



GUIDELINES FOR DEALING WITH POSSIBLE BREACHES OF RECOGNISED RESEARCH ETHICS STANDARDS

Adopted by the Board of NHH on 12 December 2019 and by the Board of SNF on 17 December 2019 in accordance with the Norwegian Act concerning the organisation of work on ethics and integrity in research (the Research Ethics Act) Section 6 third paragraph.

Section 1 Purpose and scope

Research at the Norwegian School of Economics (NHH) and SNF – Centre for Applied Research at NHH (SNF) shall be conducted in accordance with ethical standards for research in the institutions' subject areas that are recognised in Norway and in any other countries where research is conducted.

NHH/SNF shall consider all cases concerning possible breaches of recognised research ethics standards at their own institution. It is a precondition for considering a case that the suspected breach:

- can be linked to scholarly activities at NHH/SNF, or
- involves or concerns one or more members of staff, PhD candidates or other researchers affiliated to NHH/SNF.

Cases concerning possible breaches of recognised research ethics standards shall be dealt with in a proportional manner and in accordance with good administrative practice. A proportional approach means that cases should be dealt with at the lowest possible level and in a manner that is proportional to the gravity of the reported breach. Moreover, NHH and SNF shall safeguard the parties' right to an adversarial process at every stage of the case.

Cases concerning examinations, tests or similar in full-time study programmes or the training component of a PhD programme fall outside the scope of these guidelines and will be dealt with by the Section for Exams and, if relevant, NHH's Appeals Board in accordance with the Act relating to Universities and University Colleges and the Regulations for Full-time Study Programmes at the Norwegian School of Economics.

Section 2 Definitions

By *recognised research ethics standards* is meant written and unwritten norms that apply to academic work in the field in question. The standards describe good academic practice and are set out, for example, in the research ethics guidelines issued by the Norwegian National Committees for Research Ethics.¹

Examples of breaches of recognised research ethics standards include:

- Failure to credit co-authors
- Honorary authorship

¹ <https://www.etikkom.no/forskningsetiske-retningslinjer/Samfunnsvitenskap-jus-og-humaniora/>

- Failure to cite sources
- Honorary citation
- Copying source references without checking them
- Inadequate/missing information about the quality of data sets and results
- Selective/adapted referencing
- Falsification
- Fabrication
- Plagiarism

Breaches vary from the least serious forms to breaches of trust that could weaken trust in researchers and in the institution.

By *scientific misconduct* is meant a serious breach of one or more recognised research ethics standards. It is also a condition that the case concerns a deliberate or grossly negligent act committed during the planning, execution or reporting of research. Serious breaches of recognised research ethics standards refer in particular to:

- Falsification
- Fabrication
- Plagiarism

The Research Ethics Committee is the institution's supreme advisory body in questions of whether recognised research ethics standards have been broken, cf. the Research Ethics Act Section 6. The function of the Research Ethics Committee is defined in more detail in Section 10 of these guidelines.

The National Commission for the Investigation of Research Misconduct is the national committee appointed by the Ministry pursuant to the Research Ethics Act Section 7. The National Commission for the Investigation of Research Misconduct is the appellate body in cases where the Research Ethics Committee has concluded that a researcher is guilty of scientific misconduct.

Section 3 Training

NHH and SNF shall ensure that staff and PhD candidates have sufficient knowledge about the recognised research ethics standards that apply in their respective research disciplines. The vice rector for research at NHH and the managing director of SNF have a particular responsibility for ensuring that adequate research ethics training is provided and that a system is in place for following up PhD candidates and members of staff. This responsibility is particularly important in relation to new recruits and external personnel who are conducting or taking part in research. The requisite training should normally be provided through regular courses.

In addition to NHH and SNF's responsibility for providing adequate training, candidates and staff who conduct research also have an independent responsibility to acquire knowledge and attend training when necessary.

Section 4 Follow-up of notifications

As a rule, suspicions of a breach of recognised research ethics standards shall be reported in writing, stating the grounds for the suspicion, to the head of department/managing director of SNF. NHH/SNF is responsible for having an efficient notification system in place. In exceptional cases, notifications may be given verbally. In such cases, it must be recorded in writing by the recipient without undue delay.

All notifications of suspected breaches of recognised research ethics standards shall be filed, and the head of department/managing director of SNF shall consider the notification and decide how to proceed with the matter. Based on the investigation, the head of department/managing director of SNF decides, if relevant in consultation with the secretariat of the Research Ethics Committee, whether the matter must be considered by the Research Ethics Committee, cf. Section 8-10, or whether it can be dealt with locally, cf. Section 7.

