



PROCEDURE FOR MATTERS CONCERNING SUSPECTED MISCONDUCT IN RESEARCH, RESEARCH IN THE ARTS OR DEVELOPMENT WORK

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| Decision-maker | Vice-chancellor |
| Administrator | Kristina Ullgren |
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| Summary | This procedure describes the University of Gothenburg's processing of matters relating to suspected misconduct that are reported to or in some other way initiated with the Vice-Chancellor. |

Procedure for matters concerning suspected misconduct in research, research in the arts or development work

1. Introduction

Under Chapter 1, Section 16 of the Higher Education Ordinance, an institute of higher education that becomes aware of suspected misconduct in research, research in the arts or development work at the institute of higher education through a report or in some other way shall investigate these suspicions.

The Vice-Chancellor shall make decisions on behalf of the University on matters concerning suspected misconduct in research, research in the arts or development work.

It is not possible to appeal against a decision made by the Vice-Chancellor.

2. Scientific dishonesty, research and development work

'*Scientific misconduct*' means that some employee or person who has undertaken a special assignment for the University, has consciously deviated from scientific requirements or consciously breached generally accepted ethical standards in the scientific activities at the University. 'Scientific activities' include research, research in the arts and development work at the University.

'*Research and scientific activities*' embraces *scientific experimental or theoretical work to obtain new knowledge and development work on scientific grounds.*

3. Scientific misconduct

'Scientific misconduct' means:

- a. fabrication, corruption or suppression of basic material
- b. non-objective or misleading compilation of own results
- c. presentation or other dissemination of false or distorted results
- d. presentation of the someone else's results as one's own, unjustified claim of authorship and plagiarism
- e. failure to comply with provisions concerning the obtaining of permits from the relevant authorities (e.g. regional Ethical Review Board, Ethical Committee on Animal Experiments, the Isotopes Committee, the Swedish Data Inspection Board, the Medical Products Agency and others)
- f. deviation from good scientific practice.

To be liable it is necessary that the scientific misconduct has been committed consciously or through gross negligence.

4. Initiation of matters

A matter concerning suspected scientific misconduct may be initiated through a written report presented to the University.

A matter concerning suspected scientific misconduct may also be opened upon an internal initiative taken within the University.

5. The obligation of the Head of Department and Dean to make a report

Heads of Department have overall responsibility for the activities conducted at their Departments. If a Head of Department becomes aware that suspected misconduct has occurred in the scientific activities at the Department, the Head of Department shall report this in writing to the relevant Dean.

The Dean has overall responsibility for the activities conducted within the Faculty. If the Dean becomes aware of the existence of suspected misconduct in scientific activities within the Faculty through a written report from a Head of Department or in some other way, the Dean shall report this in writing to the Vice-Chancellor.

6. Reports concerning suspected scientific misconduct

A report concerning suspected scientific misconduct should include the following where possible:

- a. details of the scientific activity that has been reported,
- b. what the suspected scientific misconduct in the activity comprised,
- c. when the suspected scientific misconduct occurred,
- d. information in support of the view that the suspected scientific misconduct has occurred within the framework of the University's activities, and
- e. name of the party making the report and contact details.

7. Council for matters concerning investigation of suspected misconduct in research, research in the arts or development work and its assignment

There is a Council for matters concerning investigation of suspected misconduct in research, research in the arts or development work at the University.

This Council shall investigate matters carefully and expeditiously on the assignment of the Vice-Chancellor concerning suspected misconduct in the scientific activities that are being conducted or have been conducted at the University.

The Council shall, following investigation, present a written statement of opinion to the Vice-Chancellor. The statement of opinion constitutes supporting documentation for the decision of the Vice-Chancellor and it is not possible to appeal against such a statement of opinion.

8. The Council's composition, appointment, mandate period and competence of the members

The Council shall comprise eight members. Three of the members shall represent the disciplinary domain of the health sciences, two the disciplinary domain of the natural sciences, two the disciplinary domain of the humanities and social sciences and one the Creative Arts Council.

A lawyer specialising in administrative law is available to the Council to assist the Council. This lawyer is entitled to attend and has a right to speak at meetings of the Council.

The members are appointed by the Vice-Chancellor for the period of the Vice-Chancellor's own term of appointment. The Vice-Chancellor shall appoint a new member if the employment of a member at the University ceases, or if a member resigns for other reasons, or if a member is given an assignment involving a management function at a faculty, institute, section or department.

Members shall have extensive experience of independent research in a senior position and shall be employed by the University. The Vice-Chancellor shall consider aspects relating to equality when appointing members.

The Vice-Chancellor shall appoint a Chair and a Vice-Chair from among the members for the same mandate period as the Council.

9. Investigations of matters by the Council

9.1 How matters are initiated at the Council

The Council shall only investigate matters concerning suspected scientific misconduct on the assignment of the Vice-Chancellor.

9.2 Supplementing a report

If a report is incomplete, the party making the report shall be given an opportunity to supplement it within a set time.

9.3 Statement of opinion for the Vice-Chancellor regarding the remittal of matters

A matter shall be remitted to the Vice-Chancellor if the Council considers that the matter refers to circumstances that lie outside the mandate of the Council.

9.4 Statement of opinion concerning dismissal of a matter

The Chair of the Council is under an obligation to, in consultation with the lawyer, propose by a statement of opinion that the Vice-Chancellor dismisses a matter, if

- a. the matter is so incomplete that it cannot be investigated
- b. the matter has already been investigated by the Council and nothing significant has subsequently been added
- c. the matter is being reviewed by means of another procedure at the University or another body.

The other members of the Council shall be notified of such a statement of opinion.

