way. This may happen through doctoring or selection of data, which support one's own hypothesis, or by withholding data contradicting one's own hypothesis.
- *plagiarism*, which "means handling data, ideas or something which somebody else has written or expressed and forward... [it] as if this were one's own efforts."
- *failure to act according to generally accepted recommendations regarding the obtaining of permission from authorities concerned* (i.e. Ethical vetting boards involving humans, Ethical committees of animal experimentation, the Data Inspection Board, the Medical Products Agency, etc.).

II. Preventive work²

- 1) The Research Ethics Committee (FEN) shall prevent and counteract scientific misconduct by way of information and seminar activities. The Committee should also in the best way possible and with the support of the Rector ascertain that all researchers at the university are well aware of the meaning of good research practice.
- 2) Högskolan Dalarna shall, in order to minimize the risk of financial influence on the research process, see to it that:
 - all financial agreements are accessible for scrutiny
 - payments are based on formal agreements which state forms for administration and accounting
 - financial agreements are accounted for and approved by the researcher's principal
 - sources for financial and material support for the research are stated at publication and/or oral presentation of results and interpretations.

¹ For the definitions regarding scientific misconduct see *God sed i forskningen* (1999), Statens Offentliga Utredningar, nr. 4. Stockholm, p. 48-50 and p. 105.

² This part "Preventive work" is based on the guidelines presented in *Riktlinjer för god medicinsk forskning* (1996), Medicinska Forskningsrådets Rapport Nr. 2. Stockholm.

III. Handling of allegations of scientific misconduct ³

A. Definitions

- 1) *Allegations* include all written or oral, expressions or other indication of scientific misconduct, brought to the knowledge of FEN or the Rector and which concern personnel employed at Högskolan Dalarna.
- 2) *Good faith allegation* means an allegation made in the honest belief that scientific misconduct may have occurred. An allegation is, in other words, in 'good faith' if it is expressed with consideration to facts that would disprove the allegation.
- 3) *Whistleblower* means the person/s who make an allegation of scientific misconduct.
- 4) *Respondent* means the person against whom an allegation of scientific misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- 5) *Researcher* includes personnel employed at Högskolan Dalarna who do any form of research. This means that the concept also includes doctoral/research students and project employees.
- 6) *Research records* means any data, document, computer files, computer diskette or other written or non-written accounts or objects that reasonably may be expected to provide evidence in an allegation of scientific misconduct. This may include contracts, research applications, work reports, notes, correspondence, videos, photographs, tape recordings, x-ray films, biological materials, computer files and printouts, manuscripts and publications, minutes, etc.
- 7) *Preliminary inquiry* means the gathering of information and facts with the purpose to establish whether an allegation or a seemingly existant case of scientific misconduct merits a full-scale investigation.
- 8) *Conflict of interest* means the real or apparent interference of one person's interests with the interests of another person. A potential bias/challenge may occur due to prior or existing personal or professional relationships.
- 9) *Retaliation* means any action that adversely affects an individual's employment, working status or personal situation.
- 10) *Investigation* means a complete full-scale investigation and analysis of all relevant facts with the purpose to establish whether scientific misconduct has occurred or not, and if such be the case, who is responsible and the extent of the occurrence of scientific misconduct.

³ This part "Handling of allegations of scientific misconduct" is based on the guidelines presented in the following documents: Sveriges Universitet- och Högskoleförbunds "Riktlinjer för hanteringen vid universitet och högskolor av frågor om vetenskaplig ohederlighet" (1997) and the policy written by the Office of Research Integrity at the U.S. Department of Health and Human Services: "Model Policy for Responding to Allegations of Scientific Misconduct" (1999).

B. Abbreviations

- 1) *FEN* is an abbreviation of the Research Ethics Committee at Högskolan Dalarna.
- 2) *CEPN:s expertgrupp* is an abbreviation of the Central Ethical Review Board Expert Group on Research Misconduct.

C. Decision-making process

When the chair of FEN or Rector is made aware of a report or suspicion of scientific misconduct, FEN establishes whether there is sufficient proof to ensure a preliminary inquiry, and whether the allegations can be defined as scientific misconduct. FEN conducts a preliminary inquiry, if this is called for.

The Rector decides whether a full-scale investigation shall be implemented or not. The Rector shall demand assistance from CEPN:s expert group in cases where it is decided to carry out a full-scale investigation. The Rector decides, on the basis of the investigation, whether scientific misconduct has occurred or not. Regarding the decision-making process after that, see part I. Information and consequences.

