

Un-authorised Translation: Only the Danish version of the text has legal validity.

Consolidated Act No. 306 of 20 April 2009

Executive Order on the Danish Committees on Scientific Dishonesty

The following provisions are laid down pursuant to section 32(3) and section 33 of the Danish Act No. 1348 of 11 December 2008 on Research Advice etc.:

Part 1

Purpose, scope etc.

Section 1. To strengthen the integrity of Danish research the Minister for Science, Technology and Innovation establishes the Committees on Scientific Dishonesty. The Committees may only consider cases of scientific dishonesty important to Danish research.

(2) The Committees shall consist of three committees, which combined cover all areas of scientific research:

- 1) The Committee on Scientific Dishonesty for Research in Health and Medical Science.
- 2) The Committee on Scientific Dishonesty for Research in Natural, Technological and Production Science.
- 3) The Committee on Scientific Dishonesty for Research in Cultural and Social Science.

(3) The Committees shall jointly determine the remit of each of the three committees set out in (2) hereof. The delimitation is to appear from the rules of procedure, see section 32 (5) of act on research advice, etc.

(4) The Committees may consider cases where the defendant has received scientific training within the area of research that the scientific product complained about concerns and who

- 1) has had the scientific product complained about published in Denmark;
- 2) has prepared the scientific product complained about during his or her employment or commercial activity in Denmark;
- 3) has obtained or applied for a grant from Danish public authorities for the preparation of the scientific product complained about; or
- 4) otherwise has his or her closest connection to Denmark.

Part 2

Remit

Section 2. Scientific dishonesty shall mean: Falsification, fabrication, plagiarism and other serious violation of good scientific practice committed wilfully or grossly negligent on planning, performance or reporting of research results.

Included hereunder are:

- 1) Undisclosed fabrication and construction of data or substitution with fictitious data.
- 2) Undisclosed selective or surreptitious discarding of a person's own undesired results.
- 3) Undisclosed unusual and misleading use of statistical methods.
- 4) Undisclosed biased or distorted interpretation of a person's own results and conclusions.

- 5) Plagiarisation of other persons' results or publications.
- 6) A false credit given to the author or authors, misrepresentation of title or workplace.
- 7) Submission of incorrect information about scientific qualifications.

Section 3. The Committees shall not be entitled to consider cases involving the validity or truth of scientific theories or cases involving the research quality of a scientific product.

Part 3

Acceptance of cases for consideration

Section 4. The Danish Committees on Scientific Dishonesty shall process cases raised by report, see however (2). The Committees are also eligible to process cases raised by a person wanting to be cleared of named, anonymous or source protected claims of scientific dishonesty, provided that such person is scientifically educated, see section 1 subsection 4, and that such person provides all necessary information for the use in the Committees' processing of the case, cf. section 12 (3).

(2) The Committees may refuse to consider cases where it is found beforehand that:

- 1) The case is outside the scope of the remit of the Committees.
- 2) The case must be considered manifestly unfounded.
- 3) The costs of considering the case are out of proportion to its importance.

(3) Cases which are not accepted for consideration by the Committees shall be dismissed not later than three months after the Committees' receipt of the case. In cases accepted for consideration, the Committees shall not later than three months after receipt of the case notify the parties to the case of the expected phases of the case and when a statement is expected to be made, cf. section 13(1).

Section 5. The Committees on Scientific Dishonesty may consider cases involving complaints about individuals or groups of individuals.

(2) In cases involving complaints about groups of individuals, however, the Committees may only use their authority to employ sanctions, cf. section 15(1), if the clarification of the case leads to clarification of who is responsible for the conduct under section 2.

Section 6. The Committees on Scientific Dishonesty may consider cases involving complaints about a written scientific product after the defendant's voluntary handing over thereof, cf. section 1(4).

(2) The Committees may also consider cases involving complaints about an application filed with a view to applying for a grant from public research funds.

Part 4

Structure

Section 7. In addition to the Chairman, cf. section 32 (2) of act on research advice, etc., each Committee shall consist of six members as well as a corresponding number of alternates who shall step in in the absence of the members and for the full processing of a case. Members and alternates shall all be recognised scientists who in cooperation cover all scientific research areas, cf. section 32 (3) of act on research advice, etc.

Part 5

Distribution of cases, presence of a quorum and voting

Section 8. The chairperson shall distribute cases for consideration by the three committees, cf. section 1(2).

(2) The individual committees shall decide whether a case is to be accepted for consideration or be dismissed beforehand, cf. section 4 (3) and (4).

(3) Where a case is found to concern the remit of more than one committee, the committee to which the scientific product complained about primarily relates may decide that the Committees shall make a joint decision on the case, including making a statement, cf. section 6.

