



Decision by the vice-chancellor

Case management procedure for suspected deviations from good research practice

This decision replaces “Rules and routines for processing reports on deviations from good research practice” (reg. no. 4701-1.1.2-2019).

Background

The Higher Education Ordinance states that higher education institutions must examine suspected deviations from good research practice other than those that will be examined by the National Board for Assessment of Research Misconduct (Npof) under the Act on responsibility for good research practice and the examination of research misconduct (SFS 2019:504), and that higher education institutions must establish guidelines for their examination of suspected deviations from good research practice (SFS 2019:1151).

Accordingly, Södertörn University has developed a procedure for case management. At Södertörn University, cases relating to suspected research misconduct and other deviations from good research practice are managed by the Council for Research Ethics using this management procedure. The management procedure is largely based on the Association of Swedish Higher Education Institutions' proposed template for a case management procedure, 2020.

An appendix with clarifications and links is provided for support.

A decision on the composition of the Council for Research Ethics and its duties is presented in a separate decision document from the vice-chancellor.

Case management for deviations from good research practice

All staff at Södertörn University are responsible for ensuring that good research practice is applied. The following management procedure must be applied to cases of suspected deviations from good research practice. Financiers and other country's authorities may also demand case management and, as far as possible, these must be respected.

1. Deviations from good research practice in university activities must be flagged and managed appropriately, with consideration for the type of deviation and its seriousness.
2. Suspected deviations from good research practice must be reported to the vice-chancellor without unnecessary delay. People who are under suspicion must be informed of the accusations within a reasonable time.
3. In cases of suspected deviations from good research ethics, the university must assess whether the suspicions concern research misconduct or other deviations from good research practice. The vice-chancellor may transfer the case to the Council for Research Ethics for initial assessment of whether the suspicions are research misconduct or comprise other deviations from good research practice in university activities, which will be investigated by the university under item 4.

If the suspicions are assessed as being research misconduct the case must be transferred to Npof.

If the suspicion is assessed as relating to such actions or omissions that may be subject to public prosecution or the supervision of another public agency, the case must be transferred to the agency that will investigate it.

If the suspicions are assessed as relating to other deviations from good research practice, the university must process the case in accordance with items 4-5.

Where suspicions relate to both research misconduct and other deviations from good research practice, and if appropriate after Npof has transferred the case following a decision, the university must process the part of the case that comprises other deviations from good research practice.

4. The university must investigate other suspected deviations from deviations from good research practice in accordance with items 6-9 (Investigation, below).

The university does not need to investigate suspicions of deviations from good research practice

- (a) which involve circumstances that are older than 10 years when they are reported, or
- (b) which involve deviations from good research practice that are considered slight in consideration of all relevant circumstances.

5. Suspected deviations from good research practice that are not investigated under the second paragraph of item 4 must be processed in the manner assessed as being appropriate with regard to the character of the suspected deviation.

Investigation

6. If there are suspicions of other deviations from good research practice, the case must be transferred to the Council for Research Ethics for investigation.

7. People who are suspected of other serious deviations from good research practice must be informed of the university's investigation within a reasonable time and offered the opportunity to respond to the allegations and, if so desired, be provided with support by the trade unions or students' union. The Council for Research Ethics is responsible for this happening. Information must be provided in writing.

8. The Council for Research Ethics may, where necessary, take statements from external experts.

9. The Council for Research Ethics must document, within a reasonable time, the suspicions, the investigation and their standpoint on the allegations. Under Section 25 of the Administrative Procedure Act, there must be communication with all the involved parties before the vice-chancellor takes a decision on the case.

Decision

10. Based on a completed investigation, the vice-chancellor must decide on the case following a presentation by the chair of the Council for Research Ethics.

This decision must establish whether other deviations from good research practice have occurred and whether anyone will be held responsible for them.

If it has not been demonstrated that a deviation has occurred or if the deviations that have been found are slight, the vice-chancellor may close the case or decide that the university will process the case in another way.

Follow-up

11. The vice-chancellor decides on measures based on the decision about the case, regardless of whether it was made by Npof or by the university. Measures must be proportional to the seriousness of the deviation (paragraph three of Section 5 of the Administrative Procedure Act).