It is the responsibility of the department in question/SNF to follow up all suspicions of a breach of recognised research ethics standards in a thorough and satisfactory manner. If possible, cases should in principle be dealt with at the lowest possible level.

NHH/SNF must have general procedures in place for operational handling of cases concerning breaches of recognised research ethics standards, including contingency procedures.

Section 5 Investigation of cases in the departments and SNF

As a rule, the department/SNF is itself responsible for ensuring that the case is clarified as thoroughly as possible, cf. the principles set out in Chapters IV and V of the Public Administration Act. If desirable, the investigation can be conducted in consultation with the secretariat of the Research Ethics Committee, although responsibility rests with the head of the department/managing director of SNF.

Case preparations are carried out either by a permanent committee appointed by the department/SNF to investigate cases concerning suspected breaches of recognised research ethics standards, or by an ad hoc committee appointed to consider a particular case. The composition of such an ad hoc committee shall be based on a discretionary assessment of the nature and scope of the case. The members' impartiality must be assessed in relation to the Public Administration Act Section 6. In cases concerning interdisciplinary work, the department/SNF may appoint members from other departments/SNF.

In its investigation, the department/SNF must map the facts of the case, the parties' claims and the research ethical issues raised by the case. These factors must be mapped in a way that complies with the requirements for verifiability (documentation), adversarial process and filing.

Section 6 Authority to drop a case

If the investigation shows that there is clearly no basis for taking the suspicions further, the head of department/managing director of SNF can drop the case. The case must have been sufficiently clarified before such a decision can be made.

The decision of the head of department/managing director of SNF must be in writing, state the grounds for the decision and give an account of the investigative steps taken in the case. The decision shall be sent to the parties to the case and the secretariat of the Research Ethics Committee with the underlying material enclosed.

The parties to the case can appeal a decision to drop a case. If one of the parties appeals, the Research Ethics Committee is obliged to meet to arrive at a stance on the matter.

Even if the decision to drop a case has not been appealed, the Research Ethics Committee can take the case under consideration on its own initiative if at least one of the committee members considers that weighty reasons indicate that there is no basis for dropping the case. Such a reopening of a case must take place within six months of receipt of the report.

Section 7 Procedure in other cases concerning breaches of recognised research ethics standards that do not constitute scientific misconduct

Notifications of suspected breaches of recognised research ethics standards that do not constitute scientific misconduct shall be dealt with in accordance with the guidelines set out in Sections 4 and 5.

Such cases can be resolved amicably between the parties if this is deemed justifiable by the head of department/managing director of SNF. Proposed solutions in such cases shall be prepared or approved by the department/SNF. If the parties do not succeed in arriving at an amicable solution, or if the head of department/managing director of SNF does not find the proposed solution justifiable, the Research Ethics Committee shall consider the case.

When the department/SNF has concluded a case, either by dropping it or by the parties arriving at an amicable solution, a report stating the grounds for how the case was concluded must be sent to the secretariat of the Research Ethics Committee no later than four weeks after the case was concluded. The Research Ethics Committee can take the case under consideration on its own initiative if at least one of the committee members consider that weighty reasons indicate that the amicable solution is not justifiable. Such a reopening of a case must take place within six months of receipt of the report.

Section 8 Procedure in cases concerning scientific misconduct

Cases concerning suspicions of scientific misconduct shall always be considered by the Research Ethics Committee based on an investigation conducted by the department/SNF, and in accordance with the guidelines set out for such consideration in Sections 4 and 5. Cases that have been dropped pursuant to Section 6 first and second paragraphs shall nevertheless not be considered unless the decision has been appealed pursuant to Section 6 third paragraph or the case has been reopened pursuant to Section 6 fourth paragraph.

Once the Research Ethics Committee has concluded its consideration of a case, the Committee shall issue a reasoned statement in which it concludes on the following questions:

- whether or not the researcher/PhD candidate is guilty of scientific misconduct,
- whether there are system errors at the institution, and
- whether the scientific work in question should be corrected or withdrawn.

If the Committee concludes that the researcher/PhD candidate is not guilty of scientific misconduct, the decision must address whether he or she has nevertheless acted in a manner that is blameworthy or may be regarded as questionable. Typical examples are cases where recognised research ethics standards have been breached pursuant to Section 7, but not in such a way as to constitute scientific misconduct, and cases where the *mens rea* culpability requirement is not met.

