

Aarhus University's code of practice for dealing with research misconduct and questionable research conduct at Aarhus University

Pursuant to section 20 of the Act on Research Misconduct, etc., cf. Act no. 383 of 26 April 2017, the following is stipulated:

The following rules replace Aarhus University's code of practice of 29 June 2000 and 25 March 2015 for the safeguarding of good scientific practice.

Chapter 1. Rules

Objectives

Section 1 The purpose of these rules is to lay down the formal framework for scientific integrity at Aarhus University in order to promote the credibility and integrity of the research performed at the university. In addition, the rules set the framework for advising on the responsible conduct of research and the handling of suspicions of research misconduct and questionable research conduct at Aarhus University.

Subsection (2) The rules apply to cases related to the research carried out at Aarhus University, cases which form the basis for an academic degree awarded by Aarhus University or cases related to the research carried out by an employee at Aarhus University, irrespective of where the research is carried out.

Subsection (3) All academic work at Aarhus University must be conducted in compliance with the university's policy for the responsible conduct of research.

Section 2 Academic work at Aarhus University must be carried out with due respect for the generally recognised methods of the research area in question, scientific and scholarly codes of ethics and other professional requirements.

Subsection (2) In connection with academic work carried out at Aarhus University, no conduct is allowed that may be characterised as "research misconduct" or as "questionable research conduct".

Definitions

Section 3 Pursuant to section 383 of the Act on Research Misconduct, etc., cf. Section 3 of Act no. 383 of 26 April 2017, the following is defined as:

- 1) Research misconduct: Falsification, fabrication, and plagiarism committed wilfully or with gross negligence in the planning, performing, or reporting of research results.
- 2) Fabrication: Undisclosed fabrication and construction of data or substitution with fictitious data.
- 3) Falsification: The manipulation of research material, equipment, or processes as well as modification or deletion of data or results, whereby the research becomes misleading.
- 4) Plagiarism: Appropriation of another person's ideas, processes, results, text or special concepts without lawful crediting.
- 5) Questionable research conduct: Any breach of recognised standards for responsible research conduct, including those of the Danish Code of Conduct for Research Integrity, and other applicable institutional, national and international practices and guidelines on research integrity.
- 6) Scientific product: A product produced through the use of scientific methods as part of research, including applications for research funds.
- 7) Researcher: A person who is a PhD student, has a PhD degree or has similar qualifications.
- 8) Research institution: A public Danish institution that carries out research.

Section 4 Research misconduct pursuant to section 3, no. 1 does not include

- 1) fabrication, falsification and plagiarism, which has little impact in the planning, implementation or reporting of research,
- 2) questions about the durability of scientific theories, and

3) questions about the research quality of a scientific product.

Basis

Section 5 The evaluation of whether a specific practice is in accordance with responsible conduct of research is based on the 'Policy for responsible conduct of research at Aarhus University', the 'Danish Code of Conduct for Research Integrity' and the international recommendations on which these policies are based, as described in the above-mentioned policy.

Section 6 The requirement for responsible conduct of research does not pose a threat to the right to freedom of research, as it does not dictate any particular method. Also, there is no requirement for 'political correctness' or a requirement for restraint in terms of reasoned and relevant criticism of other researchers' academic work.

Subsection (2) Fundamentally, it is the shared responsibility of the university and researchers to promote and develop critical scientific and scholarly discussion within the research environments. This is vital to maintaining and developing the fundamental principles of research integrity, and to ensuring the responsible conduct of research and preventing research misconduct, cf. the university's policy.

Chapter 2. Advisory group and committee

Section 7 Aarhus University shall establish an advisory group for responsible conduct of research and a committee for Responsible Conduct of Research.

The advisory group for responsible conduct of research

Objectives

Section 8 Anyone affiliated with Aarhus University must have access to confidential and professional advice on responsible conduct of research from an adviser. The role of the advisers is not to process the cases brought to them, but to offer advice based on the information provided.

Appointment

Section 9 On recommendation from the academic councils, the deans of the four main academic areas each appoint an adviser to the advisory group for responsible conduct of research. Advisers must have a deep understanding of responsible conduct of research, extensive and long experience as researchers, including experience with international research, and high academic legitimacy and integrity.