The opinion of CEPN:s expert group should also be sought if the person who brought the issue of suspicion of misconduct, or the person whom the allegation is directed against, request it. An opinion need not to be obtained, if Dalarna University believes that it is clearly unnecessary. (cf 1 kap 16 § i högskoleförordningen (1993:100) FEN:s handling of the allegation includes assessment of whether an acquisition of the opinion of CEPN:s expert group can be considered “clearly unnecessary”. The Rector decides on whether an opinion should be obtained from CEPN on the initiative of whistleblower or respondent.

D. Responsibilities and rights

1) Personnel

All employees at Högskolan Dalarna shall report observed (suspected or obvious), scientific misconduct. If a person is unsure whether a suspected incident should be defined as scientific misconduct or not, FEN may be contacted for an informal discussion about the suspected erroneous behavior.

Personnel shall cooperate with FEN and CEPN:s expert group when an investigation and inquiry are carried out, by for example furnishing relevant evidence material.

Employees are to immediately report all cases of obvious reprisals/retaliation to the Rector.

Employees are, furthermore, entitled to confidential discussions and consultations with FEN, and the right to get advice and assistance in matters of this kind.

2) Rector

The Rector decides whether a full-scale investigation is to be carried out or not. In cases where a full-scale investigation is decided upon, the Rector is to ask for assistance from CEPN:s expert group.

The Rector, furthermore, decides on basis of the judgment made by CEPN:s expert group whether scientific misconduct has occurred or not.

The Rector shall also, in cases where scientific misconduct is evident and proved, decide whether there is basis to consider disciplinary measures, and to decide about possible consequences. If a Staff Disciplinary Board has been established, they decide on the consequences.

The Rector shall in cases where scientific misconduct is not found to be the case decide in consultation with the parties concerned if there is reason to take special measures to restore the position and/or reputation of the respondent/the whistleblower.

It is, furthermore, the Rector's duty to see to it that neither the whistleblower, nor respondent or others involved in a case, such as for instance key witnesses, are subject to retaliation during an ongoing inquiry/investigation. The Rector shall also take adequate measures during an inquiry and investigation to prevent retaliations against the whistleblower, and ascertain the safekeeping of the position and reputation of people who present an allegation in good faith.

3) FEN

FEN shall process submitted reports of scientific misconduct and, if considered necessary, carry out preliminary inquiries.

FEN shall, moreover, initiate an inquiry if the Rector considers this appropriate due to clear rumors of scientific misconduct.

FEN may, if the need arises, employ the services of especially appointed experts. These may be scientists, administrators, experts in the subject, lawyers or other qualified persons. They may be recruited internally or externally.

With the importance of documentation and establishing of records, for among other things inquiries/investigations regarding scientific misconduct, in mind, FEN shall continuously consider if (within the framework of generally accepted standards regarding the establishing of records) there are special aspects which should be taken into account as regards establishing records/files in the research activity.

4) The Whistleblower

The Whistleblower shall present allegations in good faith, preserve confidentiality and cooperate with FEN and CEPN:s expert group.

The Whistleblower is entitled to:

- have the possibility to testify and present evidence during an ongoing inquiry/investigation

- read those sections of the inquiry/investigation report that bear relevance for his/her allegations or testimony, and be allowed to comment on these
- receive written information on final decisions and measures decided
- receive protection from acts of retaliation
- have their need for special support seen to, to any degree possible. An estimation is made in consultation with the Rector.

If the whistleblower requests anonymity, this request shall always be fulfilled, if possible. The Whistleblower shall, however, be informed that anonymity cannot be guaranteed.

5) The respondent

The respondent shall preserve confidentiality and cooperate with FEN and CEPN:s expert group.

The respondent is entitled to:

- receive information on the allegation as an inquiry/investigation is initiated
- have the possibility to testify and present evidence during an ongoing inquiry/investigation
- read through drafts of the inquiry/investigation report and to comment on these
- receive written information on final decisions and measures decided
- advice from an attorney
- aid in repairing their reputation if he/she is not found guilty of scientific misconduct if this is deemed to be necessary. An estimation is made in consultation with the Rector.

