



GUIDELINES	Applicable from	Reference number
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<b>Decision-maker</b>	<b>Date of decision</b>	<b>Responsible department</b>
President	17.12.2019	Planning, Quality Coordination and Administrative Law
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## Guidelines on the Management of Suspected Deviations from Good Research Practice

*This document is a translation. In case of a discrepancy between the Swedish original and the English version of the decision, the Swedish version will prevail.*

These guidelines have been established in accordance with Chapter 1 Section 17 of the Swedish Higher Education Ordinance (SFS 1993:100).

### 1 Introduction

Chapter 1 Section 3a of the Swedish Higher Education Act (SFS 1992:1434) states that, in the course of their operations, higher education institutions shall uphold academic credibility and good research practice, while the Swedish Act on Responsibility for Good Research Practice and the Examination of Research Misconduct (SFS 2019:504) includes provisions on the responsibility of researchers and the entity responsible for research for conducting research in accordance with good research practice and that issues of research misconduct are to be examined by an independent Board. With regard to the management of suspected deviations from good research practice, Chapter 1 Section 17 of the Higher Education Ordinance states that higher education institution must examine other suspected deviations from good research practice than those to be examined under the Act on Responsibility for Good Research Practice and the Examination of Research Misconduct.

#### 1.1 Definitions

For the purposes of these guidelines, the definition of the term *research* is that stated in the Swedish Act concerning the Ethical Review of Research Involving Humans (SFS 2003:460); i.e., scientific experimental or theoretical work to gain new knowledge, and developmental work on scientific grounds, but not such work performed at undergraduate level at universities.

For the purposes of these guidelines, the definition of the term *research misconduct* is that stated in Section 2 of the Act on Responsibility for Good Research Practice and the Examination of Research Misconduct; i.e., 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.

For the purposes of these guidelines, *other serious deviations from good research practice* refers to a deviation from good research practice that materially damages, or threatens to damage, the integrity of the research or researcher and that is committed intentionally or through gross negligence when planning, conducting or reporting research or artistic research and development work that is not covered by the above definition of research misconduct.

#### 1.2 The right of staff to obtain advice and support on issues relating to good research practice

Pursuant to Chapter 1 Chapter 16 of the Higher Education Ordinance, KTH must ensure that staff can obtain advice and support on issues relating to good research practice and deviations from such practice.

### 2 Reporting suspected deviations from good research practice

Any suspicion of deviation from good research practice must be reported to the President without delay so that it can be investigated.

### **3 Assessing how a case is to be dealt with**

Reported deviations shall be dealt with without undue delay. The President shall immediately inform the Chair of KTH's Committee for Investigating Suspected Deviations from Good Research Practice (hereafter referred to as the KTH Committee) and the Head of Human Resources of the matter. If a case contains personal data, then the Data Protection Officer should also be informed. In consultation with an administrative lawyer, the Chair of the KTH Committee shall promptly assess whether the suspicion relates to research misconduct committed within KTH's operations.

#### *Exemptions for cases related to certain areas of research*

According to Section 3 of the Swedish Ordinance concerning Exemptions from Investigating Research Misconducted in the Areas of Defence and National Security (SFS 2019:1176), a case of suspected deviation from good research practice shall not be referred to the Research Misconduct Review Board if the research in question falls within the areas of defence and national security and contains information classified as confidential or higher pursuant to Chapter 2 Section 5 the Swedish Protective Security Act (SFS 2018:585), or if it is covered by a Government exemption in a specific case. This assessment is made by the President. The case shall be dealt with at KTH in accordance with the Swedish Public Access to Information and Secrecy Act (SFS 2009:400).

#### **3.1 Cases to be referred to the Research Misconduct Review Board**

If the report is deemed to relate to research misconduct in KTH's research activities, the Chair of the KTH Committee shall pass the matter on to the President who will decide that the matter should be referred to the Research Misconduct Review Board.

