

# Guidelines for dealing with possible misconduct in research

This is an English translation of NTNU's «[Retningslinjer for behandling av mulig uredelighet i forskning](#)» adopted by Rector. Only the Norwegian text is legally binding. Hyperlinks in the Table of Contents refer to the original.

Guidelines for dealing with possible research misconduct or alleged violation of recognized ethical standards at NTNU.

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These guidelines have been developed in accordance with Section 6 third paragraph of Norway's *Lov om organisering av forskningsetisk arbeid*, the Act of 28 April 2017 no. 23 concerning the organization of work on ethics and integrity in research (Research Ethics Act). "Research institutions must establish guidelines for dealing with possible breaches of recognized ethical standards for research. The guidelines must also specify when a statement is to be obtained from the committee on research ethics and integrity [*redelighetsutvalget*] as part of the handling of such cases". At NTNU, the committee on research ethics and integrity is called the Research Ethics Committee.

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# General

## § 1. Introduction

Whatever the outcome, any suspicion of misconduct or possible violation of recognized ethical standards for research will be perceived as a heavy burden for researchers. This creates stringent requirements for impartial, objective and thorough procedures. NTNU's procedures for reporting concerns can be used in cases of alleged misconduct in research. For medical and health research, the procedures for handling nonconformances in the health research portal can also be used.

Suspicion of misconduct in research or possible violation of recognized ethical standards for research must be addressed immediately at the relevant unit. The case workflow, including communication and dealing with nonconformances, must take place in the line management.

In addition, a Research Ethics Committee has been established to which cases can be submitted. The descriptions below set out the procedural requirements for dealing with cases concerning alleged misconduct or possible violation of recognized research ethics norms in research.

## § 2. The Research Ethics Act

Research ethics is the part of ethics that concerns planning, conducting and reporting research. The purpose of research ethics is to raise the awareness of researchers in particular and society in general about the ethical issues arising from modern research, in terms of either research results or the research process.

The requirement for integrity in research is at the heart of research ethics. According to Section 1, the purpose of the Research Ethics Act is to help ensure that research takes place in accordance with recognized ethical standards. This implies a need to investigate incidents that may breach the guidelines for research ethics in the discipline. NTNU and the academic communities also have a responsibility to follow up matters that violate ethical guidelines, even if these cannot be regarded as scientific misconduct or breaches of recognized ethical standards for research in the eyes of the law.

Recognized ethical standards for research are defined in guidelines for research ethics drawn up by the Norwegian National Research Ethics Committees (the National Committee for Medical and Health Research Ethics (NEM); the National Committee for Research Ethics in Science and Technology (NENT); and the

National Committee for Research Ethics in the Social Sciences and the Humanities (NESH)). A distinction must be made between breaches of recognized ethical standards and serious breaches of recognized ethical standards. Serious breaches are also referred to as misconduct in research.

Misconduct in research means

- falsification,
- fabrication,
- plagiarism
- other serious breaches of recognized ethical standards for research that are committed with intent or gross negligence in the planning, implementation or reporting of research; see Section 8 second paragraph of the Act concerning the organization of work on ethics and integrity in research (the Research Ethics Act).

Under Section 8 first paragraph of the Research Ethics Act, the following aspects must always be considered in such cases:

- a) whether the researcher has committed scientific misconduct or not,
- b) whether there is system failure at the institution
- c) whether the scientific work should be corrected or withdrawn.

### **§ 3. Relevant regulations**

It may be necessary to take into account several regulatory frameworks in cases concerning alleged misconduct in research, including:

- the Research Ethics Act (forskningsetikkloven)
- the Copyright Act (åndsverksloven)
- the Public Administration Act (forvaltningsloven)
- the Freedom of Information Act (offentlighetsloven)
- the State Employee Act (statsansatteloven)
- the Working Environment Act (arbeidsmiljøloven)
- data protection legislation (GDPR)
- the Health Research Act (helseforskningsloven)
- guidelines on research ethics for the national committees
- relevant statutory regulations
- relevant internal regulations, including:
  - codes of ethics
  - procedures for reporting concerns

# Procedures at the faculties

## § 4. Reporting suspected misconduct in research

Suspected misconduct in research or possible breach of recognized ethical standards for research should generally be reported to the line manager. The report should be made in writing and include reasons. In consultation with the Dean or the Vice-Dean for Research at the faculty, the manager must consider whether the report is to be investigated further.

