

# Guidelines on the procedure in the event of suspected deviations from good research practice

These guidelines should be used in cases of suspected deviations from good research practice. They also concern cases of suspected research misconduct.

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## General provisions

Sweden's *Higher Education Act* stipulates that academic credibility and good research practice shall be upheld in the course of the operations of higher education institutions (Chapter 1 Section 3a).

The Act on responsibility for good research practice and the examination of research misconduct (2019:504) has applied since 1 January 2020. It is abbreviated as LAO below. The LAO establishes that suspicions of research misconduct must be investigated by a national board, the *National Board for Assessment of Research Misconduct* (NPOF).

Deviations from good research practice other than those that must be examined by NPOF are to be dealt with by the entities responsible for research themselves, in accordance with the provisions in the *Higher Education Ordinance* (Chapter 1, Section 17): "A higher education institution must examine other suspected deviations from good research practice than those to be examined under the Act (2019:504) on responsibility for good research practice and the examination of research misconduct."

Currently, research misconduct in *artistic research* is not considered to be within the competence of the National Board for Assessment of Research Misconduct but is to be handled by the higher education institution itself. In Government Bill 2018/19:58, New arrangements for promoting good practice and handling misconduct, its Chapter 8.1 "What is research?" states that the Act on responsibility for good research practice and the examination of research misconduct should not include any definitions of research, while also stating that: "The definitions of research that have been discussed in the inquiry and here relate to scientific research. Some consultation bodies recommend that artistic research should also be included in the National Board's remit. The inquiry has not proposed the inclusion of artistic research, which the majority of the consultation bodies have not objected to. The Swedish Government is of the opinion that whether or not the definition of 'research misconduct' proposed below can be applied to artistic research, which differs from scientific research, has not been sufficiently well investigated, since artistic research is based on artistic practice. Therefore, the Government makes the assessment that artistic research, at least initially, should not be included in the competence of the National Board." (p. 35, quote p. 40)

In accordance with Chapter 1 Section 17 of the Higher Education Ordinance, a higher education institution must draw up guidelines for its examination of suspected deviations from good research practice. Ordinance (2019:1151).

## Definitions

### Research misconduct

According to the Act (2019:504) on responsibility for good research practice and the examination of research misconduct, the term 'research misconduct' means 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. (SFS 2019:504). However, the Government has made the assessment that “artistic research, at least initially, should not be included in the competence of the National Board”. Govt Bill 2018/19:58, Chapter 8.1, p. 40). For this reason, the terms ‘artistic research’ and ‘scientific research’ will be used in this procedure to clarify where, in accordance with the above definition of research, only artistic research as opposed to scientific research is referred to. When the term ‘research’ is used in this procedure, it refers to both artistic and scientific research.

### **Other deviations from good research practice**

In this procedure, ‘other deviations from good research practice’ means deviations from good research practice that are not covered by the statutory definition. In the first instance, the assessment of the seriousness of such deviations should be based on the principles set out in the European Code of Conduct for Research Integrity, published by All European Academies, the European Federation of Academies of Sciences and Humanities (ALLEA). In particular, consideration should be given to whether the deviation significantly damages or risks damaging the integrity of research or researchers, and whether it was committed intentionally or through gross negligence. The term ‘other deviations from good research practice’ also covers 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.

In defining research misconduct and other serious deviations from good research practice, SKH uses the definitions found in SUHF’s recommendations and the ALLEA Code of Conduct.<sup>1</sup>

### **Entity responsible for research**

Stockholm University of the Arts (SKH) is the entity responsible for research for the research conducted at SKH. Both artistic and scientific research is conducted at SKH.

### **Generally**

A decision by the Vice-Chancellor under this procedure cannot be appealed.

### **Employee responsibility**

1. All employees at SKH who carry out research at SKH are responsible for complying with good research practice, i.e., that the research follows the principles of good research practice accepted within the research community. This means that all research employees must ensure that the results of their artistic research, scientific research, and development work have been honestly produced and correctly described, and that the necessary permissions have been obtained.

### **Reporting**

2. Suspected deviations from good research practice must be reported in writing to the Vice-Chancellor without undue delay. Anyone can report suspected research misconduct or other deviations from good research practice to SKH. If the report is made to an official other than the Vice-Chancellor, it must be forwarded to the

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<sup>1</sup> *Vägledning för hanteringen av misstankar om avvikelser från god forskningssed*, REK. 2020:3 (SUHF 2020); *the European Code of Conduct for Research Integrity*, All European Academies (ALLEA 2018).

Vice-Chancellor as a matter of urgency. Suspected research misconduct can also be reported directly to the National Board for Assessment of Research Misconduct (Section 7 LAO). Individuals who are the object of these suspicions shall be informed of the allegations against them within a reasonable period of time.

## **SKH's responsibilities**

3. Deviations from good research practice in the activities of a higher education institution must be noted and handled in an appropriate manner, taking into account the nature and seriousness of the deviation.

4. The Vice-Chancellor must promptly assess whether the suspicion concerns research misconduct or other deviations from good research practice. The Vice-Chancellor can hand over the case to the Vice-Rector for Research, who assesses the case and provides reasons to the Vice-Chancellor as to why the case should be sent to an investigation group to examine whether research misconduct and/or other suspected deviations from good research practice have occurred. The Council for Good Research Practice at SKH, hereinafter referred to as 'the Council', makes an initial assessment of whether the suspicion concerns research misconduct or other deviations from good research practice in SKH's activities.

If the suspicion is assessed as concerning *scientific research* misconduct, the matter must be handed over to the National Board for Assessment of Research Misconduct.

If the suspicion is deemed to relate to acts or omissions that warrant public prosecution or oversight by another public authority, the case shall be referred to the public authority that should investigate it.

