



UMEÅ UNIVERSITY

PROCEDURES – SUPPORTING GOOD RESEARCH PRACTICE AND HANDLING SUSPECTED DEVIATIONS

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¹ This document has been translated from Swedish into English. If the English version differs from the original, the Swedish version takes precedence.



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1. Description

These procedures serve two purposes. The first is to determine how to organise proactive work to promote good research practice and high-quality research at Umeå University. The second is to define procedures for addressing suspected research misconduct and deviations from good research practice and that these procedures are applied in a clear, uniform, transparent and legally sound manner in accordance with current legislation.

This document is primarily for staff working with these questions at Umeå University and individuals impacted by these procedures.

2. Background

It is imperative that the research conducted at Umeå University aligns with good research practice and that suspected deviations from good research practice are reported and investigated. The objective of that is to safeguard the quality, integrity and autonomy of research. These procedures aim to establish the University's work and routines to promote those objectives.

Policy documents at Umeå University are to integrate multiple perspectives. This document integrates the work environment, student and international perspectives. Together with Umeå University's "Rules for gender equality in decision-making and advisory bodies", this document is regarded to have positive effects on gender equality at Umeå University. Due to the content and nature of this document, the collaboration, sustainability, accessibility and international perspectives have not been integrated.

3. Legal context

The Higher Education Act (1992:1434) stipulates that higher education institutions (Chapter 1, Section 3a) are to uphold academic credibility and good research practice, and that their operations are to be arranged to ensure high standards (Chapter 1, Section 4).

The *Act on Responsibility for Good Research Practice and Examination of Research Misconduct* (2019:504, LAO) stipulates that the researcher is responsible for compliance with good research practice (Section 4), and that the research principal has overarching responsibility that research is conducted in accordance with good research practice (Section 5). Furthermore, LAO stipulates that if there is suspected research misconduct in a research principal's organisation, the research principal is to submit all case documents to *the National Board for Assessment of Research Misconduct* (NPOF) (Sections 6–7).



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LAO defines research misconduct as a serious deviation from good research practice in the form of fabrication, falsification or plagiarism, whether intentional or through gross negligence, when planning, conducting or reporting research (Section 2). This definition is applied throughout the procedures. Since universities with the state as the principal fall within the scope of LAO (Section 3), LAO applies to research conducted by Umeå University, provided that it is not covered by exemptions prescribed or decided by the Government in accordance with Section 3, last paragraph of LAO.

Chapter 1, Section 16 of the Higher Education Ordinance (1993:100) stipulates that a higher education institution is to ensure that employees have access to advice and support on issues relating to good research practice and deviations from such practice. In Bill 2018/19:58, the Government notes that the system for dealing with research misconduct must be clear and legally sound and provide protection and support for everyone involved (p. 13). It also stipulates that support structures are needed in the research principals' organisations (p. 80).

Chapter 1, Section 17 of the Higher Education Ordinance stipulates that higher education institutions are to examine *other* suspected deviations from good research practice than those stipulated in LAO and that higher education institutions are to draw up guidelines for examination of suspected deviations from good research practice.

These procedures constitute those guidelines. In its Recommendation 2020:3, the Swedish Association of Universities and University Colleges (SUHF) presents a guide for dealing with suspected deviations from good research practice. Umeå University has used those recommendations when drawing up these procedures.

4. Definitions

Research misconduct includes serious deviations from good research practice in the form of fabrication, falsification or plagiarism, whether intentional or through gross negligence, when planning, conducting or reporting research (Section 2, LAO).

The category *other deviations from good research practice* covers other offences than those noted in Section 2 of LAO. These other offenses damage or risk damaging the research process or the integrity of the research or the researchers, and occur intentionally or through gross negligence when planning, conducting, or reporting research.



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5. Organisation

The University has two bodies, each with its own area of responsibility, one for promoting good research practice and one for examining other suspected deviations from good research practice:

1. The Council for Good Research Practice (REDA) provides strategic support for the Vice-Chancellor in the proactive work of promoting good research practice and preventing deviations from good research practice at the University.
2. An investigative team assessing *other suspected deviations* from good research practice. After an initial review, as specified in Section 5.2 below, the Vice-Chancellor appoints the members of this team.

