

Guidelines for processing cases of possible violations of recognised research ethics standards at the University of South-Eastern Norway¹ and Inland Norway University of Applied Sciences

Supporting documents	Act on organisation of research ethics work (Research Ethics Act) The European Code of Conduct for Research Integrity
Definitions / limitation	<p>Research Ethics > Research ethics standards – established by the National Research Ethics Committees</p> <p>Recognised research ethics standards should be understood as generally accepted standards for good research practices, which are generally accepted in the research community. National and international research ethics guidelines are to be regarded as concretising of recognised research ethics standards</p> <p>Violations of recognised research ethics standards include everything from possible carelessness, inaccuracy and the like, via more severe violations, to the most serious: scientific misconduct. The term "misconduct cases" is used as a common term for all types of violations of research ethics standards, from the least to the most serious. Only the most serious violations fall under the designation of "scientific misconduct."</p> <p>In section 8 second subsection, the Act defines "scientific misconduct" as forgery, fabrication, plagiarism, and other serious violations of recognised research ethics standards that are committed intentionally or grossly negligently in the planning, implementation or reporting of research. The Act's legislative history limits the term to the less serious violations so that, for example, insignificant cases of plagiarism are not covered by the term "scientific misconduct", even though plagiarism is mentioned explicitly in the statutory provision.</p>

1. Distribution of responsibilities

The University of South-Eastern Norway (USN) and Inland Norway University of Applied Sciences (HINN) cooperate on the Integrity Committee.

Recognised research ethics standards should be understood as generally accepted standards for good research practices, which are generally accepted in the research community. National and international research ethics guidelines are to be regarded as concretising of recognised research ethics standards

¹ The guidelines are in line with a Board decision at USN, S-Item 34/17 and board decision at INN 17/04546

Violations of recognised research ethics standards include everything from possible carelessness, inaccuracy and the like, via more severe violations, to the most serious: scientific misconduct. The term "misconduct cases" is used as a common term for all types of violations of research ethics standards, from the least to the most serious. Only the most serious violations fall under the designation of "scientific misconduct."

2. Principles relating to processing of cases

It is always in the interests of society and the university that possible violations of research ethics standards are processed in a consistent and transparent manner. It follows from section 6 of the Research Ethics Act that the Public Administration Act chapter IV (on case preparation of individual decisions) and chapter V (on decisions) apply to these cases. Moreover, the following principles are incorporated into the processing of cases (acc. to [The European Code of Conduct for Research Integrity](#)):

1. The processing shall be fair, thorough and as effective as possible without compromising accuracy.
2. The Integrity Committee and administrative case officer shall consider their own impartiality prior to the processing of individual cases.
3. The processing of the case should lead to a conclusion.
4. Confidentiality shall be ensured at all stages of the processing to protect those involved, unless otherwise provided by law².
5. Persons accused of violating research ethics standards are granted full access to and right to be consulted about, all aspects of the case.

3. Protection of whistle blowers and the accused

1. USN/HINN shall accept that errors and interpretation errors may be committed in good faith and are not considered violations of research ethics standards, and similarly that suspicion may be notified on a wrong basis but in good faith.
2. USN/HINN shall ensure that the whistle blower is not subjected to retaliation³.
3. USN/HINN shall ensure that any person accused, but not found guilty of scientific misconduct, does not have his name and reputation put at risk. In consultation with the person in question, information should be prepared for dissemination in relevant academic fora and the workplace.

² The Freedom of Information Act or chapter IV of the Public Administration Act

³ Also stated in the Working Environment Act section 2A-2

4. Reporting of a case

Is this a case?

The process may begin completely informally with suspicion of a violation of recognised research ethics standards at USN/HINN. Before initiating the formal process related to the processing of integrity cases, it may be appropriate to discuss the specific case with someone. It may be a colleague, a manager or another member of staff that one trusts. One may also seek advice in such cases from external experts.¹

In some cases it may be sufficient to involve the Head of Department so that they can ensure the necessary conscious-raising and/or change of unfortunate practice. In the event that an attempt to find a solution fails, or if more serious violations of the research ethics standards are suspected, the matter should be reported.

Who can report?

Anyone can report a possible case against academic staff at USN/HINN - both internal and external persons and/or groups.

Who should one report to and how?

Reports of possible violations of recognised research ethics standards are notified to the Vice-Rector for Research at HINN/USN. Cases may also be reported directly to the Chair of the Integrity Committee. Cases that are reported elsewhere should not be rejected for that reason. Anyone receiving such notification should ensure that it is forwarded to the Vice-Rector or Chair of the Integrity Committee.