12. If a researcher is cleared of suspicions of misconduct or other deviation from good research practice, appropriate measures must be taken to remedy the damage that the suspicions and the case management may have entailed. Which parties must be informed is decided from case to case (see also communication about sensitive cases in "Riktlinje för planering av informations- och kommunikationsinsatser" reg. no. 1079-1.1.2-2020).

13. The council is responsible for research financiers, public agencies, journals and other relevant parties receiving information from the university about cases in which misconduct or other serious deviations from good research practice have been established. Ultimately, the vice-chancellor is responsible for this happening.

14. The council is also responsible for reporting measures that have been taken or will be taken due to deviations from good research practice to Npof, under Section 13 of the Act on responsibility for good research practice and the examination of research misconduct and Chapter 1, Section 18 of the Higher Education Ordinance. Ultimately, the vice-chancellor is responsible for this happening.



Appendix to the Case management procedure for suspected deviations from good research practice (reg. no. 2327-1.1.2-2020)

Definitions and clarifications of different types of deviation from good research practice

Good research practice is the moral praxis that develops when parties to research, in dialogue with the surrounding community, critically reflect on research activities (SOU 1999:4). The principles upon which such praxis rests are described in a range of documents, including the *European Code of Conduct for Research Integrity*, published by All European Academies, ALLEA. This code of conduct builds on four fundamental principles for ensuring the integrity of research:

- Reliability in ensuring the quality of research, reflected in the design, the methodology, the analysis and the use of resources
- Honesty in developing, undertaking, reviewing, reporting and communicating research in a transparent, fair, full and unbiased way
- Respect for colleagues, research participants, society, ecosystems, cultural heritage and the environment
- Accountability of the research from idea to publication, for its management and organisation, for training, supervision and mentoring, and for its wider impacts.

1. Scientific misconduct

Scientific misconduct is that which is included in the legal definition: a serious deviation from good research practice in the form of fabrication, falsification or plagiarism that is committed intentionally or through gross negligence when planning, conducting or reporting research. The three types of deviation: fabrication, falsification or plagiarism (FFP), are not defined in the law. In its praxis, the National Board for Assessment of Research Misconduct (Npof) can be expected to develop interpretations of these terms but, until this happens, interpretations are available in the All European Academics (ALLEA) code of conduct:

Fabrication is making up results and recording them as if they were real.

Falsification is manipulating research materials, equipment or processes or changing, omitting or suppressing data or results without justification.

Plagiarism is using other people's work and ideas without giving proper credit to the original source, thus violating the rights of the original author(s) to their intellectual outputs.

For actions of this type to be considered misconduct, according to the legal definition they must be of a serious nature and committed intentionally or through gross negligence. If there is suspicion in relation to an action that falls within the legal definition of research misconduct, it must be transferred to Npof.

2. Other deviations from good research practice

Deviations from good research practice may fall outside the National Board's area of responsibility for the following reasons: (i) they are not within FFP, (ii) they are not considered serious cases of FFP, (iii) they have not been committed intentionally or through gross negligence. Under the new system in Sweden, such deviations must be dealt with by the entity responsible for research, which will be done according to the *Case management procedure for suspected deviations from good research practice* .

As regards suspicions of such deviations, the entity responsible for research should take measures that are proportional to the degree of seriousness of the suspected deviation. The degree of seriousness can be assessed using different parameters. This assessment can, in accordance with the principles stated in the ALLEA code of conduct, be based on whether the deviation has damaged the research process or its credibility, wasted resources or exposed anyone to the risk of harm. If a deviation has been committed deliberately or through gross negligence, it must be regarded as more serious than would have been the case if it had resulted from carelessness or an accident (the requirement for intention and severity in the legal definition are thus impossible to separate totally).

If it is difficult to assess the level of suspicion and the seriousness of the suspected action before an initial review has been conducted, then the investigation of other deviations from good research practice can be done in two stages. An initial review can therefore be performed first. If the suspicion is shown to have a good foundation and to be related to an action that, on the above premises, could be a deviation from good research practice (but which otherwise does not fall within the legal definition of misconduct) it must be investigated by the university in a second stage in accordance with a validated case management

procedure. If, in an initial review, it is apparent that the suspicion relates to an action that can be regarded as slight or which pertains to circumstances that are older than 10 years, it must only be further investigated if there is additional reason for this. If the suspicion is not investigated, it must be dealt with in another way or left with no action taken. The purpose of this case management procedure is that deviations are investigated in the proper manner, while avoiding a situation in which all suspicions of slight deviations or old events become the subject of disproportional intervention, timewasting and expensive investigation.