Subsection (2) Associate professors, senior researchers, professors and emeritus professors at Aarhus University may be appointed as advisers. A substitute for each adviser is appointed in the same way. The advisers and their substitutes are appointed for a 3-year term. Members are eligible for reappointment.

Subsection (3) Advisers must, to the required extent, have their workload reduced in order to be able to perform their advisory duties.

Tasks

Section 10 Advisers have an individual and joint obligation to disseminate knowledge about responsible conduct of research at Aarhus University.

Subsection (2) Advisers must also promote an understanding of the special circumstances applicable to the different research disciplines and be able to provide advice to researchers and research groups involved in interdisciplinary research cooperation.

Section 11 Advisers have the following tasks:

1) to be available to provide independent and confidential advice to anyone affiliated with Aarhus University, including research groups, who has questions about the applicable guidelines on responsible conduct of research or is in doubt as to whether the standards and guidelines on responsible conduct of research are being met;

2) to stay informed of the applicable standards and guidelines on research integrity and responsible conduct of research, and contribute to ensuring that responsible conduct of research is established and maintained at a high international level;

3) to contribute to the teaching of research integrity and responsible conduct of research; and

4) to report, in anonymised form, on the type of inquiries received once a year to the Committee for Responsible Conduct of Research (the Research Practice Committee).

Independence

Section 12 The advisers are independent of the university management. As a consequence, advisers may not disclose information received in connection with advising the university's researchers to management.

Subsection (2) In the event that an adviser is given information that provides reasonable grounds for a suspicion of research misconduct or questionable research misconduct, the adviser must recommend the party in question to present the matter to the person suspected of misconduct, to report the matter to the head of department, or to report the matter to the Committee for Responsible Conduct of Research. In the event of suspected violations of a particularly serious nature, either on account of the manner of their performance, repeated performance or the collusion of several parties, the adviser is obliged to independently report the matter.

Subsection (3) If the party in question provides information regarding his/her own possible violation, the adviser must inform him/her that he/she does not have a duty to disclose information which may impact the assessment of the presumed violation, cf. the principle of self-incrimination¹.

¹ Act on legal protection with regard to the administration's use of coercive measures and duties of disclosure, section 10(3)

The Committee for Responsible Conduct of Research

Objectives

Section 13 Everyone must have the option of contacting a central committee that can conduct an independent investigation of a justified suspicion of research misconduct or questionable research conduct.

Appointment

Section 14 On recommendation from the academic councils, the rector appoints two members from each main academic area and one substitute for each member. The members must be recognised researchers with long research experience and high academic integrity.

Subsection (2) Associate professors, senior researchers, professors and emeritus professors at Aarhus University may be appointed as members. The members and their substitutes shall be appointed for a 3-year term. Members are eligible for reappointment.

Subsection (3) The rector also appoints a chair, who must be a lawyer.

Subsection (4) Members must, to the required extent, have their workload reduced in order to be able to perform their duties as members.

Tasks

Section 15 The committee has the following tasks:

1) to process specific cases of questionable research conduct either itself, jointly with several research institutions or by use of external expertise;

2) to recommend what sanctions should be imposed in the case, depending on its severity and conclusiveness, cf. sections 3 and 4;

3) to contribute to the clarification of the existing guidelines for responsible conduct of research at Aarhus University;

4) to ensure, in cooperation with the advisory group, an ongoing dialogue concerning Aarhus University's policy for responsible conduct of research at Aarhus University; and

5) to submit an annual report to the rector and the Danish Committee on Research Misconduct summarising the cases the committee has considered.

Subsection (2) In addition, on request from the rector or on its own initiative, the committee may propose rules and guidelines on responsible conduct of research.

Section 16 The committee is free to organise its own work as it deems best.

Section 17 The committee is independent of the senior management team in connection with its activities, including its investigation and consideration of specific cases.

Section 18 The rector shall ensure that secretarial services are provided to the committee.

