Regulations about the procedure in case of a person being accused of scientific misconduct

Everyone participating in research activities at Uppsala University must maintain high standards of integrity. Therefore, scientific misconduct must be prevented and corrected to the greatest extent possible.

General rules

1 § By scientific misconduct is meant:
   1. Falsification and fabrication
   2. Plagiarising
   3. Unauthorised use of information given in confidence
   4. Unwarranted assertion of authorship
   5. Neglect to follow accepted recommendations about getting a permit from bodies concerned (e.g. ethical committees for human research, isotope committees, the Data Inspection Board, the National Drug Administration etc.).

   Liability requires that the scientific misconduct has been committed intentionally.

2 § Everybody who participates in research activities at Uppsala University has an obligation to see to it that findings are collected, compiled and reported according to the principles approved by the research community. This means, among other things, that supervisors and co-authors shall ensure that what has emerged from the research activities has been procured honestly and described correctly.

3 § The university shall:

   1. accept that mistakes in judgement and errors in interpretation made in good faith do not have to be regarded as scientific misconduct, and that even a report about suspected scientific misconduct can be made incorrectly, but in good faith

   2. inform academic and administrative personnel about existing rules in this area

   3. after a report carry out confidential inquiries with the slightest delay possible, in order to ascertain if there is cause to further investigate allegations of scientific misconduct

   4. conduct an investigation, when it is so justified, and in the case of scientific misconduct being proven, take corrective and disciplinary measures.
Inquiry

4 § The Dean of the faculty shall be immediately informed in writing upon suspicion of scientific misconduct. This report initiates an inquiry which shall be conducted by an ad hoc group of suitable composition for the case. The group shall consist of experts, of which at least one member shall be affiliated to another seat of learning. The group shall also include an employee from the Legal Affairs Office of the University.

When the members of the inquiry group are appointed it shall be especially ensured that there are no conflicts of interest (administrative dependency, close personal relations, cooperation conditions, economic dependency or academic partiality).

The Dean shall without delay inform the Vice-Chancellor and where appropriate the Vice-Rector of suspicions of scientific misconduct.

Should the report on scientific misconduct concern the Dean, the Vice-Rector or a member of the disciplinary domain board or the faculty board the report shall be made to the Vice-Chancellor.

5 § The inquiry shall be conducted quickly and shall afford the accused individual(s) and the person(s) who has made the allegation confidential treatment to the maximum extent possible. The intention of the inquiry is to determine if an investigation of the case is warranted.

At the inquiry, facts shall be collected, and the person(s) alleged to have engaged in misconduct shall be given the opportunity to orally, or in writing, make a comment, after having been informed of the reasons for an allegation being made and the findings of the inquiry.

The inquiry should be completed within 60 calendar days after the allegation has been made; otherwise documentation of the reason for exceeding the 60-day period must be made.

6 § The inquiry report shall include the evidence reviewed, summaries of relevant interviews, and the conclusions of the inquiry.

7 § Using the findings of the inquiry, the Dean of the faculty can make a decision based on the following:

- that there are insufficient grounds for an investigation. Before the Dean decides to close a case after the inquiry, the Vice-Chancellor and where appropriate the Vice-Rector shall be informed. The inquiry is filed, so the outcome can be accounted for if required.

- that the documentation indicates the possibility of scientific misconduct, in which case an investigation is undertaken.

8 § Diligent efforts shall be undertaken to restore the reputations of persons alleged to have engaged in scientific misconduct when allegations are not confirmed.

Diligent efforts shall be undertaken to protect the positions and reputations of those persons who, in good faith, have made allegations of scientific misconduct.
Investigation

9 § The investigation ought to be initiated without delay, no later than 30 calendar days after completion of the inquiry, and should be completed within 120 days. This investigation shall afford the accused individual(s) and the person(s) who has made the allegation confidential treatment to the maximum extent possible.

10 § A group of suitable composition should, at the suggestion of the Dean of the faculty, be appointed by the Vice-Chancellor to conduct the investigation, having the task of finishing the collection of information in the matter and hearing the parties concerned. The group shall consist of experts, of which at least one member shall be affiliated to another seat of learning. The group shall also include an employee from the Legal Affairs Office of the University. At the preparation the Dean shall especially ensure that there are no conflicts of interest (administrative dependency, close personal relations, cooperation conditions, economic dependency or academic partiality).

