

# Rules of Procedure for the Council for Examining deviations from Good Research Practice

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Summary	<p>These Rules of Procedure regulate the overall forms for how the <i>Council for Examining deviations from Good Research Practice</i> processes a suspicion of deviation from good research practice. The Rules of Procedure supplement the <i>Administrative procedure on suspicion of deviation from good research practice</i> (ref. GU 2021/468) and should contribute transparency in processing cases. The main recipients are the <i>Council for Examining deviations from Good Research Practice</i> and others affected by this processing.</p> <p>This is a translation of <i>Arbetsordning för Rådet för prövning av avvikelser från god forskningssed</i> (dnr GU 2022/3708). If ambiguities arise, the Swedish version applies.</p>

# Background

## Legal context and applicable steering documents

Chap. 1 of the Swedish Higher Education Act (1992:1434) provides that in the course of their operations, higher education institutions shall uphold academic credibility and good research practice (§ 3 a) and that the operations of higher education institutions shall be arranged to ensure that high standards are attained in courses and study programmes and in research (§ 4).

Sweden's Act on responsibility for good research practice and the examination of research misconduct (SFS 2019:504) provides that the researcher is responsible for compliance with good research practice in their research (§ 4) while the entity responsible for research has overarching responsibility for research being conducted in accordance with good research practice (§ 5). It also provides that if there is a suspicion of research misconduct in the activities of an entity responsible for research, the entity responsible for research must submit the case documents for examination by the National Board for Assessment of Research Misconduct (§§ 6-7).

§ 17, chap. 1 of Sweden's Higher Education Ordinance (1993:100) provides that a higher education institution must examine other suspected deviations from good research practice than those to be examined by the National Board for Assessment of Research Misconduct, and that a higher education institution must draw up guidelines for the examination of suspected deviations from good research practice.

The University of Gothenburg's Rules of Procedure (ref. GU 2020/1571) state that there is a council for assessment of deviations from good research practice (section 5.1) and that it is the responsibility of the vice-chancellor to take decisions on serious deviations from good research practice as well as to hand over cases to the National Board for Assessment of Research Misconduct and the Council for Examining deviations from Good Research Practice (section 4.1.1). The university's processing of suspected deviations from good research practice is described in the *Administrative procedures on suspicion of deviation from good research practice* (ref. GU 2021/468).

## Definitions

*Research misconduct* refers to 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 (Sweden's Act on responsibility for good research practice and the examination of research misconduct, 2019:504).

*Other deviations from good research practice* are any such deviations that do not fall within the statutory definition. Assessment of whether such deviations are to be regarded as serious should, in the first instance, be based on the principles in The European Code of Conduct for Research Integrity (published by ALLEA). Particular regard should be paid to whether the deviation substantially damages, or risks damaging, the integrity of the research process or of the researchers and whether it was committed intentionally or through gross negligence.

## The Council's tasks

The Council for Examining deviations from Good Research Practice (hereafter the Council) only processes cases by order of the vice-chancellor at the University of Gothenburg.

The Council's main tasks are to:

- Conduct an initial assessment when the university has become aware of a suspicion that relates to research misconduct or to other deviations from good research practice in the University of Gothenburg's operations and submit a statement of opinion with a recommendation on further processing to the vice-chancellor.
- Investigate suspicion of other serious deviations from good research practice and then present an investigation report to the vice-chancellor. To the extent that it is assessed as appropriate, suspicions of minor deviations can also be investigated.

The Council's assessments and investigations shall be conducted carefully, speedily and confidentially observing applicable information and secrecy provisions.

## Council composition

The Council composition and how members are appointed are described in the *Administrative procedures on suspicion of deviation from good research practice* (ref. GU 2021/468). It states that the Council is to comprise six members, four of these representing the university's academic operations. It is also to include the university director (or person appointed by said director) and a lawyer from the Central University Administration. In cases involving research students, a student representative of the relevant research programme shall be given the right to attend and express opinions.

If necessary, the Council may co-opt further members as representatives of the university's academic operations with the right to attend and express opinions.

## The Council's forms of working

### Meetings

The Council convenes after summons from the chair. Meetings are held if necessary, though at least twice a year. Remote meetings in the form of, for example, tele- and videoconferences shall also be possible. In connection with the summons, meeting documentation should be made available to the Council members on a shared electronic platform with sufficient information security.

The chair appointed by the vice-chancellor presides over the Council's meetings. In the absence of the chair, the vice-chair steps in.

### Disqualification

The provisions on disqualification stated in §§ 16-18 of Sweden's Administrative Procedure Act (2017:900) apply to the Council. The Swedish Research Council's Conflict of Interest Policy and Guidelines for the Management of Conflicts of Interest are applied. Anyone who knows of circumstances that are likely to disqualify him or her shall report this to the Council immediately.

### Decision-making procedure

The Council has a quorum when more than half of the members, including the chair or vice chair, are present.

Decisions in the Council are by acclamation, unless a vote is requested. In accordance with § 29 of Sweden's Administrative Procedure Act (2017:900), a vote shall be held openly. The vote is settled through

a simple majority. In the event of an equal vote, the chair has the casting vote. Every member who is present is obliged to vote for some proposal.