The notification should primarily be in writing using the notification form listed on the [webpage](#) (in Norwegian or English). The notification may also be submitted in writing without special form requirements. The person who receives a verbal warning should ensure that it is put in writing and signed by the person reporting.

5. Preparation of the case and decision on further administrative procedure

Where a case is reported to either the Vice-Rector of R&D or Chair of the Integrity Committee.

Preparation

The person who has been notified of a possible case should initiate further investigation of the case, without undue delay. If the notification is received by the Chair of the Integrity Committee, he may receive assistance with the necessary investigations from the Secretary of the Integrity Committee at USN/HINN.

Chapter IV of the Public Administration Act (on case preparation for an individual decision) applies to these investigations. This means that the parties to the case must be notified and be given the

¹ NEM- [The National Research Committee on Medicine and Health Sciences](#) / [NENT-The National Research Ethics Committee on Natural Science and Technology](#) / [NESH-The National Research Ethics Committee for Social Sciences and Humanities](#) and/or [the Secretariat of The National Research Ethics Committees' Investigation Board](#)

opportunity to make a statement (Public Administration Act section 16). The university (or the Integrity Committee) has a reporting and information obligation (Public Administration Act section 17), and the parties have the right to familiarise themselves with the documents of the case (Public Administration Act section 18). At this stage, the main focus is on obtaining the facts.

Decision on further administrative procedure

When the case is sufficiently enlightened, the Vice-Rector/Chair of the Integrity Committee shall make a decision on the further administrative procedure. In the decision, one of the following options is selected:

- The case is dismissed because it is considered to be a purely personnel matter and is referred to the HR section
- The case is dismissed as "obviously groundless". If the case is dismissed, the rules of chapter V of the Public Administration Act (on decisions) apply for this decision. This implies that it should be in writing, be justified and sent to the parties.
- The case is attempted to be resolved at a lower level by involving the affected parties, managers and possibly employee representatives.
- The case is handled by the institution with the Vice-Rector being responsible for the processing
- The case is submitted to the Integrity Committee for processing

Criteria for when the case should be submitted to the Integrity Committee

- If serious violations of research ethics standards (scientific misconduct) are suspected, unless the parties prefer the case to be handled at a lower level².
- On suspicion of less serious violations of research ethics standards, but attempts to resolve the case at a lower level have failed
- If either party wants a statement from the Integrity Committee
- If the Vice-Rector, regardless of the seriousness of the case, believes that an independent statement is required

Appeal of dismissal decision

If the case is dismissed by the Vice-Rector, the parties may appeal the decision to the Integrity Committee. If the case is presented directly to the Chair of the Integrity Committee and the Chair refuses to further process the case, the parties may suggest that the Investigation Committee look into it. The Investigation Committee has no obligation to process such a request.

6. Processing in the Integrity Committee

Where the case is submitted for processing by the Integrity Committee

The Chair of the Integrity Committee and its members should check their own impartiality before the processing of the case begins. The decision on the impartiality question is determined by the Integrity Committee, without the participation of the member in question.

The Integrity Committee reaches its decision based on a majority decision. The Integrity Committee

² In the latter case, the Chair of the Integrity Committee shall nonetheless be informed of the case and the final result. I.e. receive a copy of the research institution's statement under section 8 of the Research Ethics Act

has a quorum when the Chair and at least two members/deputy board members of the Committee are present, provided that the decision is unanimous. In the event of disagreement/dissent, at least three votes are required to obtain a majority decision.

Chapter IV of the Public Administration Act (relating to case preparation for an individual decision) and chapter V (on an individual decision) apply for the processing of integrity cases, irrespective of whether the case is dealt with by the research institution itself or by the Integrity Committee. This means that the parties to the case must be notified and given the opportunity to make statements (Public Administration Act section 16), that the Integrity Committee has a reporting and disclosure requirement (Public Administration Act section 17), and that the parties have the right to familiarise themselves with the documents of the case (Public Administration Act sections 18 flg).

Even if the case is prepared by the research institution and the facts are obtained, the Integrity Committee has an independent responsibility for ensuring that the case is sufficiently enlightened before the Committee makes any statement. Case preparation in the Integrity Committee is done primarily in writing, but the Chair of the Integrity Committee may decide that the parties should be called in for oral negotiations or that the parties should be given the opportunity to present/elaborate their case orally. If the oral presentation takes place without both parties being present, arrangements should be made for written minutes to be taken so that consideration is given to contradiction.

