



DECISION

Reg. No. STYR 2022/2737

Date 2022-12-15

Vice-Chancellor

Guidelines for the Processing of Matters Relating to Suspected Deviation from Good Research Practice at Lund University

Approved by the Vice-Chancellor on 15 December 2022.

These guidelines enter into force on 15 December 2022 and replace the previous guidelines from 23 September 2021 (STYR 2021/1059).

Pursuant to the Act on Responsibility for Good Research Practice and the Examination of Research Misconduct (2019:504) (referred to below as the Act on Responsibility for Good Research Practice) and chapter 1, section 17 of the Higher Education Ordinance (1993:100), Lund University issues the following guidelines.

General

If a deviation from good research practice is suspected, the following administrative procedure is to be applied.

The guidelines are not applicable in examinations or in other situations where study performance is to be assessed within third cycle education. Such a situation is to be processed in accordance with the rules in chapter 10 of the Higher Education Ordinance.

Section 1

Good research practice at Lund University is based on four fundamental principles (compare The European Code of Conduct for Research Integrity, ALLEA 2017):

- *Reliability* in ensuring the quality of research, reflected in the design, methodology, analysis and use of resources
- *Honesty* in developing, undertaking, reviewing, reporting and communicating research in a transparent, fair, full and unbiased way
- *Respect* for colleagues, research participants, society, ecosystems, cultural heritage and the environment
- *Accountability* for the research from idea to publication, for its management and organisation, for training, supervision and mentoring, and for its wider impacts.

At Lund University, it is recommended that research is conducted according to the following (compare The European Code of Conduct for Research Integrity, ALLEA 2017):

- researchers take into account the latest findings when developing research ideas
- researchers design, carry out, analyse and document research in a careful and well-considered manner
- researchers make proper and responsible use of research funds
- researchers publish results and interpretations of research in an open, honest, transparent and accurate manner, and respect confidentiality of data and findings when legitimately required to do so
- researchers report their results in a way that is compatible with the standards of the discipline and, where applicable, can be verified and reproduced.

Definitions

Section 2

Research misconduct, pursuant to section 2 of the Act on Responsibility for Good Research Practice, concerns 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.

Section 3

The University refers to other deviations from good research practice as being violations other than research misconduct that risk damaging, or damage, the integrity of the research process, research or researchers, and that is committed intentionally or through gross negligence when planning, conducting or reporting research.

Examples of other deviations from good research practice include:

- unfounded claims of authorship, unfounded exclusion of someone from co-authorship or other deviations from publishing ethics
- obstructing scientific or research ethics reviews, for example by withholding background material or not keeping data from studies in a secure manner
- inducing or trying to influence someone into actions that fall under deviations from good research practice
- carrying out reprisals against someone who has reported or presented information or suspicions relating to deviations from good research practice
- reporting suspicions with the sole purpose of discrediting someone else
- using research material contrary to current contracts or agreements
- unauthorised use of information given in confidence

- giving misleading information about someone's contribution to research
- destroying samples or in some other way spoiling another researcher's ongoing work
- acting in a way that shows a lack of respect for those involved in research, for example in collection, processing or reporting of research
- conducting research without, or in breach of, the required permit.

Examination of suspected deviation from good research practice

Section 4

Suspected research misconduct is examined in accordance with a specific procedure by the national Research Misconduct Board pursuant to section 7 of the Act on Responsibility for Good Research Practice and is processed by Lund University in accordance with sections 9–10.

Section 5

Suspicious regarding other deviations from good research practice than research misconduct are processed by Lund University in accordance with sections 11–18.

Section 6

In the case of a report that contains suspicions of both research misconduct and deviations from good research practice other than research misconduct, the University is to examine the part relating to other deviations.

Section 7

A matter is initiated at Lund University through a written report concerning a deviation from good research practice being received by the University, or that the University takes up a matter concerning a

deviation from good research practice that has come to the attention of the University in some other way.

The faculty management, or equivalent, concerned is to be promptly informed about the suspected deviation from good research practice.

The faculty, or equivalent, concerned is to ensure that the person or persons involved receive the support they may need.

The research funders that have stated this as a requirement are to be promptly informed about the presented suspicions of deviation from good research practice.

Section 8

The examination of deviation from good research practice is not to be based on circumstances that are older than 10 years when the matter is initiated, unless there are special reasons for an examination.

Examination of research misconduct

Section 9

Suspected research misconduct that has occurred in the University's activities is to be handed over for examination to the national Research Misconduct Board in accordance with the Act on Responsibility for Good Research Practice.

Section 10

Pursuant to section 12 of the Act on Responsibility for Good Research Practice, the University is to submit the information and documents on research that the national Research Misconduct Board requests and provide access to computers and other equipment that has been used in research.

Examination of other deviations from good research practice

Section 11

At Lund University, suspected other deviations from good research practice are processed by the Deviations from Good Research Practice Review Board, referred to hereafter as the Board.

The Board is to consist of one member who is well-versed in the law and is, or has been, a permanent judge, one legal counsel from the university-wide Legal Division and four teaching staff representatives. The teaching staff representatives are to have high research expertise and integrity and be employed at Lund University. A retired member of the teaching staff of Lund University can be appointed as a teaching staff representative and in this case the current position at the University does not need to be a teaching position. The term of office for members is three years and this can be renewed. If a member needs to be replaced, a new member is to be appointed within the current term of office.

All members are appointed by the vice-chancellor. The teaching staff representatives are appointed after consultation with the faculties of the University. The vice-chancellor is to appoint one of them as chair and one as vice-chair.