If the Chair of the KTH Committee concludes that the matter relates to both research misconduct and other serious deviations from good research practice, she or he shall pass on that part of the case that relates to research misconduct to the President who will decide whether the matter should be referred to the Research Misconduct Review Board. That part of the case relating to other serious deviations from good research practice shall be investigated by the KTH Committee; where appropriate, after the Research Misconduct Review Board has tried and adjudicated on that part of the case related to research misconduct.

#### **3.2 Dealing with cases not referred to the Research Misconduct Review Board**

If it is decided not to refer the case to the Research Misconduct Review Board, the Chair of the KTH Committee and an administrative lawyer shall deal with the matter without undue delay. The person to whom the complaint relates shall be given the opportunity to respond to the complaint in writing and the Chair and administrative lawyer shall jointly prepare the necessary documentation to reach a decision regarding the continued handling of the case. If the complainant or the person to whom the complaint relates does not speak Swedish, the report and any other relevant documents shall be translated. After a presentation by the Chair of the KTH Committee and the administrative lawyer, the President shall decide whether:

- a. the case should be investigated by the KTH Committee as a case of suspected other serious deviations from good research practice; or
- b. the case should be dealt with in some other manner; or
- c. the case should be closed without further action.

### **4 KTH's Committee for Investigating Suspected Deviations from Good Research Practice**

KTH's Committee for Investigating Suspected Deviations from Good Research Practice consists of three members with scientific competence and one student representative. At least one member shall be employed in the operational area concerned and appointed by the Faculty Council for each individual case. The KTH Committee is assisted by an administrative lawyer with the right to attend the Committee's meetings and offer opinions.

The members are appointed by the Faculty Council, which shall give due consideration to gender balance among the members. One member shall be appointed as chair by the Faculty Council. Aside from those appointed for each individual case, members shall be appointed for a term of four years. The student representative is

appointed in accordance with the Swedish Student Union Ordinance (SFS 2009:769).

In the event that a member's employment at KTH is terminated or a member resigns for some other reason or is appointed to a senior management position, the Faculty Council will appoint a new member. If a member has a conflict of interest in a case, the Faculty Council shall promptly appoint a new member for the case in question.

Any costs for external experts and other costs arising for the KTH Committee shall be budgeted by University Administration's Department of Planning, Quality Assurance and Administrative Law.

#### **4.1 Investigating and trying other serious deviations from good research practice**

The KTH Committee shall investigate all cases referred to it without undue delay. The KTH Committee is convened by the Chair and meetings shall be minuted and the minutes approved by the Chair and one additional committee member. The minutes shall state the date and time of the meeting, those attending and what capacity they are attending and events during the meeting. The KTH Committee has a quorum when three members are in attendance.

During its investigation, the KTH Committee shall hear from the interested parties and obtain the necessary information to adopt a position on the matter in hand. Representatives of the organisation to which the complaint relates shall always be offered the opportunity to comment on the complaint. The KTH Committee may decide that others have the right to attend its meetings and offer opinions. The KTH Committee may also obtain opinions from representatives of KTH or other individuals, as well as expert opinions.

If the KTH Committee deems it necessary, the complainant, the subject of the complaint and representatives of the organisation involved may be summoned to a meeting. The complainant, the subject of the complaint and representatives of the organisation involved also retain the right to attend meetings at which the complaint is being dealt with. If a party has expressed such a desire, all parties shall be informed and offered the opportunity to attend the same meeting. At the meeting, the complainant, the subject of the complaint and representatives of the organisation involved shall be given the opportunity to briefly develop their standpoints and answer questions.

The provisions on conflict of interest contained in Sections 16-18 of the Swedish Administrative Procedure Act (SFS 2017: 900) shall be taken into consideration by all of those involved in handling cases. Anyone who is aware of a circumstance that may be assumed to constitute a conflict of interest on her or his part shall immediately report this to the Chair of the KTH Committee.

The KTH Committee shall document its investigation and prepare a written opinion stating its conclusions regarding the reported other suspected deviations from good research practice and the reasons for its judgement. In its assessment, the KTH Committee shall clearly state i) whether there has been any deviation from good research practice and ii) if so, the severity of the deviation.