E. Rules on publicity and confidentiality

- 1) The rules on publicity and confidentiality admit that transcripts of the outcome of hearing various persons, as well as written material collected within the university, should until further notice be treated as work material. As such it does not constitute drawn up documents in the meaning of the Freedom of the Press Act, and thereby does not constitute public documents at this stage.
- 2) An allegation submitted in written form from external parties, on the other hand, *does* constitute a document furnished to the university. It is thereby a public document at the seat of learning. Such a document may only be classified as confidential with the support of the confidentiality law.
- 3) Confidentiality shall, as far as the law permits, prevail during the inquiry/investigation, to protect the involved parties. If a conflict arises between the demand for confidentiality and the demand to find the truth, the latter shall be privileged.
- 4) If the Rector asks for help conducting the investigation from CEPN:s expert group, all documents submitted to the Central Ethical Review Board will become public.

- 5) A decision made by the Rector is, in accordance with general rules on publicity of documents at a public authority, a public document, and shall as such *not* be classified as confidential.
- 6) If scientific misconduct should be confirmed by commissioned research work, the content of which would be harmful to the committer to display (and the content of which thus may be embraced by confidentiality at the university), it is vital that the decision regarding scientific misconduct is composed in a way that its main content does not need to be classified as confidential.
- 7) After a case has been finished, a complete record/archive shall be set up which shall include the inquiry/investigation report and copies of all documents and other material that has been delivered to and from FEN/the Rector. Material on file will become public, and can only be classified as confidential with direct support from the confidentiality law.

F. Reporting

- 1) A report of suspected scientific misconduct is made to FEN's chairperson. If the report relates to the chairperson, or a fellow of FEN the report is made directly to the Rector who decides the future handling of the case.
- 2) If an official at the university other than FEN's chairperson is furnished with a report of scientific misconduct, this person shall immediately pass the report on to chairperson, or, as the case may be, to the Rector.
- 3) A report shall be in writing and well founded with explicit and careful stating of the factual basis for the report. Reports shall be made in good faith.
- 4) When a report is received, FEN shall as soon as possible determine whether there is enough evidence to call for an inquiry, and whether the allegation may be defined as scientific misconduct.
- 5) In cases where FEN decides to proceed with a preliminary inquiry, the Committee is bound by duty to present a motivation to the parties concerned
- 6) FEN's chairperson shall, however, whether or not an inquiry is carried out, always inform the Rector about reports of scientific misconduct which have become known to FEN. The chairperson shall in this connection point out especially if there are challenge issues to consider.
- 7) If FEN determines that the allegation presents enough information to allow for a follow up, and may also be defined as scientific misconduct, FEN shall as soon as possible initiate a preliminary inquiry.

G. Preliminary inquiry

- 1) Unless FEN decides otherwise the chairperson of the Committee is in charge of the inquiry. The Committee, or, after the authorization of the Committee, the chairperson may entrust certain inquiry tasks to other fellows of FEN.

- 2) The purpose of the inquiry is to make a preliminary assessment of the evidence at hand, to question the respondent and possible whistleblower/s and key witnesses. The purpose is not to establish whether scientific misconduct is the case, or who was/is responsible.
- 3) After FEN has decided to proceed with a preliminary inquiry FEN shall make sure that all research material and all research documents, which are relevant to the allegation, are safeguarded.
- 4) The respondent shall also, as soon as possible, be offered the opportunity to submit a statement with regards to the report.
- 5) FEN shall, furthermore, inform the respondent which fellows of the Committee and which experts will conduct the preliminary inquiry. This shall be done within ten (10) working days after a decision to hold a preliminary inquiry has been made. If the respondent submits written objections against any of the persons named based on challenge or conflict of interest within five (5) days after the respondent has been notified, the Rector shall decide whether an allegedly challenged fellow or expert shall be replaced.
- 6) An inquiry normally means that FEN interviews the whistleblower, the respondent and key witnesses, investigates relevant research material and research documents, and evaluates evidence and statements.
- 7) Everything which has come out during the inquiry shall be entered into an inquiry report. The report shall include the following:
 - names and position of FEN's fellows and possible experts
 - the allegations
 - a statement of the inquiry procedure
 - a list of research material and research documents investigated
 - a summary of interviews
 - a description of proof validating whether a full scale investigation should be undertaken or not
 - FEN's recommendations regarding whether to continue the investigation or not
 - whether other measures should be taken in cases where a full-scale investigation is not recommended.
- 8) FEN shall provide the respondent with a copy of the draft of the inquiry report for commentary and refutation. FEN shall, moreover, provide the whistleblower, if he/she is identifiable, with the sections of the report in which the whistleblower's part in or opinion in the inquiry is handled.
- 9) Possible commentaries from the respondent/whistleblower shall be submitted in writing to FEN within 14 working days after their receipt of the report. All commentaries submitted by the whistleblower or respondent shall be part of final inquiry report and listing. The report may be reworked based on submitted commentaries if FEN finds this appropriate.
- 10) FEN delivers the final report and possible commentaries to the Rector. The Rector then decides whether a full-scale investigation shall be made or not.

