

# Procedure for handling suspicion of deviation from good research practice

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<b>Responsible administrative unit</b>	Office for Research, Engagement and Innovation Services
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**Description:**

The purpose of this procedure is to ensure that suspicions of deviation from good research practice are handled in accordance with applicable regulations and guidelines, and to contribute to transparency in the handling of these issues. The main recipients are those who handle these issues at Stockholm University, and others affected by this handling.

This is a translation of a governing document. In case of a discrepancy between the Swedish and the English versions, the Swedish version will prevail.

## 1. Introduction and legal context

The purpose of this procedure is to ensure that suspicions of deviation from good research practice are handled in accordance with applicable regulations and guidelines, and to contribute to transparency in the handling of these issues. The main recipients are those who handle these issues at Stockholm University, and others affected by this handling.

Chapter 1 of the Higher Education Act (Högskolelagen (1992:1434)) prescribes that scientific credibility and good research practice shall be upheld in higher education institutions (3 a §) and that operations shall be adapted to achieve high quality in education and research (4 §).

The Act on responsibility for good research practice and the examination of research misconduct (lagen (2019:504) om ansvar för god forskningssed och prövning av oredlighet i forskning, hereafter referred to as the LAO) prescribes that the researcher is responsible for upholding good research practice in his or her research (4 §), while the research principal has the overall responsibility for ensuring that research is conducted in accordance with good research practice (5 §). Furthermore, the LAO prescribes that if it can be suspected that research misconduct has taken place in the course of the operations of a research principal, the research principal must hand over documents concerning the case to the National Board for Assessment of Research Misconduct (Nämnden för prövning av oredlighet i forskning) for investigation (6-7 §§). In the LAO, research misconduct is defined as 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 (2 §). In this document, this definition is applied throughout. Since universities with the State as principal fall within the area of application of the act (3 §), the LAO is applied to research conducted at Stockholm University, provided that the research is not covered by exemptions prescribed or decided by the Government in accordance with the last paragraph of 3 § LAO.

Chapter 1, 17 §, of the Higher Education Ordinance (Högskoleförordningen (1993:100)) prescribes that a higher education institution shall investigate suspected deviations from good research practice other than those that shall be investigated specifically in accordance with the LAO, and that a higher education institution shall establish guidelines for its investigations of suspected deviations from good research practice.

Chapter 1, 16 §, of the Higher Education Ordinance prescribes that a higher education institution shall ensure that employees can get advice and support on issues concerning good research practice and deviations from such practice. In the Government bill 2018/19:58, it was pointed out that the system for handling research misconduct must be clear, legally secure and provide protection for all involved (p. 13). The need for support structures within the research principals' organisations was also stressed (p. 80).

## 2. Handling of suspected deviations from good research practice

### 2.1 About the handling

Deviations from good research practice in the course of the operations of Stockholm University shall be noted and handled adequately taking into account the nature of the deviation and its severity. Whether a deviation from good research practice is to be considered serious is to be determined on a case-by-case basis. However, the threshold for handover to the National Board for Assessment of Research Misconduct in accordance with 6 § LAO shall be low (cf. the government bill 2018/19:58). An assessment whether an act or omission is to be considered a deviation from good research practice and whether a deviation is to be considered serious, shall be based on regulation, legislative history and well-established guidelines within the field. Seminal documents in this context are the Swedish Research Council's publication Good Research Practice (2017) and The European Code of Conduct (2017) published by ALLEA. In addition, interpretations and practice developed at higher education institutions, jointly by the higher education institutions, as well as by the National Board for Assessment of Research Misconduct and by other legal instances are to be applied.

To ensure compliance with the regulation referred to above, concrete and well-founded suspicion of deviations from good research practice in the course of the university's operations shall, without undue delay, be reported and thereafter handled in accordance with the procedure described below. To facilitate prompt handling, reports should be made to the President and be in writing (although this is not an absolute requirement). If a report of suspected research misconduct is made to an official other than the President, the report is to be promptly forwarded to the President.

Suspicion of deviation from good research practice can also constitute suspicion of irregularities according to the Act on protection of persons reporting irregularities (the Whistleblowing Act) (lag (2021:890) om skydd för personer som rapporterar om missförhållanden, visselblåsarlagen), and if so reports may be made in accordance with that act. Such a report is to be initiated through the University's Whistleblower function (detailed information about this can be found on the University's website) but may be given in any chosen way; in writing, orally, or in a physical meeting. Such a report of deviation from good research practice shall primarily be handled in accordance with this procedure, but the handling shall if needed be adjusted to the special rules applying according to the Whistleblowing Act and the internal governing documents of the University (Rules and procedure for handling suspected irregularities), in particular rules on anonymity and feedback (see Governing Documents – Rules and regulations).

Reports of suspected research misconduct can also be made directly to the National Board for Assessment of Research Misconduct (7 § LAO).



Investigations of suspected deviations from good research practice other than those that are to be investigated specifically in accordance with the LAO are the responsibility of the Council for Good Research Practice (formerly named the Ethics Council), whose composition and general routines are regulated in the Rules of procedure for the Council for Good Research Practice (see Governing documents – Rules and regulations).