Cases involving suspected *research misconduct* must, after decision by the Vice-Chancellor, be handled by the National Board for Assessment of Research Misconduct (NPOF).

5.1 The Council for Good Research Practice (REDA)

Members of the Council for Good Research Practice are appointed for four-year terms. The Vice-Chancellor appoints the members after nomination from each dean. The Vice-Chancellor appoints the chair of the council. The student unions jointly appoint two (2) student members.

When appointing members of the council, Umeå University's *Rules for gender equality in decision-making and advisory bodies* are to be followed.

REDA is to have the following composition:

- The chair is to be a Pro-Vice-Chancellor or Deputy Vice-Chancellor with special responsibility for research.
- Two members from each faculty with broad and extensive academic qualifications, the respect of the research community and, preferably, with experience of working with research ethics.
- Students, preferably doctoral students.

REDA is to meet at least four times a year.

The Research Support and Collaboration Office provides administrative and secretarial support.

In other respects, the general principles that apply to strategic councils at Umeå University also apply to the Council for Good Research Practice.



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5.1.1 The Council's mission

REDA:

- serves as a university-wide strategic support for the Vice-Chancellor in the University's work to promote good research practice;
- proposes and follows up the proactive measures that the University, as research principal, is to take to prevent research without ethical approval or in violation of the conditions specified when ethical approval was granted;
- proposes routines and changes to systems to prevent discovered misconduct from continuing or being repeated; and
- serves as a university-wide advisory and preparatory body that supports the University Management and the sharing of experience between the faculties in matters of research ethics and good research practice.

The council is responsible for continuously reporting to and consulting with the University's Strategic Council for Research and Doctoral Education (FOSTRA). The members of the council must also communicate the proposals and activities made by the council with the respective faculty board.

5.2 Investigative team assessing other suspected deviations from good research practice

When a complaint of other suspected deviations from good research practice has been received, the Vice-Chancellor must appoint a suitable investigative team to conduct the investigation.

The dean of the faculty where the deviation is suspected to have occurred proposes appropriate team members to the Vice-Chancellor. These proposed team members are selected from among the appointed teachers available as members according to Section 5.3.

The dean's selection of proposed members must observe both the requirement for objectivity and impartial investigations and the need for subject expertise required by the case. The dean should also consider the *Rules for gender equality in decision-making and advisory bodies*.

The investigative team must also include a member as specified in the *Agreement with Linköping University on cooperation when investigating deviations from good research practice* (FS 1.6.1-1412-20).



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The Vice-Chancellor appoints the chair from among the University's members.

The investigative team appointed for the case must have the following composition:

Category	Number
Academically qualified teachers, of which one is chair	1–5, where the number is adjusted to the nature and needs of the case
Member, employed at Linköping University ²	1
Doctoral student (appointed by the student unions)	1

The chair can call in experts or other required expertise to the investigative team as necessary. For example, medical expertise from Region Västerbotten can be called in when appropriate.

When appointing the investigative team, particular care must be given to ensure that there are no conflicts of interest. See Sections 16–18 of the Administrative Procedure Act (2017:900). An individual aware of a circumstance that could be a conflict of interest must immediately report this to the chair.

The chair of the investigative team is responsible for the case being investigated promptly and assessing relevant issues.

The investigative team assesses the case based on these procedures and as specified in Section 6.3.

The university legal officer appointed to the case provides legal support to the chair during the process. The legal officer can be called in to the investigative team as necessary. The relevant faculty provides other administrative support.

² In accordance with the Agreement with Linköping University on cooperation when investigating deviations from good research practice (FS 1.6.1-1412-20).



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5.3 Appointing members of the investigative team for assessing cases of suspected deviations from good research practice

The Vice-Chancellor is to appoint 12–16 academically qualified teachers to ensure that members have relevant experience when assessing complaints of suspected deviations from good research practice. As required, appointed teachers are to serve on the investigative team for assessing other suspected deviations from good research practice.