If a more thorough investigation is needed, the Dean is to be responsible for further handling of the case. In the handling of the case, the Dean can seek assistance from people with relevant competence. If the person reporting a concern is not a party to the case, they must be informed in accordance with NTNU's whistleblowing procedures. If the person is a party to the case, they are safeguarded in accordance with Chapters IV and V of the Public Administration Act.

### The report should include:

- The name of the person reporting the concern or allegation
- Date
- Who (name, project, etc.) has committed / is committing a possible breach of recognized ethical standards for research or misconduct in research. The person(s) committing a possible breach must be affiliated with NTNU
- Description of the circumstances, with reasons for the suspicion of a breach
- Witnesses, if any

The person who makes the allegation is protected from retaliation under Section 2 A-2 of the Working Environment Act.

## § 5. Handling of notification received

In an investigation of suspicion about misconduct or possible breach of recognized ethical standards for research, the proceedings must be documented and filed in ePhorte. Throughout the proceedings, one should constantly consider whether documents can and must be exempted from public disclosure in accordance with the Personal Data Act (personopplysningsloven) and the Freedom of Information Act (offentleglova).

In cases concerning alleged scientific misconduct in research or possible breach of recognized ethical standards for research, it must be expected that most

documents will not be exempted from public access when a final decision has been made on the case. The case must be handled with a view to ensuring that all steps in the proceedings can be documented later, for the National Commission for the Investigation of Research Misconduct and the parties' entitlement to explain their side of the case according to the adversarial principle (kontradiksjon).

All meetings in the case must be convened in writing (the parties must have the opportunity to prepare) and minutes of the meetings must be written. Meetings are to be held with the parties separately. The parties must be given the opportunity to read and comment on the draft minutes and to inspect the documents in the case. The parties in the case must be informed that they will have the opportunity to be accompanied by an employee representative or advisory assistant in the case.

A specific question that needs to be addressed is whether it will be necessary to stop publications. In some cases, it may also be necessary to inform editors, partners, funding sources and co-authors that an investigation of possible research misconduct is under way. This must take place in a dialogue with the parties to the case.

An allegation of research misconduct can be perceived as highly stressful for the person or persons accused. Information issued must be of an informative and neutral nature, so that it is correct and no one feels that they have been prejudged.

## **§ 6. Differentiating between suspected misconduct in research and other breaches of recognized ethical standards for research**

Some research-related activities may violate recognized ethical standards for research without constituting research misconduct, for example carelessness and poor work (see also § 2 above). Such incidents must also be addressed, so that NTNU can accept responsibility for the activity that takes place within the institution.

## **§ 7. Personal conflict**

Cases involving research ethics sometimes arise as a result of or as part of a conflict. It is important, but often difficult, to distinguish between genuine concerns about misconduct in research/possible breaches of recognized ethical standards and issues resulting from personal conflict. Personal conflicts and academic disagreements fall outside the scope of research ethics.

## **§ 8. Investigation of concerns**

#### a) Procedural rules

The line manager has first-hand ownership of the case and is responsible for ensuring that adequate investigations are initiated. An investigation must be handled in accordance with the Public Administration Act. First, the manager must assess their own impartiality.

There are requirements for the timescale of the proceedings and the question of whether information must be kept confidential must be considered. The parties to the case generally have the right to access all documents in the case, subject to the reservations set out in the Public Administration Act.

#### b) Investigations in the line management

Together with the Dean/Vice-Dean, the manager must seek to shed as much light as possible on the case before a conclusion is reached on whether research misconduct or possible breach of recognized ethical standards for research has taken place. Early in the proceedings, it should be investigated whether the reported concerns can be resolved amicably, if the suspicion relates to errors, professional/personal conflict or misunderstandings.

In such cases, the researcher must be given the opportunity to correct errors that have been made. Even when an amicable solution is expected, the procedure must be followed, such as minutes of meetings, the opportunity to have a representative, and records management.

If no solution is reached, procedures in accordance with these guidelines must be initiated. The requirement for documentation applies at all times.

#### (c) Internal investigative committee

If the suspicion is considered well-founded, the Dean will take over the formal ownership of the case. The Dean should appoint an internal investigative committee with relevant expertise. It may be difficult to conclude a case without an investigation, especially if one party to the case has a strong desire for thorough scrutiny.

At the same time, it should be borne in mind that an investigation requires great resources. Furthermore, an investigation is in itself a great burden on the person accused of research misconduct.