Decisions in cases of suspected deviations from good research practice other than those that shall be investigated specifically according to the LAO are made by the President. Decisions about labour law and disciplinary measures directed at staff and students at Stockholm University are made by the university's Staff Disciplinary Board or Disciplinary Committee, respectively, and in some cases by the Government Disciplinary Board for Higher Officials (34 § Public Employment Act (lagen (1994:260) om offentlig anställning)).

At Stockholm University, support on issues concerning good research practice is provided by the Office for Research, Engagement and Innovations Services, and, to some extent, the Council for Good Research Practice. The concerned faculty is responsible for ensuring that extra protection and support in connection with the handling of suspected deviations from good research practice are provided when needed.

In each stage of the handling, applicable rules of the Administrative Procedure Act (förvaltningslagen (2017:900)) are to be considered. Issues concerning disqualification on conflict-of-interest grounds shall be handled in accordance with 16-18 §§ of the Administrative Procedure Act. A person aware of circumstances which may be presumed to make him or her disqualified shall immediately report this to the President or the Council for Good Research Practice, depending on the stage of the handling.

If the case is subject to an exemption prescribed or decided by the government in accordance with the last paragraph of 3 § LAO, this exemption must be taken into consideration in applicable parts of the handling.

Concerned research funders shall be informed about investigations of suspected deviations from good research practice at the appropriate stage, in so far as they have set such conditions.

Suspicious of offences subject to public prosecution or within the area of supervision of another authority shall primarily be handled by the authority concerned. If, within the investigation by another authority, it appears that deviations from good research practice have taken place in the course of the operations of the University this may prompt further handling by the University.

The Office for Research, Engagement and Innovation Services is responsible for yearly reports of the University's investigations of deviations from good research practice to the



National Board for Assessment of Research Misconduct, in accordance with chapter 1, 18 §, of the Higher Education Ordinance.

## **2.2 Determination of further handling**

When a suspected deviation from good research practice is reported, an initial review is carried out in order to determine the further handling of the case. This starts with an evaluation of whether the suspicion concerns a deviation from good research practice in the course of the operations of the University. If the suspicion does not concern deviations from good research practice within the operations of the University, the case is dismissed, or is handed over to another research principal in case the suspicion concerns a deviation within the its operations. If the suspicion concerns deviations from good research practice in the operations of the University, a further evaluation is made of whether the suspicion may involve research misconduct. The initial review is normally done by the administrator in consultation with the President and a legal counsel from the Office of the President. If needed, the case may be handed over to the Council for Good Research Practice as described above.

If the suspicion is deemed to concern research misconduct in the course of the University's operations, the case is to be handled in accordance with 2.3 below. If the suspicion is judged to concern both research misconduct and other deviations from good research practice, the part of the case concerning other deviations from good research practice is to be handled in accordance with 2.4 below, if appropriate after the National Board for Assessment of Research Misconduct has handed over the case to the University.

If the suspicion does not concern research misconduct but other deviations from good research practice in the course of the University's operations, the case shall be handled in accordance with 2.4 below.

In the event that the National Board for Assessment of Research Misconduct hands over a case to the University in accordance with 11 § LAO this is to be handled in accordance with 2.4 below.

## **2.3 Handling of suspected research misconduct**

### **2.3.1 Handover to the National Board for Assessment of Research Misconduct**

If it is suspected that research misconduct has taken place in the course of the operations of the University, the documents of the case must be handed over to the National Board for Assessment of Research Misconduct (6-7 §§ LAO). Decisions about handover are made by the President. The person(s) to whom the suspicion is directed shall be informed about the handover and primarily be referred to the Board for information about the further handling of the case.



The University shall hand over information and documents about the research requested by the board and give the board access to computers and other equipment used in the research (12 § LAO). If needed, the Council for Good Research Practice may handle issues concerning the University's cooperation with the board.

However, in accordance with 3 § of the ordinance on exemptions from investigation of research misconduct within the area of defence and security policy (förordning (2019:1176) om undantag från prövning av oredlighet i forskning inom det försvars- och säkerhetspolitiska området), the case shall not be handed over to the board if the conditions for exemptions set out in 2 § of that same ordinance are judged to be met. The case shall in such situations instead be handled in accordance with 2.4 below, to the extent it is considered appropriate given the circumstances.

### **2.3.2 After decision by the National Board for Assessment of Research Misconduct**

If the National Board for Assessment of Research Misconduct determines that research misconduct has taken place, or if the board's decision implies that a serious deviation from good research practice in the form of fabrication, falsification or plagiarism has taken place without intent or gross negligence having been established, the University shall:

- when the decision has been made, without delay inform concerned research funders, authorities, scientific journals and other parties affected by the decision, and inform them that the decision may be appealed to a general Administrative Court (14 § LAO). The Council for Good Research Practice is tasked with these notifications.
- take other appropriate measures in view of the decision, after it has become legally binding. It is the responsibility of the President to determine whether there is reason to consider disciplinary sanctions or labour law measures.
- within six months after the decision has become legally binding, report to the board what measures the University has taken or intends to take owing to the decision (13 § LAO). The Office for Research, Engagement and Innovation Services is tasked with providing these reports.