In cases where the Research Ethics Committee has concluded that scientific misconduct has taken place, the Committee shall inform the immediate superior of the person concerned and advise on which measures should be implemented based on the Committee's assessment. Examples of such measures include:

- personnel consequences such as summary dismissal, dismissal with notice, suspension or disciplinary measures pursuant to the Act relating to Universities and University Colleges Section 11-3, cf. the Government Employee Act Chapter 3
- correcting authorship information
- reporting the matter to supervisory authorities
- reporting any criminal acts to the police

The parties, the department in question/SNF and other parties with a legitimate interest in receiving information about the outcome for purposes of further processing and consideration of consequences shall be informed about the statement.

Section 9 The composition of the Research Ethics Committee

The Research Ethics Committee shall consist of members who, together, have expertise in the fields of research, research ethics and law. The Committee shall comprise:

- The vice rector for research at NHH (chair)
- A member of the academic staff appointed by SNF
- A member of the academic staff appointed by NHH
- A legal adviser at NHH
- An external representative appointed by NHH

The legal adviser and the external member shall have personal deputies. In addition, two deputy members in ranked order shall be appointed for the other members.

The members and deputy members are appointed by the rector of NHH and the managing director of SNF. The members are appointed for a term of four years. Members can be appointed for a shorter term if this is necessary in order to ensure the continuity of the committee.

The Office of Research Administration at NHH acts as the secretariat for the Research Ethics Committee. The secretariat is led by the legal adviser.

Section 10 The remit of the Research Ethics Committee

The Research Ethics Committee shall consider cases concerning breaches of recognised research ethics standards. The Public Administration Act, including the provisions on duty of secrecy, applies to the Committee's work. An impartiality assessment must be conducted for each case.

The Research Ethics Committee shall primarily consider cases concerning serious possible breaches of recognised research ethics standards. The Committee may also review the assessments of the department/SNF, including outcomes in the form of an amicable solution arrived at between the parties, when cases are concluded at department level/SNF, cf. Sections 6 and 7. It is a condition that at least one committee member considers that weighty reasons exist for conducting such a review.

The Committee is also free to send an existing case back to the department/SNF for further investigation. In exceptional cases, the Committee itself can obtain information in the case if this is deemed necessary. Correspondingly, the Research Ethics Committee can raise matters on its own initiative and instruct a department/SNF to investigate a case.

The Research Ethics Committee is obliged to consider all cases put before it on their merits. The Committee's statement shall be issued in writing and shall conclude on the question of whether or not the Committee finds that recognised research ethics standards have been breached. Comprehensive grounds must be given of a scope sufficient to form a basis for NHH/SNF to proceed with the case with a view to possible further consequences, cf. Section 13. The guidelines in Section 8 come in addition in cases concerning possible scientific misconduct.

The Committee forms a quorum when at least two-thirds, and at least three, of its members are present. The quorum is conditional on the members present together having expertise in the fields of

research, research ethics and law. The Committee can conclude that recognised research ethics standards have been breached if there is at least a two-thirds majority among the members present.

In cases where the Committee finds it natural to do so, it may examine and provide input on how cases concerning possible breaches of research ethics standards are dealt with at NHH/SNF, including measures pursuant to Section 14.

The Committee meets when cases arise. However, the Committee shall hold at least one meeting per year.

The Committee must submit an annual report to the Board of NHH and SNF about the cases it has considered and its activities during the past year. The annual report shall also be submitted to the National Commission for the Investigation of Research Misconduct.

Section 11 Use of experts

As a rule, the department/SNF and the Research Ethics Committee shall investigate, consider and decide cases on their own. If special reasons so indicate, external experts can be involved in an advisory capacity. Expert advisers do not have the right to vote when the Research Ethics Committee decides a case, but are subject to the Public Administration Act's provisions on impartiality, duty of secrecy etc. External experts must sign a written declaration of secrecy *before* they receive information about the content of a case etc.

Section 12 Right of appeal and reporting to the National Commission for the Investigation of Research Misconduct

Researchers can appeal statements that conclude that scientific misconduct has taken place to the National Commission for the Investigation of Research Misconduct.

The Research Ethics Committee reports cases concerning serious possible breaches of recognised research ethics standards to the National Commission for the Investigation of Research Misconduct as they are concluded.

Section 13 Further consequences

The department/SNF has a duty to decide on any further consequences for a PhD candidate or researcher responsible for an act that the Research Ethics Committee or the National Commission for the Investigation of Research Misconduct has concluded constitutes a breach of recognised research ethics standards. The same applies in cases where the parties have arrived at an amicable solution.

Section 14 Restoration of good name and reputation

If a researcher has been suspected of breaching recognised research ethics standards, but the investigation or the Research Ethics Committee has concluded that no scientific misconduct has taken place, NHH/SNF is obliged to take reasonable steps to restore the good name and reputation of the researcher in question, both internally and externally.