

# **Guidelines for processing cases of possible violations of recognised research ethical norms at Nord University**

*Adopted by rector 19.10.2023 case 23/00615-5.*

## **I. Basic principles**

### **1. The obligations of the researchers and definitions**

Researchers shall act with due care to ensure that all research is conducted in accordance with recognised research ethical norms. Under the Research Ethics Act § 4, this applies both during preparations for research, reporting of research and other research-related activities.

By 'violations of recognised research ethical norms' are meant breaches of general and subject-specific guidelines for good scientific practice. In this connection, the guidelines prepared by the [Norwegian National Research Ethics Committees](#) will be of central importance.

By 'scientific misconduct' is meant falsification, fabrication, plagiarism and other serious violations of recognised research ethical norms that are committed intentionally or with gross negligence in the planning, execution or reporting of research. A clear preponderance of evidence is required to conclude that someone has committed scientific misconduct. Under the Research Ethics act § 8, second subsection, and the Research Ethics Regulations § 7, third subsection, the requirement for a preponderance of evidence applies both to the actual facts in the case and to the researcher's gross negligence/intentionality.

### **2. Responsibilities and delegation**

The Research Ethics Committee is an advisory body for research ethics. The committee processes cases concerning possible breaches of recognised research ethical norms that are submitted to the committee in accordance with these guidelines. The committee can also process cases on its own initiative. In its processing of individual cases, the committee may make recommendations for measures, but it is the Rector who formally decides the case and comes to a decision regarding possible measures.

Research and Development Division is the secretariat of the Research Ethics Committee and may upon request supervise the Deans on how to handle individual cases..

The authority to handle cases at the Faculty has been delegated to the Dean.

The Rector, or the Vice-Rector for Research and Development, is the University's public spokesperson in cases concerning possible breaches of recognised research ethical norms.

### **3. Public disclosure**

Under the Research Ethics Act, § 11 and the Freedom of Information Act, § 24, second subsection, information about possible breaches of recognised research ethical norms is, as the main rule, exempt from public disclosure until the case is finally settled.

Information about which Nord has a duty of confidentiality will be exempt from public disclosure also after the case has been settled. Typically, this will be information concerning someone's personal affairs (health, sexual preference, political views etc.) and information that must be protected because of the need for sound HR-management at Nord. Public disclosure considerations are bound by the Public Administration Act, § 13 and the Freedom of Information Act, § 23.

## **II. Receipt of notifications of possible breaches of recognised research ethical norms**

### **4. How to notify**

Any reasoned suspicion of breaches of recognised research ethical norms against an employee at Nord University or a student at one of the university's doctoral programmes should be notified to the Dean of the Faculty to which the employee or doctoral student belongs. The notification must state the name of the person(s) against whom the suspicion is directed and the basis of suspicion. As far as possible, the basis of suspicion should be documented.

Employees at Nord may choose to notify their immediate superior, who in that case shall forward the notification to the Dean at the relevant Faculty.

Alternatively, suspicion may be notified directly to the leader or the secretary of the Research Ethics Committee.

It is also possible to notify suspicion electronically through the service '[Speak Up](#)' at [nord.no](#). This service allows anonymous notifications of suspicion, but Nord will not have the opportunity to collect further information from the contributor. An anonymous notification should, therefore, include enough information to enable Nord to process the case further.

### **5. Managing received notifications**

Allegations and suspicions of breaches of recognised research ethical norms should be managed in a safe and reassuring manner. The purpose of the university's management is to clarify the facts of the case while at the same time safeguarding both the interests of the person(s) against whom the suspicion is directed and the person(s) who have reported the case.

Out of consideration to all persons involved, such cases should be processed as quickly as possible. The case processing should be in accordance with the Public Administration Act, chapter IV on preparations of cases and chapter V on administrative decisions, and in general the regulations of the Act as far as they are relevant.

Cases concerning possible breaches of recognised research ethical norms should in the first instance preferably be settled at the faculties before, if needed, they are transferred to the Research Ethics Committee for further processing.