Each dean nominates four academically qualified teachers from their faculty with extensive experience of research, with legitimacy in the research community and, preferably, experience of working with research ethics. The faculty's member of REDA must be included among these four teachers. The period of office is four years.

6. Procedures

6.1 General

The following procedures are used for investigating suspicions of deviations from good research practice.

The chair of the investigative team is responsible for the matter being investigated promptly and assessing relevant issues.

6.1.1 Suspicion of other research violations

Certain acts or omissions in connection with research may be regulated by legislation or other statutes and be punishable by law. Aspects of the act that are punishable by law are not to be assessed as research misconduct or other deviations from good research practice. This includes suspected lack of ethical permits for research on animals or humans, and research conducted in violation of the General Data Protection Regulation (GDPR).³

6.1.2 Good research practice – basic principles

Good research practice at Umeå University is based on four basic principles:

³ See Bill 2018/19, p. 48.



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- Reliability in ensuring the quality of research, reflected in the design, the methodology, the analysis and the 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.

Accordingly, research at Umeå University is conducted as follows:

- Researchers take into account the state-of-the-art in developing research ideas.
- Researchers design, carry out, analyse and document research in a careful and well considered manner.
- Researchers make proper and conscientious use of research funds.
- Researchers publish results and interpretations of research in an open, honest, transparent and accurate manner, and respect confidentiality of data or 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.

(See the European Code of Conduct for Research Integrity, ALLEA 2018)

6.2 Assessment of suspected deviations from good research practice

6.2.1 Submitting a complaint

Complaints of suspected deviations from good research practice must be reported in writing to Umeå University via the registrar. If a complaint is made to an official at Umeå University, the official must promptly forward it to the registrar. Complaints concerning *suspected research misconduct* can also be reported directly to NPOF (Section 6, LAO).



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6.2.2 Initial assessment and further handling of the complaint

When reporting suspected deviations from good research practice, an initial assessment of the case is made to decide how to proceed. The initial assessment is done by a legal officer in consultation with the Vice-Chancellor, who determines how the case will be handled.

If the complaint does not concern research misconduct but exclusively concerns *other deviations* from good research practice within the framework of the University's activities, the matter must be handled by the University as stipulated in Section 6.3 below.

When NPOF submits cases to the University regarding other deviations from good research practice (in accordance with Section 11 of LAO), these must also be handled in accordance with Section 6.3.

If it can be established without further investigation that the suspicion does not concern research misconduct or other deviations from good research practice, Umeå University must handle the complaint in the prescribed manner or a manner otherwise deemed appropriate.

6.2.3 NPOF investigates research misconduct

If the complaint is deemed potentially related to *research misconduct*, the Vice-Chancellor will formally decide to hand over the case to NPOF, in accordance with Section 6 of LAO. This also applies to cases deemed to include both research misconduct and other deviations from good research practice since NPOF is the appropriate organ for deciding what in the complaint concerns research misconduct and what concerns other deviations from good research practice.⁴

Section 12 of LAO stipulates that the University must provide any information and documents about the research that NPOF requests. The University must also provide access to computers and other equipment that have been used in the research.

However, in accordance with Section 3 of the Ordinance (2019:1176) on Exemptions from Investigation of Misconduct in Defence and Security Policy, the case must not be handed over to NPOF if the conditions for exemptions defined in Section 2 of the ordinance are deemed to be met. Instead, the case must be handled in accordance with Section 6.3 below, as deemed appropriate based on the circumstances.

⁴ See Bill 2018/19:58, p. 54 and especially p. 102.



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6.2.4 Information and work environment

The appointed case administrator must promptly inform relevant deans and heads of department of complaints of suspected deviations from good research practice.

The relevant manager must ensure that relevant individuals are informed of the complaint and receive all necessary support to manage potential stress that may arise from cases of suspected deviations from good research practice. The relevant manager must also ensure that any work environment consequences due to the complaint are addressed.

The research funding organisations that require notification as part of their grants must be informed promptly about reported suspected deviations from good research practice.