If the suspicion is assessed as concerning *artistic research* misconduct or other deviations from good research practice, SKH must deal with the case in accordance with points 5–6 below.

If the suspicion concerns both research misconduct and other deviations from good research practice, SKH is to deal with that part of the case that concerns other deviations from good research practice, where applicable, after the National Board for Assessment of Research Misconduct, following its decision, has handed over the case to SKH.

5. If, without further investigation, it can be ruled out that the suspicion concerns serious deviations from good research practice, SKH must investigate the case in accordance with points 15–19 below.

6. If, without further investigation, it can be ruled out that the suspicion relates to serious deviations from good research practice, SKH is required to deal with the case in the manner deemed appropriate in view of the nature of the suspected deviation. Where deemed appropriate, suspicions of negligible deviations may also be investigated in accordance with paragraphs 15–19 below.

## **Council for Good Research Practice at SKH**

7. The Council is responsible for investigating deviations from good research practice at SKH.

8. The Council must conduct its investigations thoroughly, promptly and confidentially, having regard to the principles of secrecy and free access to public records that apply to SKH.

### **Composition of the Council for Good Research Practice at SKH**

9. The Council consists of at least four (4) members, one of whom is a member from SKH's Joint Administration with a good knowledge of administrative procedure law. Two members represent research in SKH's core activities and must be employed at SKH at least 50% of full-time during their whole term of office. One member is an external member from another higher educational institution in the performing arts with professorial competence within the artistic field. The members representing research, as well as the external member, must both have experience and expertise in good research practice and in particular in artistic research, and must not hold a managerial position at either SKH or the other higher education institution in the performing arts. A student representative representing doctoral education must be present with the right to speak where the case concerns a doctoral student. At each convened meeting, one of the members shall be the chair and one member shall be the secretary. If necessary, legal expertise must also be co-opted to the Council.

10. The Council may co-opt other persons with the right to attend and right to speak at meeting as required.

11. The members of the Council are appointed for a period of three years.

12. Members of the Council are appointed by the Vice-Chancellor. The member from the Joint Administration is appointed after being interviewed by the Director of Administration. Representatives from SKH's departments/research environment are appointed after consultation with the Vice-Chancellor's management team.

The external member is appointed after consulting the Vice-Rector for Research and in consultation with each relevant higher education institution. The proposal for the appointment of members is prepared by SKH's Board of Education and Research and decided by the Vice-Chancellor. The student representative is appointed by the students.

13. If necessary, the Vice-Chancellor may decide to replace one of the members of the Council, where appropriate, for a limited period.

14. When preparing cases, the Council is given administrative support by an officer from the Research Office.

### **Investigation**

15. In suspected cases of artistic research misconduct and in suspected cases of other serious deviations from good research practice, the Council, acting on the basis of Vice-Rector for Research's assessment and reasons as described in points 4–6 above, shall conduct its own investigation.

16. Examination of other serious deviations from good research practice may not be founded on deviations that are older than ten years when the case is initiated.

17. When a suspicion of a serious deviation is deemed unfounded, the Vice-Chancellor can cancel the case or decide that SKH should handle the case in

another way.

18. Persons suspected of other serious deviations from good research practice should be informed within a reasonable period of time of SKH's investigation and offered the opportunity to respond to the allegations.

19. It is the responsibility of the head of the relevant department or Vice-Rector for Research at the research centre to ensure that the work environment of persons suspected of research misconduct or of other serious deviations from good research practice is preserved; and, where applicable, also the work environment of persons who, in good faith, have reported suspicions of research misconduct or other deviations with good research practice.

20. The Council may, if necessary, seek the opinion of experts.

21. The Council must document in an investigation report the suspicions, the investigation and the position it has taken on the suspicions within a reasonable time frame. Before the Vice-Chancellor makes a decision in the case, communication as set out in Section 25 of Sweden's Administrative Procedure Act to the parties concerned must have occurred.

## Decision

22. Based on a completed investigation and after presentation of the case, the Vice-Chancellor makes a decision in the case. The decision to be made is whether other deviations from good research practice have occurred and whether a person should be held liable for the deviation. The decision should also state whether the deviation is of a serious nature and whether it was committed intentionally or through gross negligence.

## Follow-up

23. The Vice-Chancellor decides on any measures arising from a decision in the case, whether it has been made by the National Board for Assessment of Research Misconduct or by SKH. Any measures should be proportionate to the degree of seriousness of the deviation (Section 5, third paragraph of Sweden's Administrative Procedure Act).

24. If researchers are cleared of any suspicion of research misconduct or other deviation from good research practice, the relevant unit must take appropriate measures to remedy the harm that the suspicion and handling of the case may have occasioned. The relevant unit must also ensure that anyone who, in good faith, has reported a suspicion of research misconduct or other serious deviation from good research practice is not subject to reprisals.

25. The Vice-Chancellor is responsible for ensuring that research funding bodies, public authorities, journals and other interested parties are informed by SKH about cases in which research misconduct or other serious deviations from good research practice have been found.

26. The Vice-Chancellor is also responsible for ensuring that measures taken or intended to be taken in the event of a deviation from good research practice are reported to the National Board for Assessment of Research Misconduct in accordance with Section 13 of the Act (2019:504) on responsibility for good

research practice and the examination of research misconduct, and Chapter 1 Section 18 of the Higher Education Ordinance, no later than six months after the decision has entered into force.

27. The Vice-Chancellor decides on any measures relating to the case, such as referring the case to the Staff Disciplinary Board (PAN) or the Government Disciplinary Board for Higher Officials (SAN).

The Vice-Chancellor is also responsible for ensuring that, by 30 March at the latest each year, SKH reports details of deviations from good research practice that have been examined within SKH to the National Board for Assessment of Research Misconduct.

The details must be provided in de-identified form.