## **III. Managing individual cases at the faculties**

### **6. Impartiality**

The Dean at the relevant Faculty has an obligation to consider his/her own impartiality in the case. If one of the parties so require or the Dean himself/herself finds it necessary, the question of impartiality will be settled by the Research Ethics Committee.

If the Dean is not impartial (see Public Administration Act, § 6), the person in question will not take part in the processing of the case. Instead, the case will be managed by a deputy-Dean who takes over the Dean's tasks as described in item 7 to 10 in the specific case. The deputy-Dean is appointed by the Rector and must be impartial to the case.

### **7. Considering process development**

When the Dean has received a notification concerning possible breaches of recognised research ethical norms, the Dean will without undue delay notify the Vice-Rector for Research and Development. The Vice-Rector receives the notification on behalf of the Rector and are responsible for forwarding the notification if it is necessary to the case. The Dean shall also notify the secretary of the Research Ethics Committee.

The Dean shall without undue delay consider the basis of the notification, and whether further processing is required as described in item 8 below.

The Dean may dismiss the case if the notification is clearly groundless. A dismissal must be in writing and explain the reason for the dismissal.

The Dean may also dismiss the case if it turns out to be a straight conflict between persons. This should be done in consultation with the Faculty Director. If the Dean dismisses a case because it is a straight conflict between persons, the Dean must forward the case to the HR-department and inform the parties about the dismissal.

When the Dean dismisses a case, the Dean should without undue delay notify the Vice-Rector of Research and Development. The Vice-Rector receive the notification on behalf of the Rector and are responsible for forwarding the notification if it is necessary to the case. The Dean should also notify the secretary of the Research Ethics Committee about the dismissal.

The Dean's decision to dismiss a case cannot be appealed. If the person who submitted the case believes that the dismissal was wrong, the person in question may submit a new notification with further reasoning and/or documentation.

## **8. Considering the substance of the case at the Faculty**

In the examination and processing of the case, the Dean will be assisted by two of the Faculty's academic employees.

The Dean shall ensure that the case is sufficiently clarified. The facts of the case shall be examined through interviews/talks with the parties. If the parties so wish, they may bring an attorney or another person of their own choice to the talks. Written minutes must be recorded from these talks.

The Dean may also conduct talks with other employees, persons outside the university with knowledge of the case and persons with special expertise on the field of research to which the case belongs. Moreover, the Dean may examine the case in other ways, e.g. by obtaining statements from possible informants.

The parties to the case must be given access to the case documents and be given the opportunity to respond to or supplement these.

When the case has been sufficiently clarified, the Dean should attempt to find a solution to the case which the parties can accept, and which also considers recognised research ethical norms. If the Dean finds a solution which is acceptable to the parties, the case will be settled as described in item 9. The agreement must be validated by written documentation.

If the Dean does not find a solution that is acceptable to the parties, the Dean will prepare a written report in cooperation with the two Faculty employees. In the report, they shall present the facts of the case and assess:

- If there are breaches of recognised research ethical norms and whether possible breaches are of a serious character or not.
- Whether the researcher has committed scientific misconduct
- Whether there are system errors at Nord, including whether Nord could have prevented the situation by better precautions, and
- Whether the scientific work should be amended or retracted.

The Dean sends the report to the parties of the case, and thereafter makes another attempt to find a solution that is acceptable to the parties. A possible agreement must be validated by written documentation.

## **9. Settling the case or transfer to the Research Ethics Committee**

If the Dean is able to settle the case in a manner that is acceptable to the parties, the case is closed. However, see item 15, 17, 18 and 19 on the follow-up of closed cases.

The Dean shall, without undue delay, inform the secretary of the Research Ethics Committee about the outcome of the case. The procedure is that the Dean sends a written statement about the case and how it was settled. If the Dean wrote a report on the case, this is to be attached with the statement.

The secretary of the Research Ethics Committee shall inform the leader of the committee about the outcome of the case at the Faculty. If the committee finds reasons to investigate the case, it may do so on its own initiative.