3. Other breaches of the rules

Some of the actions or omissions that may count as deviations from good research practice may be regulated in other legislation, as they wholly or partially relate to actions that may be subject to public prosecution or supervision by another authority. This includes the suspicion of neglecting to obtain the proper ethical approval for research on animals or humans, that a biobank has not been registered, that personal data has been processed in contravention of current legislation, that research materials have not been archived to the extent required by current regulations, or that a permit has not been obtained for the export of sensitive technologies to specific countries. In such cases, this part of the case must be transferred to the relevant supervisory authority for investigation. If, after investigation by a supervisory authority, suspicions remain that deviation from good research practice has occurred, this may lead to further processing and investigation by the university or Npof.

The university's duty in cases of suspected deviation from good practice

The university must assess whether a specific action is suspected research misconduct. This assessment does not have the character of an investigation, rather that the university must interpret the concept of suspected research misconduct generously so that all cases that could be misconduct will be investigated by Npof. In cases where the suspicion is of research misconduct, the vice-chancellor must decide that the case is transferred to Npof without delay. The vice-chancellor may task the chair of the Council for Research Ethics with making an initial assessment of whether the suspicion must be transferred to Npof or managed by the university.

In cases where the suspicion is of other deviations from good research practice than those that must be examined by Npof, the vice-chancellor may decide to submit the case to the Council for Research Ethics for investigation. Other types of deviations from good research practice may be as serious or reprehensible as fabrication, falsification and plagiarism.

If Npof finds that the suspicions do not pertain to misconduct under the legal definition, but may be of other deviations from good research practice, documentation must be transferred to the entity responsible for research so a case is initiated there for further processing. The vice-chancellor may then decide to submit the case to the Council for Research Ethics for investigation.

In its initial assessment, the entity responsible for research can therefore establish that a suspicion relates to other types of deviations from good practice than those that fall under the legal definition of misconduct. In both cases, the entity responsible for research must examine the suspicions in an appropriate manner and, when necessary, investigate the suspicions. Investigation is necessary when the suspicions relate to deviations from good research practice that are not slight. Whether a deviation is slight may be assessed in each case, using the basis stated in section 2 above. Deviations that are not assessed as being of a degree of seriousness that motivates investigation may still need to be managed in some other way, such as through management, scholarly debate or by publishing corrections.

Reporting and follow ups

The university must report to Npof, within six months of a decision by Npof coming into force, the measures taken, or measures that are intended to be enacted, by the entity responsible for research due to a decision that research misconduct has occurred or that there has been a serious deviation from good research practice in the form of fabrication, falsification or plagiarism, without intention or gross negligence being established. Actions to fulfil this obligation are the duty of the Council for Research Ethics.

In addition, by 30 March every year, the university is obliged to present Npof with anonymised information about deviations from good research practice that have been assessed at the university (Chapter 1, Section 18 Higher Education Ordinance).

Research financiers, public agencies, scholarly journals and other relevant parties must, as soon as possible after the decision, be informed that a serious deviation from good research practice has occurred (Section 14, Act on responsibility for good research practice and the examination of research misconduct). This should also be done when the university has established that a serious deviation has occurred.

These obligations relating to follow ups are also the duty of the Council for Research Ethics.

Referenced documents

European Code of Conduct for Research Integrity (All European Academies)

Ethical Guidelines for Peer Reviewers (COPE Council)

Förordning om ändring i högskoleförordningen (1993:100) – SFS 2019:1151

Global Code of Conduct for Research in Resource-Poor Settings

God sed i forskningen – SOU 1999:4

Higher Education Ordinance – SFS 1993:100

Higher Education Act – SFS 1992:1434

Act on responsibility for good research practice and the examination of research misconduct
– SFS 2019:504

Ny ordning för att främja god sed och hantera oredlighet i forskning – Prop. 2018/19:58

Ny ordning för att främja god sed och hantera oredlighet i forskning – SOU 2017:10

PRINTEGER - Promoting Integrity as an Integral Dimension of Excellence in Research