The processing in the Integrity Committee is finalised by the Committee presenting a written statement. The Integrity Committee itself decides whether their statement is given in a meeting or by written circulation.

7. Statement in misconduct cases

In all misconduct cases, irrespective of whether they are processed by the research institution itself, or by the Integrity Committee (or the Investigation Committee), a statement shall be issued in accordance with section 8 of the Research Ethics Act in which a position is taken as to:

- a) whether the researcher has acted scientifically dishonestly or not,
- b) whether there are systemic errors at the institution and
- c) whether the scientific work should be corrected or withdrawn.

Assessments should be made according to letters b) and c), also in cases where there are violations of recognised research ethics standards that do not lie within the definition of scientific misconduct⁶. If the statement is given by the Integrity Committee or the Investigation Committee, the assessment relating to letter c) will be a *recommendation*. The institution itself is responsible for assessing whether and how a recommendation for withdrawal or correction of the research work should be followed up⁷.

The Integrity Committee's statement relating to letters a) and b) is binding on the research institution and shall form the basis of their further processing of the case. In its statement, the Integrity Committee may give a recommendation on further follow-up of the case. Such a recommendation is not binding on the research institution.

8. Appeal access

Statements that conclude that a researcher has acted scientifically dishonestly may be appealed by

the researcher to the Investigation Committee. Anyone who does not get support for their accusation that scientific misconduct has occurred, has no right of appeal. Nor is there right of appeal against any statement that there are violations of recognised research ethics standards not covered by the term "scientific misconduct" or the further follow-up of these cases. The Investigation Committee may, however, deal with cases of violations of recognised research ethics standards on its own initiative and parties who do not have right of appeal, therefore, have the opportunity to inform the Investigation Committee in the hope that they will address the case.

Chapter VI of the Public Administration Act on appeals and reversals applies with the limitations imposed by the Research Ethics Act. This implies that the rules of the Public Administration Act on the time limit for appeals (3 weeks from notification of the decision), on requirements to case preparation and other case procedural rules, apply. The limitations imposed by the Research Ethics Act are primarily who has the right of appeal (only those who receive a statement directed at themselves), which cases can be appealed (statements that something is scientifically dishonest) and that the appeals body (Investigation Committee) have access to reverse a statement⁸.

⁶ See Prop.158 L (2015-2016) Act on the organisation of research ethics work (Research Ethics Act), chapter 14.4

⁷ See the legislative preparatory works (same reference as the previous footnote)

⁸ The access to reversal of a statement without appeal is not limited by section 35 of the Public Administration Act.

9. Conclusion

Internal follow-up of processing in the Integrity Committee

The Integrity Committee shall send the Committee's statement to the parties, Vice-Rector of Research and Director of Human Resources. In the submission to the parties, information must be provided on appeal access and time limit for appeals. It is the responsibility of the Director of Human Resources and the Vice-Rector to follow up on the statement internally in consultation with the Head of Department and the Dean, either by use of the Civil Service Act, or if it is to be followed up in other ways, such as by the confiscation of research time, retraction of articles and the like.

Relationship to freedom of information

All public organisations are covered by the Freedom of Information Act. The Freedom of Information Act, with some exceptions, gives the general public the right to access case papers of bodies covered by the Act. Documents at public research institutions are subject to the access rules of the Freedom of Information Act. This also generally applies to documents about possible violations of recognised research ethics standards. According to section 13 first subsection of the Freedom of Information Act, all information covered by confidentiality requirements are exempt from public disclosure. A claim of possible violations of research ethics standards will generally not be a "personal circumstance" that is subject to confidentiality requirements under the Public Administration Act⁹.

⁹ See Prop.158 L (2015-2016) Act on the organisation of research ethics work (Research Ethics Act), chapter

16.1

All misconduct cases, both those processed internally by the research institution and those processed by the Integrity Committee may be exempt from public disclosure while the processing is in progress, cf. Section 11 of the Research Ethics Act, which determines that section 24 second subsection of the Freedom of Information Act applies accordingly. Internal documents may also be exempt from public disclosure in accordance with the Freedom of Information Act, section 14. When a statement has been made, this shall be public, unless it includes confidential information. The same applies to documents included in the basis for case processing.

Names and personally identifiable information may be anonymized, for example with publication, but it does not change the general public's right of access in accordance with the Freedom of Information Act.

Protection of the parties when the accusation does not lead to a conclusion

If there has been no evidence of a violation of recognised research ethics standards and the case is decided without further action, the Rector/Vice-Rector of Research, in consultation with the former accused, shall provide support and resources necessary for them to resume their research. If colleagues and others become aware of the suspicion, the Rector/Vice-Rector for Research shall disseminate information to these that the suspicion has been assessed, but did not lead to any statement regarding violation.