The KTH Committee's position shall be the opinion agreed on by the majority of its members regarding the matter in hand. Should an individual member not share this opinion, that member shall state this in writing in conjunction with the KTH Committee stating its position. The KTH Committee's opinion shall be submitted simultaneously to the President, the subject of the complaint and the complainant. If any of the parties do not speak Swedish, the opinion shall be translated.

#### **4.2 The President's decision**

Pursuant to the Swedish Administrative Procedure Act (SFS 2017:900), all parties shall be given the opportunity to express their opinion on the KTH Committee's investigation and opinion prior to the President reaching a decision on the matter. If any of the parties do not speak Swedish, these documents shall be translated.

After the presentation by an administrative lawyer and the Chair of the KTH Committee, and on the basis of the KTH Committee's investigation and opinion, the President shall decide whether there have been other serious deviations from good research practice in the case in hand. The decision shall state the severity of any deviations and whether anyone is to be held responsible, as well as whether the deviations have been committed intentionally or due to gross negligence. The decision shall be sent to the complainant and the subject of the complaint and to the Head of Human Resources and anyone else deemed relevant. If the complainant or the subject of the complaint does not speak Swedish, the decision shall be translated.

#### **4.3 If a complaint is dismissed**

Should a complaint regarding a serious deviation from good research practice be dismissed, appropriate measures shall be taken to ameliorate the injury that may have been caused to the subject of the complaint. KTH shall ensure that the complainant and the subject of the complaint receive the support and resources they need to resume their research. If the subject of the complaint is a doctoral student, appropriate measures shall be taken to ensure that she or he has a legally certain study situation.

#### **4.4 Information**

The President is responsible for informing affected research financiers, public authorities, scientific journals and other relevant stakeholders of their decision that other serious deviations from good research practice have occurred.

#### **4.5 Reporting decisions to the Research Misconduct Board of Review**

The President is responsible for ensuring that, no later than 30 March each year, the Research Misconduct Board of Review receives a pseudonymised report regarding investigations into deviations from good research practice conducted at KTH during the previous calendar year.

### **5 Sanctions**

The President may decide to impose sanctions when:

- a) the Research Misconduct Review Board has decided that there has been 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; or
- b) the KTH Committee assesses that other serious deviations from good research practice have occurred.

Any sanctions shall be proportionate to the severity of the deviation.

The President may for example decide on the following measures:

- a) If crime is suspected, hand the case over to the police.
- b) Hand the matter over to KTH's Disciplinary Board, or to the National Disciplinary Board if the matter concerns a professor, for a review of whether disciplinary action or prosecution is appropriate.
- c) Other appropriate measures.

### **6 KTH's obligation to cooperate with and provide information to the Research Misconduct Review Board**

According to the Act on Responsibility for Good Research Practice and the Examination of Research Misconduct, KTH shall provide the Research Misconduct Review Board with the assistance, data, information and documentation of the research in question that the Board requires for its investigation and, where necessary, give the Board access to the premises used for the research.

## **7 Following up decisions by the Research Misconduct Review Board**

### **7.1 Reporting obligation**

Pursuant to Section 13 of the Act on Responsibility for Good Research Practice and the Examination of Research Misconduct, the President is responsible for reporting to the Research Misconduct Review Board the measures KTH has taken or intends to take due to a decision by the Board that research misconduct or serious deviations from good research practice in the form of fabrication, falsification or plagiarism that is committed intentionally or through gross negligence has occurred. This report shall be received by the Board no later than six months after such a decision has entered into force.

### **7.2 Notification of decisions to the relevant bodies**

Pursuant to Section 14 of the Act on Responsibility for Good Research Practice and the Examination of Research Misconduct, the President is responsible for, as soon as the decision has been made, informing the relevant research financiers, public agencies, scholarly journals and other stakeholders that research misconduct or serious deviations from good research practice in the form of fabrication, falsification or plagiarism that is committed intentionally or through gross negligence has occurred. They shall also be informed that the decision may be appealed.