10. Preparation of matters for the Council

10.1 The party reported and, where there is one, the representative of the activity reported shall always be given an opportunity to express views regarding the report in writing.

The supporting documentation for the matter shall be completed by the Chair together with the lawyer in order to thereafter be submitted to the Council for processing. The Chair together with the lawyer shall determine when the documentation for the matter is complete.

11. Processing by the Council

11.1 Engaging special and/or external assessors and consultation concerning views

The Council may engage a special assessor from within the University or an external assessor from outside the University. If the Council considers it appropriate, both a special and an external assessor may attend and speak at meetings of the Council. The special and external assessor respectively may not participate in the deliberations of the Council.

The Council may obtain views from a Head of Department and other representatives within the University. Furthermore, the Council may provide other persons affected with an opportunity to present views.

11.2 Statement of opinion obtained from the Central Ethical Review Board's expert group

The Council may in the course of the investigation obtain a statement of views from the expert group for misconduct in research at the Central Ethical Review Board.

If the party reported or the party making the report so requests, statements of views shall be obtained from the expert group for dishonesty in research at the Central Ethical Review Board. However, such statement of views does not need to be obtained if it is considered manifestly unnecessary.

11.3 Meetings of the Council

The meetings of the Council are convened by the chair.

Minutes shall be kept of meetings. The minutes shall state the date and time of the meeting, those attending and the capacity in which they are attending and also the decisions made. The minutes are to be checked by the chair and one further member of the Council.

In the event that the Council considers it necessary, the party reported, the party making the report and the representative of the reported activity may be given notice to attend the meeting at which the matter in question is being dealt with. Other persons whom the Council also considers should attend (e.g. Head of Department) may also be called.

The party reported, the party making the report and the representative of the reported activity may be invited to attend meetings at which the matter in question is to be dealt with. If this should be the case, a corresponding offer is to be made to other parties affected in the matter in question.

At the meeting those attending should be afforded an opportunity at the meeting to verbally present their views on the matter and answer any questions by the Council.

Otherwise the Council decides on the preconditions for those affected and their attendance at the meeting.

11.4 Conflicts of interests

Any person with a conflict of interest is disqualified from participating in the investigation of a matter.

11.5 Quorum

The Council constitutes a quorum when at least half of its members, including the Chair or Vice-Chair, are in attendance. The Chair shall have a casting vote in the event that voting is tied.

12. The Council's statement of opinion for the Vice-Chancellor

The investigation of a matter by the Council shall culminate in a written and justified statement of opinion for the Vice-Chancellor.

A member who adopts a position that differs from the position of the majority shall provide written reasons for the position adopted.

The Council shall summarise its statement of opinion as one of the following conclusions:

1. There is no cause to assume that scientific misconduct has occurred.
2. There is cause to assume that scientific misconduct has occurred.
3. It is not possible to adopt a position on the question of whether scientific misconduct has occurred.

13. Presentation and referral to Vice-Chancellor

The Chair of the Council shall together with the lawyer present the statement of opinion of the Council to the Vice-Chancellor. The processing by the Council of the matter is concluded upon the completion of the presentation.

14. Vice-Chancellor's decision and the further processing of the matter

The Vice-Chancellor shall, set against the background of the statement of opinion of the Council, decide either to take no further action in the matter or that scientific dishonesty has occurred. When appropriate, the Vice-Chancellor shall decide on the further processing of the matter and in that connection adopt a position on further action.

This Procedure enters into force on 9 November 2015. In conjunction with this, the previous Procedure for the Council (adopted by the Vice-Chancellor on 31 March 2008) shall cease to apply.

Appendix: *Special rules in the event of suspected scientific dishonesty in research supported by the Public Health Services, USA*

Special rules in the event of suspected scientific misconduct in research supported by the Public Health Services, USA

The Office of Research Integrity (ORI) is a component within the USA's Department of Health and Human Services (DHHS) and is responsible for issues concerning scientific misconduct and research integrity regarding research that are supported by the Public Health Services (PHS).

The University undertakes, in respect of research financed through funds from PHS through the Financing Agreement, to comply with the rules of Policies on Research Misconduct, 42 Code of Federal Registration (CFR), Parts 50 and 93. These provisions state among other things that:

Office of Research Integrity (ORI) shall be informed immediately if:

- There is an immediate risk and need to protect human and animal health.
- There is an immediate need to protect USA's government grant or equipment.
- In the event of reasonable suspicion of criminal acts or breaches of other legislation.
- There is an immediate need to protect the accused or the person who presented the accusation.
- There is an immediate need to secure evidence.
- The research community or the public ought to be informed about the issue.

The initial investigation shall, unless there are special reasons not to do so, be completed within 60 days from the matter having been raised. ORI shall in 30 days from the decision to commence a complete investigation be informed about this and at the same time be provided with documentation from the preliminary investigation.

The complete investigation of the suspected scientific misconduct shall commence within 30 days from when the decision to commence the investigation was made. The investigation ought to be completed within 120 days of it being started. If an extension of the time for investigation is required an application to do so should be submitted to ORI.

Following a decision by the Vice-Chancellor on the issue of whether or not scientific misconduct has occurred, the decision and a final report together with information about which sanctions have been applied as a result of the decision shall be submitted to ORI.

Furthermore, ORI shall be informed as soon as possible about decisions concerning discontinuation of the initial investigation or the complete investigation and the reasons therefore. All documentation in the matter shall be preserved and upon request provided to staff at the USA's Department of Health and Human Services (HHS) and ORI. Such provision should be possible during a period of at least 7 years from when the matter has been concluded.