The person or persons who have in good faith notified of possible violations of the scientific ethics standards, and where the suspicion was not verified through USN/HINN's or the Integrity Committee's processing of the case, the Rector/Vice-Rector for Research shall ensure that he/they are not exposed to retaliation.

10. Relationship to the Investigation Committee

External follow-up of the case

USN and HINN shall report all cases of "possible serious violations" of recognised research ethics standards to the National Investigation Committee. This means that the most serious cases should be reported, both where it is concluded that scientific misconduct has taken place and where it is concluded that it has not taken place. The less serious cases need not be reported. The Investigation Committee may also process cases of possible violations of recognised research ethics standards on its own initiative. This means that they can process cases that have not been appealed (for example, because there is no right of appeal) and their right to reversal is not subject to the restrictions otherwise imposed by section 35 of the Public Administration Act.

The Investigation Committee has no mandate to impose sanctions for violation of ethical standards¹⁰.

¹⁰ According to section 4-13 first subsection of the University and University College Act, an institution may adopt the compulsory termination of a doctoral degree if there has been scientific misconduct in the doctoral work according to the Research Ethics Act. A statement of scientific misconduct will be the basis for the decision on compulsory termination and will be included as part of the decision-making basis. A statement that concludes that scientific misconduct has taken place (either from the research institution itself or the Integrity Committee) may be appealed to the Investigation Committee. If the institution decides on the compulsory termination of a PhD course of education, this decision may be appealed to the Ministry. The investigation Committee's assessment of the scientific misconduct will form the basis of the Ministry's assessment and final decision in the case

Appendix 1

Mandate for the Integrity Committee

University of South-Eastern Norway and Inland Norway University of Applied Sciences

The Act on organisation of research ethics work (of 01.05.2017) obliges the research institutions to *create an Integrity Committee. From the autumn of 2017, the University of South-Eastern Norway (USN) and Inland Norway University of Applied Sciences (HINN) have decided to establish a common Integrity Committee to strengthen the impartiality of the Committee, contribute to a greater degree of continuity in the Committee's work, and thus comply with section 3 of the Act (Impartiality): Committees and boards appointed under the provisions of this Act shall be academically independent.*

Area of responsibility

The Integrity Committee shall process and make statements about reported cases of possible violations of recognised research ethics standards in which employees of USN/HINN are involved.

In the case of reported cases, the Committee shall always take a position in accordance with section 8 (Statements in misconduct cases) to the following:

- a) Whether the researcher has acted scientifically dishonestly or not
- b) Whether there are systemic errors at the institution and
- c) Whether the scientific work should be corrected or withdrawn.

In its statement, the Integrity Committee may give a recommendation on further follow-up. Such a recommendation is not binding on USN/HINN. Nor is the Committee's recommendation according to letter c).

Everyone, including persons and organisations outside of USN/HINN, is entitled to notify the Committee of such cases. If the Committee's statements conclude that researchers have violated recognised research ethics standards, sanctions may be enforced. Statements that conclude that a researcher has acted scientifically dishonestly may be appealed by the researcher to the Investigation Committee (Section 6).

The Integrity Committee has an independent responsibility to ensure that the cases are sufficiently illuminated. The Chair of the Committee decides what information and documentation should be collected. In respect of cases associated with USN, the university's research administration will assist the Committee in this work. The corresponding applies to the research administration at HINN.

The Integrity Committee shall send an annual report on its activities to the Boards of USN/HINN. The report should deal with the number of processed cases and the content of any statements. The report follows the calendar year.

Composition and working period of the Committee

To ensure the best possible unbiased administrative procedure, the Integrity Committee should have a composition that allows it to act independently of the ordinary line organisation at USN/HINN. The Committee shall consist of a total of five members with necessary expertise in research, research ethics and the law. The Committee's Chair shall be externally recruited and possess legal competence. USN and HINN each have two members who reflect the academic breadth of the two institutions. A PhD candidate must be one of the members.

USN has the candidate in its quota for the first three-year period, HINN for the following period. The Committee shall have two deputy members, one each from USN and HINN. The members, including the two deputy board members, are appointed for four years at a time by the Rectors of USN and HINN. Exemption may be made for the PhD candidates' representative.

Meetings

The Integrity Committee itself determines the meeting frequency in relation to ongoing reported cases and for other reasons the Committee itself determines.