6.2.5 Limitation period

No assessment of deviations from good research practice are to occur for circumstances older than ten years from initiation of the case, unless special grounds exist.

6.3 The team's investigation of other suspected deviations from good research practice

6.3.1 General

The investigative team must conduct the assessment required by the nature of the case.

If the investigative team immediately determines that the complaint of other suspected deviations from good research practice are unfounded, the team may propose to the Vice-Chancellor to dismiss the complaint without further action.

6.3.2 Investigation

The investigative team appointed by the Vice-Chancellor is responsible for the investigation. The purpose of the investigation is to provide the necessary documentation to allow the Vice-Chancellor to make a decision at the end of the investigation.

The investigation must be conducted promptly and with careful consideration for the personal integrity of both the individual suspected of other deviations from good research practice and for the person who submitted the complaint. However, confidentiality only applies if the Public Access to Information and Secrecy Act (2009:400, OSL) has a provision



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protecting release of the information. If the investigation is not completed within three months of the University's receipt of the complaint, the reasons for this delay must be documented in an official note and be registered with the case.

The investigation must be documented in writing. Facts in the case are to be collected, and the accused individual must be given an opportunity to respond in writing to the complaint and any other information contributed by other parties. The processing rules stipulated by the Swedish Administrative Procedures Act (2017:900, FL) must be applied, and rules on access to information and communication (Section 25, FL) must be observed.

During the ongoing investigation, the investigative team can collect information from other authorities and, if necessary, propose that the Vice-Chancellor considers transferring parts of the investigation to other authorities, such as complaints about oversight or crimes.

If the investigative team deems it necessary to determine if other deviations from good research practice have occurred, the team may give the accused and the individual who submitted the complaint an opportunity to speak before the investigative team at a meeting.

Particular consideration must be given to ensuring transparency. When individuals make oral statements as part of the investigation, notes must be taken and associated documentation prepared to clearly reproduce what was said and what occurred at the meeting.

6.3.3 Vice-Chancellor's decision

Upon completion of the investigation, the investigative team must submit a written report to the Vice-Chancellor describing the circumstances, the relevant documentation for assisting in making a decision and the investigative team's conclusions and proposed decision. The investigative team must propose appropriate measures as a result of the proposed decision.

In the report, the investigative team can express whether it believes there is a need to remedy shortcomings in, for example, preventive efforts or the research environment, or to revise guidelines, routines or organisational conditions. The investigative team is responsible for ensuring that REDA is informed about its opinions.

The Vice-Chancellor then reaches the formal decision on the case:

1. That no deviations from good research practice occurred, *or*
2. That one or more deviations from good research practice occurred and whether the deviations were committed with intent or through gross negligence.



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If one or more deviations from good research practice are found to have occurred, the decision must specify the responsible party or parties.

6.3.4 The decision cannot be appealed

The Vice-Chancellor's decision on other deviations from good research practice is based on Chapter 1, Section 17 of the Higher Education Ordinance and thus cannot be appealed (see Chapter 12, Sections 2 and 4 of the Higher Education Ordinance).

6.4 Follow-up and measures

The Vice-Chancellor decides what measures to take as a result of the case, regardless of whether NPOF or the Vice-Chancellor made the decision. Any measures must be proportional to the seriousness of the deviation.

Measures can be determined based on how severely the offence has damaged research processes, negatively affected relations between researchers, undermined trust in and the credibility of the research, been a waste of resources or subjected the research subjects, users of the research, society or the environment to unnecessary damage. The offence must also be viewed in relation to the form of employment, which is handled according to specific procedures.

Relevant research funding organisations, authorities, scientific journals and other relevant parties must be informed as soon as possible when a person is *found guilty* of research misconduct or other deviations from good research practice. How this information is to be provided is determined by the circumstances of each case.

If researchers *are absolved* from suspected misconduct or other deviations from good research practice, appropriate measures must be taken to remedy any damage resulting from the suspicion and investigation into the case.