(4) Where the defendant is a group of individuals, cf. section 5(1), the decision under (2) may be made by the committee, to which the scientific product complained about primarily relates. Where such committee cannot be determined, the decision shall be taken by the chairperson.

Section 9. A committee shall form a quorum when the chairperson and four members or an equivalent number of alternates are present, cf. section 7.

(2) In cases where several committees make a joint decision, cf. section 8(3), such committees shall only form a quorum if each committee independently meets the requirement set out in (1) hereof.

(3) The Committees shall, to the greatest possible extent, make a unanimous decision. If agreement cannot be reached, any decision shall be passed by an ordinary majority of votes.

(4) The chairperson shall resolve all legal questions and the formulation of a conclusion.

Part 6

Consideration of cases

Section 10. The parties to a case being considered by the Danish Committees on Scientific Dishonesty shall be entitled to be assisted by assessors.

Section 11. The Committees on Scientific Dishonesty may establish ad hoc committees without any decision-making authority to assist with the preparation of a case. An ad hoc committee may be composed of some of the Committees' members, their alternates and/or external experts appointed by the Committees after an independent hearing of the parties on the contemplated composition has taken place.

(2) In connection with the preparation of the case, cf. (1) hereof, the ad hoc committees shall prepare a report on the facts of the case. Where external experts have been appointed to the ad hoc committees, an independent hearing of the parties to the case shall be undertaken with respect to the report.

(3) Secretariat services for ad hoc committees shall be provided by the Committees' secretariat in accordance with section 35(2) of the Act.

Section 12. In connection with the consideration of the case, the Committees on Scientific Dishonesty shall obtain all necessary information in order to be able to make a sufficiently well-informed decision.

(2) For the purpose of elucidating the case, the Committees may obtain information from the defendant on the scientific method used in preparing the scientific product complained about, cf. section 6(1), if such information is not already available to the Committees.

(3) In cases brought by a party with a view to clearing such party, cf. section 4(1), the Committees shall obtain a report in writing from the party unless the Committees find the allegation of the party's scientific dishonesty to be manifestly unfounded.

(4) In cases in which complaints are made about groups of individuals, cf. section 5(2), the Committees may, for the purpose of clarifying the case, obtain information from the defendant about the individual members' contributions to the total scientific product, if such information is not already available to the Committees.

Part 7

Conclusion and possible resumption of cases

Section 13. The Committees on Scientific Dishonesty shall conclude the consideration of a case by making a statement. The statement shall include:

- 1) A statement of facts.
 - 2) Statements from the other parties to the case.
 - 3) The Committees' deliberations.
 - 4) The Committees' conclusion and, in the event of a dissent, cf. (2), the number of members or their alternates who can accept the conclusion.
- (2) In cases where the Committees make their decision by an ordinary majority of votes, cf. section 9 (3), each dissenting member or his or her alternate may demand that his or her dissent be mentioned in the statement.
- (3) In cases where the Committees expect to criticise the defendant's conduct, cf. section 15, the Committees shall submit a draft statement to such person for hearing.

Section 14. The Committees on Scientific Dishonesty may, at the request of a party, resume a case that has been closed if new information is received which, if it had been available during the consideration of the case, might probably have led to a different outcome.

Part 8

Sanctions

Section 15. In cases where scientific dishonesty is ascertained by the Committees on Scientific Dishonesty, the Committees shall make a statement expressing criticism. At the same time, the Committees may:

- 1) Inform the defendant's employer if the party in question is employed as a researcher.
 - 2) Recommend that the scientific project concerned be withdrawn.
 - 3) Inform the relevant public authority supervising the area.
 - 4) Notify the contributor if the Committee has found scientific dishonesty in an application for contribution from public research grants, cf. section 6 (2).
 - 5) Make out a police report where a punishable offence is involved.
 - 6) At the special request of an employing authority, state their views on the degree of scientific dishonesty.
- (2) In cases under (1) hereof, the Committees shall state their views on the degree of scientific dishonesty ascertained and on its importance to the scientific message in the scientific product concerned.
- (3) The Committees may shelve cases under (1) hereof if the Committees find the scientific dishonesty ascertained only to be of little importance to the scientific message in the product.

Part 9

Annual reports

Section 16. The Committees shall publish an annual report on their activities. The report shall describe all considered cases of scientific dishonesty in non-personalised form.

Part 10

Coming into force etc.

Section 17. The executive order shall come into force on 1 maj 2009. Concurrently, executive order no. 1122 of 24 November 2008 about the Committees on Scientific Dishonesty shall be repealed.
(2) Cases brought before the Committees before 1 December 2008 shall be processed according to executive order no. 668 of 28 June 2005 on the Danish Committees on Scientific Dishonesty.

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