11 § During the investigation, the group shall take notes, and their work shall result in a written final report to the Vice-Chancellor. While the investigation is being conducted, the respondents should have access to the material of the investigation including information as to who made the allegation, in order to be able to defend himself/herself to the best of his/her ability against the allegation and the findings of the investigation.

12 § The final report to the Vice-Chancellor shall document the allegation and the investigation, and state the opinion of the group concerning the truth of the allegation and gravity of a verified offence.

13 § Diligent efforts shall be undertaken to restore the reputations of persons alleged to have engaged in scientific misconduct when allegations are not confirmed.

   Diligent efforts shall be undertaken to protect the positions and reputations of those persons who, in good faith, make allegations of scientific misconduct.

14 § To maintain a high standard in research and trust in the research activities, the result of the investigation shall be spread in those cases where a person who participates in research activities has been convicted of scientific misconduct. Direct information in the matter shall be given to those concerned in the research society. Due to the circumstances specific information should be given i.e. to scientific journals in which the material has been published and if there is a need for information in the journal about what has been established in the matter. In the case of the person convicted of scientific misconduct is having a scientific assignment at a public authority, it should be considered if the authority should be informed.

The investigation shall be filed.

Obtaining an opinion from the Central Ethical Review Board

15 § During an inquiry or an investigation the University may obtain an opinion from the expert group for scientific misconduct at the Central Ethical Review Board.

16 § If the person who has raised the question of suspected scientific misconduct, or the person who the suspicion is thrown upon, demands it, the University shall obtain an opinion from the expert group for scientific misconduct at the Central Ethical Review
Board. The University does not have to obtain an opinion, if the university finds it manifestly unnecessary.

Measures

17 § On the basis of the findings of the investigation, in the event of confirmed allegations, the Vice-Chancellor decides on measures to be taken.

18 § If the investigation should find that there is suspicion of a criminal offence having been committed, then upon the decision of the Vice-Chancellor, the matter shall be handed over to the police and district attorney’s office for investigation.

19 § Regarding the matter of possible professional misconduct pursuant to chapter 20 of the Swedish Criminal Code, the decision to refer the matter to the National Disciplinary Board, in the case of professors, shall be made by the Vice-Chancellor. The Disciplinary Board then decides if disciplinary measures shall be taken or if the matter shall be reported to prosecution.

In the case of other personnel, the decision concerning disciplinary measures is to be made by the university’s disciplinary board.

Specific regulations 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 (DHHS) and is responsible for the scientific misconduct and research integrity activities of the PHS.

20 § The ORI shall be notified if at any stage of an inquiry or an investigation it is ascertained that any of the following conditions exist:

1. there is an immediate health hazard involved
2. there is an immediate need to protect United States Federal funds or equipment
3. there is an immediate need to protect the interests of the individual (s) who is the subject of the allegations or of the person(s) making the allegations.
4. it is probable that the alleged incident is going to be reported publicly.

If reasonable indication of possible criminal violation is found, the ORI must be informed within 24 hours.

21 § Appropriate interim administrative actions shall be taken to protect Federal funds and ensure that the purposes of Federal financial assistance are being carried out.

22 § If there are plans to terminate an inquiry or an investigation for any reason without completing all relevant requirements in these regulations, a report of such planned termination, including a description of the reasons for such termination, shall be made to the ORI.

23 § The concerned department shall maintain detailed documentation of an inquiry which determines that an investigation is not warranted. Such documentation shall be
kept for at least three years and shall, upon request, be provided to authorized DHHS personnel.

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

25 § The Head of the concerned department or whenever applicable the Dean of the faculty shall promptly advise the ORI of any developments during the course of the investigation which disclose facts that may affect current or potential DHHS funding for individuals under investigation or that the PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.

26 § The final report of the investigation shall be submitted to the ORI within 120 days of the initiation of the investigation.

The final report to the ORI must describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of an individual found to have engaged in misconduct, as well as a description of sanctions by the Vice-Chancellor.

27 § If the investigation cannot be completed in 120 days, the Head of the department or whenever applicable the Dean of the faculty must submit to the ORI a written request for an extension. The request for an extension should include an explanation for the delay, an interim report on the progress to date, an outline of what remains to be done, and an estimated date of completion.

28 § The Head of the concerned department shall be responsible for preparation and keeping documentation to substantiate the finding of the investigation. This documentation is to be made available to the Director, ORI.