

Regulations concerning academic misconduct

Regulations for the assessment of academic misconduct in the NHH Group, consisting of the Norwegian School of Economics (NHH), SNF – Centre for Applied Research at NHH (SNF), and the Administrative Research Institute (AFF)

The Regulations for the assessment of academic misconduct in the NHH group (NHH, AFF and SNF) apply in connection with allegations of breaches of standards of academic conduct and accepted academic practice in the NHH group. They are intended to ensure that cases are dealt with in a fair and satisfactory manner. A Research Ethics Committee will be established, which will issue statements on cases involving alleged breaches of standards of academic conduct. Cases can be submitted to the committee by the Rector/Deputy Rector at NHH and the managing directors of AFF and SNF, or they can be raised by the committee on its own initiative. The Research Ethics Committee does not have power of decision, but it shall issue recommendations concerning how cases are to be handled.

Members of the Research Ethics Committee at NHH:

Court of Appeal Judge Kjell Frønsdal (CHAIR)

Deputy chair: Court of Appeal Judge Margareth Christophersen

Associate Professor **Katarina Østergren**, IRRR

Deputy for Østergren: Professor Ingrid Simonnæs, FSK

Professor **Knut Ims**, SOL

Deputy for Ims: Stein Ivar Steinshamn, SNF

Professor **Jan Tore Klovland**, SAM

Internal deputy: Professor **Anna Mette Fuglseth**, SOL

External expert member: Professor **Jan Erik Askildsen**, UiB

External deputy: Professor **Frode Mellemvik**, Bodø Graduate School of Business

Regulations concerning academic misconduct

1. The Research Ethics Committee at NHH – area of responsibility

- a. The Research Ethics Committee is the NHH Group's advisory body on research ethics matters. The committee shall consider and issue statements on individual research ethics cases based on allegations of breaches of standards of academic conduct and generally accepted academic practice in the NHH Group.

Individual research ethics cases can be submitted to the committee by the Rector and Deputy Rector of the Norwegian School of Economics / the Managing Director of SNF – Centre for Applied research at NHH / the Managing Director of the Administrative Research Institute (hereinafter referred to collectively as the Deputy Rector/Managing Director), with the Rector's endorsement.

The committee shall consider and issue statements on general research ethics issues submitted to the committee by the Rector.

The committee can itself initiate cases on the basis of allegations or suspicions.

All statements issued by the committee must be in writing and contain a reasoned assessment. The committee can recommend that cases be forwarded to the National

Commission for the Investigation of Research Misconduct, or recommend that a decision be made by the institution itself.

- b. The committee shall consist of five members. One of the external members must be a legal practitioner, qualified to serve as a judge (Chair). Other members should have a broad research background. One of these members must be an external committee member. The internal members must have experience from central, internal or external governing bodies of relevance to research. A deputy must be elected for each member.

During its consideration of individual research ethics cases, the committee can be augmented by a person from the category of position that the case concerns.

The committee's members and deputy members are appointed by the board for a term of four years, and they may be re-appointed.

- c. The committee shall submit an annual report about its activities. Within the bounds of the regulations relating to protection of privacy, the committee's activities shall be open to public access.

2. Academic misconduct

By academic misconduct is meant falsification, fabrication, plagiarism and other serious breaches of generally accepted academic practice, committed with intent or through gross negligence, in connection with the planning, execution or reporting of research. This includes breaches of research ethics and generally accepted research practice that clearly deviate from acceptable practice in the discipline.

3. Fundamental principles for the consideration of individual cases relating to academic misconduct

- a. Allegations and suspicions of academic misconduct shall be given fair and satisfactory consideration.
- b. A person who is accused of academic misconduct is deemed to be innocent until the Board had made a decision stating that academic misconduct has taken place. If there is reasonable doubt about the evidence presented in support of the allegation of misconduct, the accused shall be given the benefit of the doubt.
- c. Cases shall be dealt with in a manner that ensures reasonable progress and consideration of the individual case. The committee is subject to the provisions of the Public Administration Act concerning the duty of confidentiality. Particular consideration shall be given to both the accused and, if relevant, the notifier / whistle-blower. The purpose of this is to prevent infringements of their right to protection of privacy and their reputation.
- d. A person accused of academic misconduct shall be informed about the matter and given right of access to the grounds for the case, and he or she shall be entitled to state an opinion, including refuting any allegations made, cf. the Public Administration Act Sections 16 to 21.
- e. The NHH Group is obliged to assist in restoring the good name and reputation of any persons unjustly accused of academic misconduct, for example through announcements in the media or via other appropriate channels.

In the event of procedural errors, Section 41 of the Public Administration Act and other invalidity provisions of administrative law shall apply.

4. Assessing the basis for instigating a case concerning breach of research ethics and generally accepted academic practice (academic misconduct)

- a. All allegations of breaches of research ethics and generally accepted research practice made against a member of staff of the NHH Group must be submitted in writing to the Deputy Rector / Managing Director.