If the Dean is unable to settle the case in a manner that is acceptable to the parties, the Dean will prepare the case for processing in the Research Ethics Committee. The procedure is that the Dean forwards his report and additional documents in the case to the Secretary of the committee together with a statement as to why the parties were unable to reach an agreement.

## **10. Cases with anonymous notifications or without adversary parties**

Some cases do not have adversary parties. Examples of this include anonymous notifications or cases where the person sending the notification is not affected by the conditions about which he/she notifies.

In these cases, the Dean should examine the case and prepare a report as described in item 8. If the Dean concludes that researcher has not breached recognised research ethical norms, or if the researcher admits breaches, the case is closed, and the Dean sends a report to the secretary of the Research Ethics Committee as described in item 9. However, see also item 15, 17, 18 and 19 concerning follow-up of closed cases.

If the Dean's assessment is that the researcher has breached recognised research ethical norms, but the researcher does not admit this, the Dean will prepare the case for processing in the Research Ethics Committee as described in item 9.

## **IV. Processing of individual cases in Research Ethics Committee**

### **11. Impartiality**

The members of the Research Ethics Committee have an obligation to consider their own impartiality in each case. Members who are not impartial (see Public Administration Act § 6) will not take part in the processing of the case. The decision as to whether a member of the committee is not impartial is made by the committee itself without the participation of the member concerned.

### **12. Considering the further process**

The Research Ethics Committee itself decides whether to reject or consider the substance of a submitted case. The decision is made by a simple majority. If the committee decides to reject a case, the reasons for the rejection must be made in writing.

Decisions to reject cannot be appealed. If anyone disagrees with the rejection, the person concerned may request the National Commission for the Investigation of Research Misconduct (henceforth: National Commission) to take a closer look at the case. The National Commission has no obligation to process such enquiries but may choose to do so on their own initiative.

### **13. Further processing of the case**

The Research Ethics Committee must ensure that the case is sufficiently clarified before it comes to a decision concerning the outcome of the case. If the committee needs further information, the committee may ask the

relevant Faculty to provide this information. The committee may also gather additional information on its own. If required, the committee may seek assistance from experts.

The parties to the case shall have access to the information gathered by the committee and have the opportunity to comment on the information before the committee concludes in the case.

If the committee's inquiry into the case leads to a significant delay, the Secretary of the committee shall inform the Dean of the relevant Faculty about the delay.

#### **14. Written statement**

After a conscientious examination of the information in the case, the committee shall prepare a written statement. The statement must include an overview of the central documents of the case and a summary of the relevant facts upon which the statement is based. In the statement, the committee should also assess:

- If there are breaches of recognised research ethical norms and/or scientific misconduct, including an assessment of the seriousness of any breach/misconduct.
- Whether there are systemic errors at Nord, including whether Nord could have prevented the situation through better precautions, and
- If the scientific work should be amended or retracted.

The committee will conclude by a simple majority vote. In the case of dissent, the minority may require that their reasons be included in the statement.

#### **V. Follow-up of cases that have been processed by a Faculty or in the Research Ethics Committee**

##### **15. Meeting with the university management**

When the processing of a case has been completed at a Faculty as described in item 9, or the Research Ethics Committee has written a statement as described in item 14, the secretary of the committee will arrange a meeting with the University Director, the Rector, the Vice-Rector for Research and Development, the Director of Research and The Head of Communications to inform about the case. Other members of staff may be invited if needed. The participants should receive a copy of the committee's statement or the Faculty's report prior to the meeting .

A meeting with the management as described above may be waived if the allegations did not concern breaches of research ethical norms or just less serious breaches that were settled at the Faculty without the necessity of writing a report, see item 8. In these cases, the secretary of the Research Ethics Committee will send a written briefing to persons mentioned in the previous paragraph.

If the case was settled at a Faculty, the Vice-Rector for Research and Development will check that the case was processed to a satisfactory standard by the Faculty.

