Guidelines on the procedure for handling alleged misconduct in research


The formal decision to adopt these guidelines was taken by the undersigned Deputy Vice-Chancellor, following a presentation of the matter by Chief Legal Officer Per Abrahamsson. The President of the Uppsala Student Union, Daniel Simmons, was also present.

[Signature]
Anders Malmberg

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Per Abrahamsson
Guidelines on the procedure for handling alleged misconduct in research

All participants in research activities at Uppsala University must maintain high quality standards in their research. Misconduct in the research process must therefore be prevented as far as possible. Suspected misconduct must be handled in a uniform and legally certain manner.

General

Section 1

Misconduct in research is defined as:

1. falsification and fabrication
2. plagiarism
3. unwarranted assertion of authorship
4. failure to follow established recommendations on obtaining permits from relevant agencies (e.g. an ethical review board for human research, an ethical committee on animal experiments, the Swedish Data Protection Authority, the Medical Products Agency, etc.).

Liability requires the misconduct to have been committed intentionally or due to gross negligence.

Section 2

All participants in research activities at Uppsala University have an obligation to ensure that findings are obtained, compiled and reported in accordance with the principles approved by the research community. Among other things, this means that in research collaborations, all researchers and co-authors must make sure that the findings have been produced and described correctly and that the necessary permits have been obtained.

Section 3

The University must:

1. inform academic and administrative staff about the applicable rules in the field of research;
2. conduct an investigation with the minimum possible delay when misconduct in research is suspected and reported, and take action when misconduct is proven to have occurred.

Board for investigation of misconduct in research

Section 4

The ‘Board for investigation of misconduct in research’, hereafter referred to as ‘the Board’, is responsible for investigating suspected misconduct in research.

The Board also has the task of combating misconduct in research by means of information and by other means.

The Board consists of one legally qualified expert who is or has been a permanently appointed judge; three faculty representatives with extensive scientific expertise and great integrity who are employees of Uppsala University; the University Director or an individual designated by the
University Director to replace them; a legal officer from the Legal Affairs Division; and a student representative. With the exception of the student representative and the University Director, the members’ term of office is three years and may be extended. The student representative is appointed for a term of office of at most one year at a time.

The Vice-Chancellor appoints the legally qualified member. The Vice-Chancellor appoints the faculty representatives on the Board after consulting the University faculties. The Vice-Chancellor appoints the legal officer from the Legal Affairs Division after consulting the University Director. The Vice-Chancellor decides who will serve as chair of the Board. When necessary, the chair of the Board may decide to temporarily replace one of the Board members by co-option, or to temporarily enlarge the Board by co-opting additional members.

An alternate must be appointed for each of the three faculty representatives and for the student representative. The alternates are appointed in the same way and for the same term as the regular faculty representatives and the regular student representative.

The Board is to be assisted by an official from the University Administration.

Upon application by the Board, the University faculties are to assist the Board in its work as requested. The dean of the faculty is responsible for ensuring this is done.

Investigation

Section 5

The Vice-Chancellor must be informed promptly, in writing, upon suspicion of misconduct in research.

Unless it is deemed manifestly unnecessary, the Vice-Chancellor will pass on the report to the Board for investigation. If the allegations are deemed manifestly unfounded, then following consultation with the chair of the Board, the Vice-Chancellor will decide to take no further action. A decision by the Vice-Chancellor that no further action will be taken with regard to an allegation will be taken following a presentation of the matter.

If necessary, the Board must obtain an opinion from one or more experts in the field, at least one of whom must be attached to another higher education institution.

When appointing experts, it must be ensured that there are no biases or conflicts of interest between the experts and the individual accused of misconduct or the individual who made the allegations.

Section 6

The investigation should be conducted promptly and with the utmost confidentiality in order to protect both the individual accused of misconduct and the individual who made the allegations, bearing in mind that the University as a government agency is subject to the principle of public access to official documents.

During the investigation facts are to be gathered and the individual accused of misconduct must be given the opportunity to make a statement, either verbally or in writing, after being informed of the circumstances upon which the allegations are based and what has come to light in the course of the investigation.
Section 7

While the investigation is in progress, the University may obtain an opinion from the expert group for misconduct in research at the Central Ethical Review Board.

Section 8

If the individual who raised the question of suspected misconduct in research or the individual suspected of misconduct requests it, the University is to obtain a statement from the expert group for misconduct in research at the Central Ethical Review Board. However, an opinion does not need to be obtained if the University deems it manifestly unnecessary.

Section 9

The investigation report must document the accusation and the investigation, and present the Board’s assessment of the truth of the accusation.

Upon completion, the report is to be sent to the individual accused of misconduct, the individual who made the allegations and the Vice-Chancellor.

Section 10

Based on the findings of the investigation, the Vice-Chancellor is to determine whether or not misconduct in research has been committed. The Vice-Chancellor takes this decision after a presentation of the matter.

If research misconduct has been committed, the Vice-Chancellor will decide to initiate procedures for taking possible measures.

Section 11

If research misconduct has been committed, to maintain high quality in research and confidence in research activities, scholarly journals in which the material concerned has been published must be informed.

Special guidelines for research supported by the United States Public Health Service (PHS)

The Office of Research Integrity (ORI) is an office within the United States Department of Health and Human Services (HHS) and is responsible for issues of misconduct in research and research integrity concerning research supported by the PHS.

Section 12

The ORI must be notified at any stage of an investigation if it is ascertained that any of the following circumstances exist:

1. there is an immediate health hazard involved;
2. there is an immediate need to protect US federal funding or equipment;
3. there is an immediate need to protect either the individual accused of misconduct or the individual who made the allegations;
4. it is probable that the alleged offence will come to the attention of the general public.

If there is reasonable suspicion of a criminal offence, the ORI must be informed within 24 hours.
Section 13

Appropriate administrative actions must be taken to protect US federal funding and guarantee that the purposes of US federal support for research are being carried out.

Section 14

If there are grounds to terminate an investigation for any reason without completing all relevant requirements in these guidelines, this must be reported to the ORI. The report must include an account of the reasons for such termination.

Section 15

The ORI must be informed that an investigation is to be initiated on or before the date the investigation begins.

Section 16

The Board must immediately inform the ORI if, during the investigation, facts are revealed that either could influence current or future HHS funds for individuals under investigation or that the PHS needs to know in order to guarantee the appropriate use of US federal funding or to otherwise protect public interests.

Section 17

The Committee’s final report must be submitted to the ORI within 120 days of the initiation of the investigation.

The final report to the ORI must describe the principles and procedures under which the investigation was conducted, how and from whom relevant information was obtained, the findings of the investigation and the basis for the findings. It must also include a detailed account of the views presented by the individual suspected of misconduct in research, as well as an account of any sanctions enacted by the Vice-Chancellor.

Section 18

If the investigation cannot be completed in 120 days, the Board must submit a written request for an extension to the ORI. The request for an extension must include an explanation for the delay, a report on the progress to date, an outline of what remains to be done and an estimated date of completion.

Section 19

The Board is responsible for preparing and retaining documentation so that the findings of the investigation can be confirmed. This documentation must be made available to the ORI’s executive management.