- 11) The Rector shall, in writing, notify the whistleblower as well as the respondent of the decision taken, and remind them of their duty to cooperate in case a decision is made to proceed with a full-scale investigation.
- 12) In case of a decision meaning that suspicion of scientific misconduct is not valid any longer, the Rector shall confer with the respondent as to whether further measures (such as special information on the decision, etc.), may be called for in order to exonerate the respondent. The Rector shall also, after consultation with the whistleblower, determine whether any measures should be taken to safeguard the whistleblower's reputation.
- 13) FEN shall normally end the inquiry and submit an inquiry report to the Rector within 60 working days after its first meeting, unless the Rector allows an extension for justifiable reasons. If the Rector allows an extension, the reasons for this shall be filed, and be an appendix of the inquiry report. The respondent shall also be notified of the extension.

H. Full scale investigation

- 1) If the Rector decides to initiate a full-scale investigation, the Rector shall ask for help from CEPN:s expert group.
- 2) The guidelines adopted by the Central Ethical Review Board apply at all times in connection with a full-scale investigation, regarding how CEPN:s expert group shall conduct the investigation.
- 3) When the Rector has gathered statements from CEPN:s expert group the Rector shall decide whether scientific misconduct has occurred or not. If scientific misconduct is found to have occurred, it shall be clearly stated in the decision what sort of misconduct has been validated. The Rector shall in addition point out if he/she finds the allegations to be unfounded and merely aimed to harm the respondent. The Rector's decision may not be challenged.

I. Information and sanctions

In cases where the decision states that scientific misconduct is not verified the following applies:

- 1) The decision shall be delivered in writing to the whistleblower and the respondent.
- 2) In cases such as these, considering the researcher's scientific reputation, it is vital to make the decision publicly known. The Rector shall therefore, in consultation with the respondent, decide whether measures should be taken to restore the respondent's reputation. Depending on the circumstances at hand it should be considered whether persons who have been involved in or who are aware of the investigation should be notified of the outcome of the case. It should, moreover, be considered whether the decision and the result of the investigation should be published in the fora where the allegation of scientific misconduct has been previously published.

- 3) Rector shall, furthermore, after consulting the whistleblower, decide which measures, if any, are needed to restore the whistleblower's position and/or reputation.

In cases where the decision states that scientific misconduct is verified, the following applies:

- 4) The decision shall be delivered in writing to the whistleblower and the respondent.
- 5) In these cases the Rector shall also estimate whether special information should be delivered, to for instance scientific journals in which said material has been published, and whether there is need for information in the journal regarding the findings in the case.
- 6) In cases where the respondent who is found guilty of scientific misconduct has a scientific assignment with a public authority, research council and/or business these shall be notified.
- 7) It is, furthermore, the Rector's duty to decide whether there are basis to consider disciplinary measures. Also, it is the duty of the Rector to raise the issue in the Staff Disciplinary Board regarding whether person should be removed from their post.
- 8) Possible sanctions, for example a warning, deduction of wages, notice of termination of employment, discharge or report of indictment, are decided by the Rector and/or the university's Staff Disciplinary Board and may be appealed. Acts on the handling of the issue are found in the *Higher Education Act* (SFS 1992:1434), the *Higher Education Ordinance* (SFS 1993:100), the *Public Employment Act*, 14-19 § (SFS 1994:260), the *Administrative Procedure Act* (SFS 1986:223), the *Act on Judicial Adjudication of Board Resolutions* (SFS 1988:205) and the *Public Services Ordinance* (1995:1322). In addition, serious offences may result in consideration by a court. The university may incur damages, unless it takes required measures.
- 9) At such time when possible sanctions have been applied, the whistleblower and the respondent shall be notified in writing. FEN and CEPN:s expert group shall also be notified of sanctions decided.