There is to be a substitute for the member who is well-versed in the law. The substitute is to be, or to have been, a permanent judge. The substitute is to be appointed according to the same procedure and for the same period as the member who is well-versed in the law.

If necessary, the vice-chancellor can decide to temporarily replace one or more of the Board's other members, including the chair.

The Board can decide to give people the right to attend board meetings and make statements regarding specific matters.

The Board is quorate when at least three members are present, among them the chair or vice-chair and the member who is well-versed in the law or their substitute. Each of the members can register a dissenting opinion in accordance with section 30 of the Administrative Procedure Act (2017:900).

When a doctoral student has filed a report on a matter or is the subject of an investigation, a student representative, appointed by the Lund University Students' Unions (LUS), is co-opted as a member.

The Board shall be assisted by a member of the administrative staff.

The University's faculties, or equivalent, shall, at the request of the Board, assist the Board in its work in accordance with the requests made. The faculty deans or equivalent shall ensure that this occurs.

In investigations, the Board, in accordance with the rules in the Administrative Procedure Act, shall ensure that there are no conflicts of interest.

Section 12

The Board shall first arrange for a preliminary investigation and then, if the University considers that there are grounds, propose to the vice-chancellor that a full investigation be conducted. The Board is responsible for ensuring that the full investigation is carried out.

If the Board considers that there are clearly no grounds for the reported suspicion, the Board can propose that the vice-chancellor dismiss the report without further action, i.e. without the Board first having conducted a preliminary investigation.

The Board may, in the course of the investigation, obtain information from other public authorities and, when necessary, decide to hand over the matter, in whole or in part, to other public authorities, e.g. with regard to reports concerning an authority's supervisory role.

Preliminary investigation

Section 13

The Board is responsible for the preliminary investigation.

Section 14

The preliminary investigation shall be carried out promptly, maintaining the greatest possible protection of personal integrity for both the person suspected of other deviations from good research practice and the person presenting the allegation.

In the preliminary investigation, facts in the matter shall be gathered and the person reported shall, before a decision is made, be given the opportunity, within a certain period, to make a statement in writing or orally, on all of the material of significance to the decision, i.e. the report and any other information that has been submitted in the matter, unless it is clearly unnecessary (section 25 of the Administrative Procedure Act). Interviews may also need to be held with other parties during the investigation.

If necessary, the Board can obtain assistance from a subject expert during the preliminary investigation. The expert is appointed by the Board.

When interviews are held with individuals in the preliminary investigation, an official note shall be produced that renders what the person has said.

Section 15

After the preliminary investigation is concluded, the vice-chancellor is to decide whether the situation is such

- a) that the matter is to be dismissed without further action, or
- b) that a full investigation of the matter is to be carried out, or
- c) that, in the case of a full investigation being clearly unnecessary, other deviations from good research practice have occurred.

Full investigation

Section 16

The Board is responsible for the full investigation.

Section 17

The full investigation shall be carried out promptly, maintaining the greatest possible protection of the personal integrity of both the person suspected of deviations from good research practice and the person presenting the allegation.

In the full investigation, the Board shall be assisted by at least two subject experts affiliated with other higher education institutions. The experts are appointed by the Board.

The Board shall give the person reported and the person who filed the report the opportunity to make a statement on the matter to the Board. The person reported has the right to be present when the person who filed the report makes a statement before the Board, unless there are specific reasons to the contrary. The person reported is to be given the opportunity to respond to what the person who filed the report stated at the meeting. If it finds it appropriate, the Board may decide to allow the person who filed the report, or other persons, to be present when the person reported speaks to the Board.

When interviews are held with individuals in the investigation, an official note shall be produced that renders what the person has said.

Section 18

After the full investigation is concluded, the vice-chancellor is to decide whether the situation is such that other deviations from good research practice have occurred or not.

Follow-up and measures

Section 19

In cases where a person is found guilty of deviation from good research practice, according to a decision made by the national Research Misconduct Board or a decision made by the University, the information is to be provided directly to the part of the research community concerned. How the information is provided is to be assessed according to the circumstances in each particular case.

Section 20

Pursuant to section 13 of the Act on Responsibility for Good Research Practice, in those cases where the national Research Misconduct Board has made a decision that research misconduct has occurred, or it is stated in a decision that a serious deviation from good research practice in the form of fabrication, falsification or plagiarism that is committed intentionally or through gross negligence has been ascertained, the University, within six months of the decision entering into force, is to report on which measures have been taken or which measures are intended to be taken as a result of the decision.

Reports are to be sent to the national Research Misconduct Board. The University's Deviations from Good Research Practice Review Board is responsible for reporting and this is done following consultation with the faculty, department or equivalent.

Section 21

Possible measures can be assessed on the basis of how the violation has damaged research processes, adversely affected relations between researchers, undermined trust in, and the credibility of, the research, caused a waste of resources or has exposed the object of the research, the users, society and the environment to unnecessary damage.

Section 22

Pursuant to section 18 of the Higher Education Ordinance, a report on the matters that have been investigated at the University is to be submitted annually to the national Research Misconduct Board.

Section 23

With regard to professional misconduct pursuant to chapter 20 of the Swedish Penal Code (1962:700) or to neglect of duty pursuant to section 14 of the Public Employment Act (1994:260), a decision on the referral of the matter to the National Disciplinary Board, in cases involving professors, shall be made by the vice-chancellor. The National Disciplinary Board shall then make a decision on whether disciplinary action is to be taken or if the matter is to be reported for prosecution.

For professional misconduct or neglect of duty committed by other categories of staff, decisions on whether disciplinary action is to be taken or if the matter is to be reported for prosecution are taken by the University's Staff Disciplinary Board.