An investigation is initiated to obtain the necessary clarity on key aspects of the case and on whether the case is of such severity that any confirmation of the

suspicion could be defined as misconduct in research (serious breach) or a violation of recognized ethical standards for research.

Members of an investigative committee should have the trust of all parties to the case. The investigation must result in a written report. The parties must be given the opportunity to comment on the facts of the case in the report (not the committee's assessment) before the final report is prepared.

The committee must have the opportunity to correct errors or revise the presentation if the comments are taken into consideration. The Dean's follow-up of the case depends largely on circumstances identified during the investigation and any conclusions.

Before the Dean reaches a conclusion, the parties must have an opportunity to comment on the entire report. If there is any doubt about measures or further follow-up of the case as a personnel matter, the faculty's HR / HSE unit should be involved.

### **§ 9. Referral of a case to the Research Ethics Committee at NTNU**

If a party wants a new assessment of the faculty's investigation, the party may require consideration of the case by the Research Ethics Committee (appeal case). The Dean can also submit the case to the Research Ethics Committee at NTNU if there is a need for a further review of the case. 3. Procedures applicable to the Research Ethics Committee.

### **§ 10. Work methods**

In individual cases, the Research Ethics Committee is to take a stance on alleged scientific misconduct or possible breaches of recognized standards for research. The secretariat for the committee will prepare the case, but the Research Ethics Committee will consider the case and reach a conclusion.

### **§ 11. Procedures for the Research Ethics Committee**

Cases submitted to the Research Ethics Committee must generally be presented from the Rector or the Dean who is the owner of the case. A researcher or others who suspect misconduct in research can also report a case to the committee if the matter cannot or should not be reported to the department or faculty. If the committee finds it justifiable, it can submit the case to the faculty through the Dean for the initial handling of alleged misconduct. At any stage in the process, the Research Ethics Committee may request more detailed and/or supplementary information.

Such a request must be given priority so that the proceedings are carried out within a reasonable period, but still in a way that is adequate and justifiable. The Research Ethics Committee determines whether a case that has been received should be considered on its merits or rejected. If it is rejected, it must be returned to the person who reported the case, with a reason for the rejection.

When consideration of a case is complete, the committee prepares a statement with reasons, which is communicated to the relevant Dean and others who have a legitimate interest in obtaining information about the result. A decision in the Research Ethics Committee is not an individual administrative decision under the Public Administration Act, but chapters IV and V of the Act apply to the procedure in such cases.

Statements from the committee must be in writing and must contain a reasoned assessment with a conclusion. If the committee concludes that no scientific misconduct under the Research Ethics Act has taken place, this must be clearly and unequivocally expressed in the statement.

If the committee concludes that there are other breaches of recognized ethical standards for research that should be followed up by the unit with the researcher(s) involved, this must be explained in the statement.

Under Section 6 fifth paragraph and Section 7 second paragraph of the Research Ethics Act, when a statement concludes that a researcher has committed scientific misconduct (serious breach), the researcher may appeal to the National Commission for the Investigation of Research Misconduct (Granskingsutvalget, GRU).

Chapter VI of the Public Administration Act (concerning appeal against and reversal of administrative decisions) applies with the limitations that follow from the Research Ethics Act. The case can also be submitted to the National Commission for the Investigation of Research Misconduct for comment if special grounds so indicate.

The Research Ethics Committee reports on the cases that it considers to the National Commission for the Investigation of Research Misconduct. Cases that have been rejected are briefly mentioned with the grounds for rejection.

## **§ 12. Consequences of violating integrity standards**

If the Research Ethics Committee concludes that misconduct or a breach of recognized ethical standards for research has occurred in a specific case, the committee must convey its written conclusion to the relevant Dean or Rector.

The Dean informs the parties to the case. It is up to the Dean to consider and implement any sanctions, which may involve:

- a) retraction or amendment of the scientific work,
- b) correction of author attributions,
- c) reporting of the case to the public authority that supervises the area relevant to the case,
- d) personnel reactions and
- e) reporting of any criminal offences to the police.

Only the Rector can report the university's own employees to the police; see Section 4.2 of the regulations on delegation.

## **Also see**

- [The Research Ethics Committee](#)
- [Suspicion of cheating in research - how to proceed](#)

## **Contact**

If you have any questions, please contact [Thor Bjørn Arlov](#) or [Sofie Holten](#)