If the case was considered by the Research Ethics Committee, the meeting is part of the process towards a decision in the case.

##### **16. Decisions in cases that have been considered by the Research Ethics Committee**

After the meeting described in item 15, the secretary of the Research Ethics Committee will send a decision proposal to the Rector. It is the Rector who formally makes decisions in cases that have been considered by the Research Ethics Committee and also makes decisions concerning possible measures. Possible measures include:

- Amending or retracting the scientific work
- Reporting the case to the public authority who is responsible for the supervision of the subject field
- Instructed training in ethics
- Restrictions on the right to apply for research funding, and

- Restrictions on the right to supervise.

When the Rector has made a decision in the case, the Rector will give a response to the Faculty. The Faculty is responsible for implementing possible measures in accordance with the Rector's decisions. The Vice-Rector for Research and Development is responsible for the follow-up of possible system errors at Nord.

Depending on the seriousness of the case, it may also be pertinent to the University to implement personnel-related reactions, including dismissal with notice, immediate dismissal or forced termination of a doctoral education. If the researcher has committed a criminal offence, Nord will consider a petition for the police to prosecute.

In cases where the researcher/researchers may appeal to the National Commission, see item 20, the Rector should consider whether the measures should be put on hold until the closing date for appeals has expired, or the processing of the appeal is completed.

## **17. Information to involved parties**

In cases where there are breaches of recognised research ethical norms or scientific misconduct, the Rector, the Vice-Dean for Research and Development will, in cooperation with the involved Faculty, consider the need for information to:

- Other researchers involved in the current research
- Involved research institutions and/or cooperation partners
- Funding sources
- Scientific periodicals
- Other publishing channels
- Relevant public authorities with responsibility for subject supervision
- Possible other involved persons/bodies.

## **18. Assistance in restoring reputation**

In cases where there are no breach of recognised research ethical norms, or merely a less serious breach than the researcher was accused of, the Rector, the Vice-Rector for Research and Development will assess the need for measures to restore the researcher's reputation. This assessment should be carried out in cooperation with the researcher in question and the Faculty.

## **19. Report to the National Commission**

Under the Research Ethics Act § 6, fourth subsection, Nord will report cases that involve possible serious breaches of recognised research ethical norms to the National Commission. It is the contents of the case, not the conclusion which decides whether the case should be reported. The obligation to report applies regardless of whether the case was settled at a Faculty or processed by the Research Ethics Committee.

The report to the National Commission will be prepared by the secretariat of the Research Ethics Committee and sent to the Rector for approval and signature. Vice-Rector for Research and Development shall each have a copy of the report. When the Rector has signed the report, the secretariat sends the report to the National Commission on behalf of the Rector.

If the researcher/researchers has the right to appeal the statement of the Research Ethics Committee, the secretariat delays preparing the report to the National Commission until the term of appeal has expired. If the statement is appealed, the case should not be reported to the National Commission but be dispatched as an appeal case.

## **20. Appeal to the National Commission**

In cases where the Research Ethics Committee concludes that a researcher has committed scientific misconduct, the researcher may, under the Research Ethics Act § 6, fifth subsection and the Public Administration Act § 29, appeal the statement to the National Commission. The term of appeal is three weeks from the date when the researcher receives the statement.

The Research Ethics Committee is responsible for handling the appeal case. The procedure follows the Public Administration Act, chapter VI, with the limitations imposed by the Research Ethics Act.

The Research Ethics Committee will consider the result of the case again, and, if needed, the committee may request that the relevant Faculty conducts further examinations or supplies additional information. The committee itself may also examine the case further..

If the Research Ethics Committee is still of the opinion the researcher(s) has committed scientific misconduct, the committee will prepare the case for processing by the National Commission.

If the Research Ethics Committee concludes that the researcher(s) has not committed scientific misconduct after all, the committee will write a new statement. When the new statement is completed, the case will be followed up as described in items 15 to 18 above. In such cases, it is particularly important that the defendant receives the assistance necessary for re-establishing a possible loss of reputation.