If the board determines that the case does not concern research misconduct but may concern other deviations from good research practice and thereby hands over the case to the University, this shall be handled in accordance with 2.4 below.

If the board's decision implies that a deviation from good research practice is no longer suspected, the decision shall be made known to the extent it is needed in order to protect the scientific reputation of the researchers who were under investigation.

## **2.4 Handling of suspicions of other deviations from good research practice**

### **2.4.1 Referral to the Council for Good Research Practice**

Suspected deviations from good research practice other than those to be specifically investigated according to the LAO shall be investigated by the University (1 chapter 17 § Higher Education Ordinance). The investigation begins with a preliminary evaluation of the degree of seriousness of the suspected deviation, normally carried out by the administrator in consultation with the President and a legal counsel from the Office of the President. If needed, the Council for Good Research Practice may assist with the evaluation.

If, without further investigation, it can be ruled out that the suspicion concerns serious deviations from good research practice, the University shall handle the case in a way considered appropriate given the nature of the suspected deviation.

If, without further investigation, it cannot be ruled out that the suspicion concerns serious deviations from good research practice, the case shall be referred to the Council for Good Research Practice for further handling. The Council Chair is responsible for keeping the President informed about the case during the Council's handling. In cases where the reporting or the reported person is a doctoral student at Stockholm University, the University Student Union shall be given the opportunity to appoint a student representative with attendance and speaking rights at the Council meetings. If, during the handling by the Council, information comes to light which indicates that research misconduct may have taken place in the course of the operations of the University, the case shall be handed over to the President and handled in accordance with 2.3 above.

### **2.4.2 Preliminary investigation**

The Council's handling begins with a preliminary investigation to assess whether the suspicion is strong enough to warrant further investigation. The Council Chair decides who is to be informed and given the opportunity to comment at this stage. The reported person shall, within reasonable time, be informed about the case and about the disciplinary sanctions or labour law measures that may be taken if it is determined that deviations from good research practice have occurred. The preliminary investigation should be carried out expediently and not take longer than six weeks. If there is uncertainty, the case shall always be investigated further.

If, upon the preliminary investigation, the Council concludes that further investigation of the case is not warranted, the Council shall decide to propose to the President to take a decision indicating that. The case is thereby handed over to the President. Communication to parties, before the President takes a decision on the case, shall be done in accordance with 25 § of the Administrative Procedure Act. If needed, the President can decide to remand the case to the Council for further investigation.





If, during the preliminary investigation, the Council reaches the conclusion that further investigation of the case is warranted, the Council shall take a decision indicating that.

#### **2.4.3 Further investigation**

The continued investigation should also be carried out expediently. The Council should aim to complete the investigation within six months from the date when the report was received by the President. During the investigation, the Council may call upon other persons to be heard by the Council or engage external expertise to assist the Council in different types of assessments.

The Council concludes the investigation by submitting a recommendation on the case to the President. The case is thereby handed over to the President. Communication to parties, before the President takes a decision on the case, shall be done in accordance with 25 § of the Administrative Procedure Act. If needed, the President can decide to remand the case to the Council for further investigation. If information has come to light that research misconduct may have taken place in the course of the operations of the University, the case shall be handed over to the President and handled in accordance with 2.3 above.

The case is concluded by a decision taken by the President.

In the Council's as well as the President's decision, the grounds for the decision must be clear. If the decision states that a deviation from good research practice has taken place, the nature and degree of severity of the deviation shall be clearly specified. Depending on the circumstances it will be assessed whether there is reason to take special measures owing to the decision by the President, e.g. to inform relevant research funders, authorities, scientific journals and other parties affected by the decision. It is the responsibility of the President to determine whether there is reason to consider disciplinary sanctions or labour law measures.

### **3. Special rules concerning research funded by the USPHS**

Regarding research funded by the United States' Public Health Service (USPHS), the handling shall furthermore be in accordance with the rules stated in the U.S. Federal Regulations 42 CFR, parts 50 and 93, to the extent they are applicable and not in violation of peremptory Swedish Law. To the extent these rules deviate from the proceedings above, the US federal regulations shall be given priority.

In the document Statement on Dealing with Allegations of Research Misconduct under United States Public Health Service (USPHS) Research-related Activities for Foreign Institutions, Stockholm University has certified to the Office for Research Integrity (ORI) that certain procedures will be adhered to concerning, reporting, information and handling of such allegations. The document is available on the University's website.





Reports are to be made in accordance with the procedures described in section 2 above and allegations shall be received by the President (who is the designated official referred to in the statement provided to ORI). The President shall notify ORI when such an allegation is received and report to ORI on the process followed in conducting the investigation, the evidence upon which conclusions are made, as well as any measures taken towards the person towards whom the allegation is directed.

Stockholm University shall inform research employees about how reports are to be made and to whom. This information is to be posted on the University's website. This is the responsibility of the Office for Research, Engagement and Innovation Services.

Stockholm University shall submit a report (Annual Report on Possible Research Misconduct) to ORI by April 30<sup>th</sup> of each year. This is the responsibility of the University Director.