The relevant dean of the faculty is responsible for implementing the measures decided by the Vice-Chancellor. The dean must also ensure that measures taken are reported back to the strategic councils REDA and FOSTRA, the relevant legal officer and the Vice-Chancellor.

6.5 Report to NPOF

In cases where NPOF has found misconduct in research or where the Vice-Chancellor has found other serious deviations from good research practice, reports regarding *measures* taken must be made to NPOF in accordance with Section 13 of LAO.



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In accordance with Chapter 1, Section 18 of the Higher Education Ordinance, any cases investigated at Umeå University concerning other deviations from good research practice must be reported annually to NPOF.

The legal officer is responsible for providing the necessary documentation so that the Vice-Chancellor can report to NPOF within six months of NPOF's decision becoming legally binding. The report describes what measures the University has taken or intends to take due to NPOF's decision. The measures can be in the form of disciplinary sanctions or follow-up and supporting measures in the research environment where the deviation occurred.

The legal officer is also responsible for annual reporting to the Vice-Chancellor of anonymised information about deviations from good research practice that have been examined by the University during the previous calendar year. This report is to be submitted early enough to allow the Vice-Chancellor to report this information to NPOF by 30 March, as mandated by Chapter 1, Section 18 of the Higher Education Ordinance.

This report must be submitted to REDA for informational purposes and for use in its proactive efforts.

6.6 Misuse of office

For misuse of office, as defined in Chapter 20 of the Swedish Penal Code (1962:700) or neglect of duty as defined in Section 14 of the Public Employment Act (1994:260), the Vice-Chancellor determines whether cases related to *professors* are to be referred to the Government Disciplinary Board for Higher Officials (SAN). SAN then decides whether disciplinary measures are to be taken or if the case is to be referred for prosecution. For misuse of office of neglect of duty committed by *other staff*, the University's Staff Disciplinary Board (PAN) decides on disciplinary measures or whether the matter is to be referred for prosecution.

7. Personal data processing

Chapter 1, Sections 19–20 of the Higher Education Ordinance states that when processing personal data during investigations of other suspected deviations from good research practice, the Swedish Data Protection Act (2018: 218) with supplementary provisions to the EU's General Data Protection Regulation (GDPR) applies unless otherwise specified in Chapter 1, Sections 22–23 of the Higher Education Ordinance.

Chapter 1, Section 21 of the Higher Education Ordinance states that obligation to provide information as defined in Article 13.3 of the GDPR does not apply when the controller processes personal data for the purpose of examining other suspected deviations from good research practice.



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Chapter 1, Section 22 of the Higher Education Ordinance states that GDPR's prohibitions on searches relating to sensitive personal data do not apply when a higher education institution processes personal data to examine other suspected deviations from good research practice. Chapter 1, Section 23 of the Higher Education Ordinance stipulates that personal data processed by a higher education institution solely for the examination of suspected deviations from good research practice, as defined under Chapter 1, Section 17, may be used to take action related to the person only if there are exceptional circumstances related to the vital interests of this person.

8. References

- God sed i forskningen [Good Research Practice] – SOU 1999:4
- Ny ordning för att främja god sed och hantera oredlighet i forskningen [New procedures for good research practice and research misconduct] – SOU 2017:10
- Ny ordning för att främja god sed och hantera oredlighet i forskningen [New procedures for good research practice and research misconduct] – Bill 2018/19:58
- Lag om ansvar för god forsknings sed och prövning av oredlighet i forskning [Act on Responsibility for Good Research Practice and Examination of Research Misconduct] (2019:504)
- Higher Education Act (1992:1434) Chapter 1, Section 3a et seq.
- Higher Education Ordinance (1993:100) Chapter 1, Section 16–18 et seq.
- European Code of Conduct for Research Integrity (All European Academies – ALLEA 2018)
- Ethical Guidelines for Peer Reviewers (Council on Publication Ethics 2017)
- Recommendations for the Conduct, Reporting, Editing and Publication of Scholarly Work in Medical Journals – “Vancouver” – (International Committee of Medical Journal Editors)
- Good Research Practice, Swedish Research Council 2017