Chapter 3. Consideration of cases

Section 19 When a case is referred to the Committee for Responsible Conduct of Research, the committee will decide whether the case shall be considered, rejected or forwarded to the Danish Committee on Research Misconduct.

Subsection (2) Cases shall normally be processed in writing, but in special circumstances the committee may decide to allow oral proceedings. In oral proceedings, the accused party is entitled to be accompanied by an observer.

Subsection (3) In special cases, the committee may decide that a previously rejected or completed case may be reopened, particularly if new essential information has come to light.

Subsection (4) The committee shall not consider complaints lodged anonymously.

Initiative and deadlines

Section 20

Anyone can report cases of questionable research conduct and research misconduct. A report may relate to the actual applicant as a request to be cleared of allegations of questionable research conduct or research misconduct. The Research Practice Committee can also consider cases at its own initiative or at the request of the rector.

Subsection (2) The committee may only in special cases consider a complaint which has not been lodged with the committee within a reasonable time after the time at which the complainant has or should have the necessary prerequisites for lodging such complaint.

Section 21 Pursuant to the provisions in the Act on Research Misconduct, Section 11, the secretariat will submit cases of research misconduct to the Danish Committee on Research Misconduct no later than three months after having received the report.

Rejection

Section 22 The committee may reject a case of questionable research conduct if the complaint is manifestly unfounded or if the case is not deemed to be relevant to the purpose of the committee; see Section 1.

Subsection (2) The research institution shall refuse to refer a case of research misconduct to the Danish Committee on Research Misconduct if the notification does not contain the information set out in Section 11 of the Act on Research Misconduct.

Principles governing consideration of cases

Section 23 The committee shall examine a given case in compliance with the rules of the Danish Public Administration Act, including examination of parties, and in accordance with the principles described in clause 5 of the University's policy.

Information

Section 24 The committee shall ensure that sufficient evidence is collected and presented in the case and may solicit statements from experts; see section 25.

Section 25 The committee may, on an ad hoc basis, obtain the assistance of researchers at Aarhus University who are able to provide special insight into fields of study or research areas of relevance to the assessment of a specific case. When considering special issues, the committee may also obtain expert assistance from persons outside Aarhus University who are able to provide special insight into a particular field of study or research area.

Subsection (2) The committee may set up an ad hoc committee of experts to assist in the consideration of a case, on which committee the particular field(s) of study relevant to the case is (are) represented. Persons who are not members of the committee may be members of ad hoc committees. An ad hoc committee shall make a recommendation to the committee.

Report

Section 26 When a case has been considered, the committee shall prepare a written report with a reasoned opinion on the case and a recommendation on any sanctions to be imposed. The report etc. shall be presented to the rector and submitted to the parties.

Subsection (2) The Research Practice Committee's handling of the case, as well as the administrative process, must generally be completed within 12 months after receipt of a report.

Section 27 The committee's recommendation shall indicate whether its decision is unanimous. If unanimity has not been reached by the committee, the recommendation shall also include the minority opinion.

Sanctions

Section 28 If the committee concludes that the defendant is guilty of conduct that may be deemed questionable research conduct, the committee may recommend the following sanctions to the rector and the responsible dean, taking into account the severity and conclusiveness of the case:

- that the defendant be reprimanded for the unacceptable conduct (reprimand/warning);
- that the responsible dean considers whether the case should have consequences for the defendant's employment;
- that the scientific or scholarly work concerned be withdrawn;
- that any aggrieved parties be informed;
- that any private or public partners be informed;
- that other relevant public authorities in the field be informed;
- that, if a criminal offence is deemed to have been committed, the police be notified.

Section 29 If the Danish Committee on Research Misconduct has ascertained that, in a specific case of research misconduct and where the case relates to a researcher employed at Aarhus University, cf. Section 1, no. 7, the rector may ask the Committee for Responsible Conduct of Research for an opinion on the choice of sanction.

Confidentiality

Section 30 The members of the committee are bound by the same duty of confidentiality as applies to holders of public office in respect of information received in their capacity as members of the committee.

Entry into force

Section 31 These rules come into force as of 15 November 2017.