The Deputy Rector / Managing Director shall, without undue delay and within two weeks of the allegation being received at the latest, consider the basis for the allegation. In their assessment, the Deputy Rector / Managing Director shall be assisted by legal counsel and two experienced members of the academic staff in the relevant entity.

- b. The Deputy Rector / Managing Director shall also investigate diffuse oral allegations of academic misconduct at their own initiative. This must be done without undue delay and with assistance from a legal adviser and two experienced members of the academic staff at the relevant entity.

5. Consideration of allegations

(The procedure laid down in the Regulations concerning academic misconduct in the NHH Group is described in Figure 1, as an appendix to the regulations)

a. The collection of facts as the basis for a decision

The Deputy Rector / Managing Director must ensure that as much information as possible is obtained about the facts of the matter before a decision is made.

The facts shall be obtained through interviews/conversations with the person accused of misconduct, the person who has made the allegation, and other parties. Documentation can also be obtained by other means. The Deputy Rector/ Managing Director shall be given access to all the material that is necessary in order to fairly assess the allegation.

b. Interviews/conversations

The person who has been accused shall be given access to the material on which the Deputy Rector / Managing Director will base their assessment, and shall be given an opportunity to refute or supplement it.

The Deputy Rector / Managing Director shall personally interview the person who has made the allegation and the person who has been accused. Written minutes must be taken of the interviews. The person who has made the allegation and the person who has been accused are both entitled to be assisted by a representative/lawyer.

Other employees and people outside the NHH Group who have information about the case can also be interviewed, as can people with special expertise in the research field in which the case has arisen.

c. Written report

The facts of the case, with copies of original documents, shall be described in a written report.

6. Further consideration of the case

- a. If, in light of the facts of the case as described in the written report, the Deputy Rector / Managing Director find that there are grounds for resolving the matter in a manner that can be accepted by the parties involved, the case will be concluded and a report on the matter sent to the Research Ethics Committee.
- b. If, in light of the facts of the case as described in the written report, the Deputy Rector / Managing Director do not find grounds for resolving the matter in a manner that is acceptable to the parties involved, and they find grounds for proceeding with the case, the case shall be prepared for consideration by the Research Ethic Committee.

7. Rules of procedure for the Research Ethics Committee

It is up to the Research Ethics Committee to decide whether cases it receives are to be considered on their merits or rejected.

If a case is rejected, it is sent back to the Deputy Rector and the grounds for its rejection are stated.

Members of the Research Ethics Committee who have a conflict of interest in relation to the case cannot participate in the consideration of the case.

The question of conflict of interest shall be dealt with by the committee before consideration of the case begins. A decision about whether a member of the committee has a conflict of interest shall be resolved by the committee without the participation of the member in question. The provisions of the Public Administration Act Section 6 ff. apply correspondingly.

The Deputy Rector / Managing Director shall assist in obtain further material if this is necessary or required in order to ensure that the case receives fair consideration. If necessary, the committee shall interview the person who has made the allegation, the person accused and others. The person who has made the allegation and the person who has been accused are entitled to be accompanied by a representative/lawyer.

The person who has been accused shall be given access to the material that forms the basis for the committee's assessment and shall be given an opportunity to refute it.

After conducting a conscientious review of the available evidence, the committee shall decide whether a breach of research ethics and generally accepted research practice (academic misconduct) has taken place. The committee's assessment and conclusion shall be set out in a written report.

The report shall include the following:

- a) A summary of the case documents, diplomas and other material on which the committee has based its conclusion.
- b) The facts that the committee has found to be proven, and the conclusions the committee has drawn on the basis of these facts.
- c) Recommendations for further follow-up

8. The procedure after the presentation of the Research Ethics Committee's recommendations

- a) If the committee concludes that no academic misconduct has taken place, the Rector shall stipulate and implement such measures as are necessary in order to restore the good name and reputation of the accused person.

The Rector shall submit a report to the National Commission for the Investigation of Research Misconduct.

- b) If the committee concludes that academic misconduct has taken place, the Rector shall take all the necessary steps that follow from this, including informing the parties involved about the conclusion.

The committee's assessment shall form the basis for a decision by the NHH board/SNF board/AFF board. The following measures can be adopted:

- I) forwarding the case to the National Commission for further consideration.
- II) withdrawal or revision of the scholarly work,
- III) correction of the designated authors,
- IV) disciplinary sanctions, cf. the Civil Service Act Section 14
- V) dismissal with or without notice, cf. the Civil Service Act Sections 9, 10 and 15.
- VI) reporting any criminal offence to the police,
- VII) informing the general public

The board in question, cf. the above, shall submit a report to the National Commission if a decision as mentioned in 8b second paragraph, letters b – g is adopted.

9. Information to the Board

The boards in the NHH Group shall be kept informed about the work of the Research Ethics Committee.

Appendix to the regulations

Figure 5.1 The procedure laid down in the Regulations concerning academic misconduct in the NHH Group.