In the event that a case is so urgent that the decision is to be declared adopted with immediate effect, the chair shall read out the exact wording of the decision, which shall then be reproduced in the minutes stating that the paragraph has been adopted with immediate effect.

### **Right of reservation**

According to § 30 of Sweden's Administrative Procedure Act, a member who has taken part in the Council decision has a right to have a reservation noted, i.e. the right to have his or her dissenting opinion entered in the minutes. Reporting officers and other officials who have participated in the final processing without taking part in the determination have the right to have a dissenting opinion noted. The entry in the minutes shall be submitted to the keeper of the minutes within three working days of the meeting and always before the minutes have been checked. In the event that the paragraph is declared to be adopted with immediate effect, the dissenting opinion must be notified at the meeting.

### **Urgent decisions**

If a case is so urgent that the Council does not have time to meet to consider it, the case is decided by the chair notifying all the members outside the meeting of a proposed decision. All members must, however, support the decision. The decision shall be reported at the next meeting and appear in the minutes of this meeting.

### **Minutes**

At the Council meetings, minutes are taken by the officer who assists the Council (the Council administration officer). The minutes shall be drawn up speedily.

Proposed minutes shall be forwarded to the chair and a person to verify the minutes specially appointed among the other members at the meeting with a chance for them to quickly submit opinions. Minutes that are approved by email by the chair and person verifying the minutes shall be considered adopted. The original minutes shall be signed by the keeper of the minutes and checked by the chair of the meeting and the person verifying the minutes. The minutes shall be reported at the following meeting of the Council. The minutes are kept in order by the Council administrator.

## **Initial assessment of suspicion of deviations from good research practice**

One of the Council's tasks, by order of the vice-chancellor, is to conduct an initial assessment when the university becomes aware of a suspicion of deviation from good research practice. The Council shall then submit a motivated written statement of opinion to the vice-chancellor. The vice-chancellor then makes a decision on continued processing.

### **Implementation**

An initial assessment is made speedily by the Council chair/vice-chair and the member who is a lawyer from the Central University Administration with the support of the officer who assists the Council. If necessary, a further member of the Council can take part in the assessment.

### **Statement of opinion**

The initial assessment shall be summarised in a written and motivated statement of opinion that is approved by the Council before it is handed over to the vice-chancellor.

### **Continued processing**

It then falls on the vice-chancellor to make a decision on continued processing of the case.

## **Investigation of suspicion of other deviations from good research practice**

By order of the vice-chancellor, the Council conducts the investigations of suspicion of other deviations from good research practice. At the end of the investigation, the Council submits an investigation report to the vice-chancellor. The vice-chancellor then makes a decision on the case.

### **Implementation**

The Council shall gather data on the case as a basis for its assessment.

Person(s) who are subject to an investigation relating to other deviations from good research practice shall be informed of the reported suspicion, without unnecessary delay, and be offered the opportunity to comment within a reasonable time.

In applicable cases, other persons who are directly affected, such as co-authors or co-applicants, shall be informed of the reported suspicion.

Unless clearly unnecessary, the Council shall obtain written statements of opinion from external academic expert assessors. Compensation may be paid to experts.

Other persons, for example the informer and representative of the activity concerned, may also be heard within the frame of the investigation.

In the assessment, the Council shall also take a stand on whether the deviation was intentional or the result of gross negligence when planning, conducting or reporting research.

### **Party insight**

A person who is a party in a case has the right to access all material included in the case in accordance with § 10 of Sweden's Administrative Procedure Act (2017:900).

### **Support from institution/equivalent concerned**

The institution/equivalent concerned shall assist the Council with securing material that may be needed during the investigation. This may be, for example, backing up material from servers and taking possession of logbooks, measurement data, questionnaire responses, photographs, document files, films, etc.

### **Handing over to the National Board for Assessment of Research Misconduct**

If it emerges during an investigation that the case relates to research misconduct, the Council shall discontinue its investigation and propose the vice-chancellor hand over the case to the National Board for Assessment of Research Misconduct.

### **Investigation report**

The Council shall document the reported suspicion, the investigation, its position and proposed decision in an investigation report.

The investigation shall be summarised with one of the following positions:

- a) The Council assesses that there is some other deviation from good research practice.

- b) The Council assesses that there is no other deviation from good research practice.
- c) It is not possible to take a position.

If the Council assesses that there is some other deviation from good research practice it shall be stated if anyone is to be held liable for the deviation. It shall also be stated whether the deviation is serious and whether it was intentional or a result of gross negligence.

The investigation report shall be approved by the Council before it is handed over to the vice-chancellor.

**Continued processing**

The vice-chancellor shall send the Council investigation report to the party that is subject to the investigation and the head of department/equivalent and dean concerned. Thereafter, the party that is subject to the investigation shall be given the opportunity to comment on the investigation report before a decision on the case is taken by the vice-chancellor.

It is then the responsibility of the vice-chancellor to make a decision on continued processing of the case.