

RESEARCHER MOBILITY

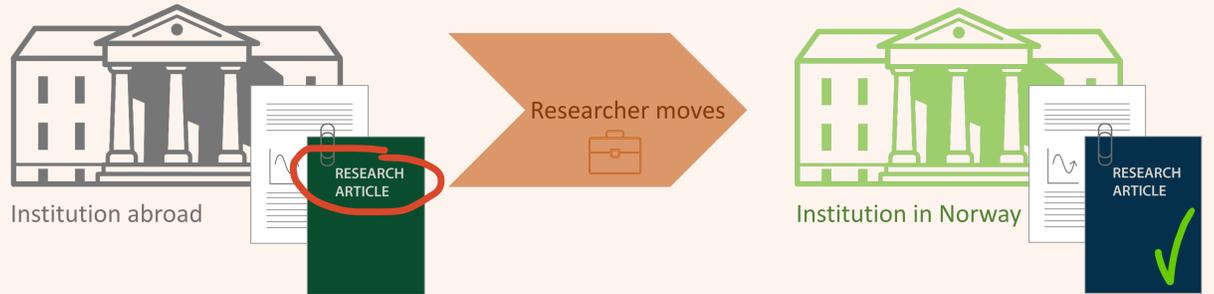
Can Norway investigate misconduct in research publications from another country?

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The question is:

Can the institution where the researcher is now employed, investigate possible misconduct related to her articles published when she was employed at the institution abroad?



1) Why is this question important for research ethics and research integrity?

Researcher Mobility is common in research. Trust in research is essential. It is important to have a clear idea of how to deal with this practical question to contribute to ensure trust in science.

2) Can Norway investigate the case?

NO	YES
Court said in the specific case that the institution could not investigate the case.	The issue of competence has not yet been clarified in principle by court and the supreme court said there is a real legal uncertainty.
Law description of the scope for the Norwegian Research Ethics Act: "§2 The Act applies to researchers and research in Norway. (...)"	Ethics and integrity cross borders and is something else than law.
The employer (the research institution in Norway) should have thought of this before they employed the researcher.	Ethical standards could vary – for example, the definition of research misconduct could be different in different countries.
	A researcher's research is to be considered as a whole, no matter where the different articles were published.

3) The question ended up in The Norwegian courts.



Before the court could answer the question, the court had to answer: Is this a question for the courts?

This went all the way through the court system . The supreme court said: Yes, this is a question for the courts.

The original question was then sent to the district court for deciding upon the competence question: Can Norway investigate misconduct in research publications from another country?

But, when the district court was about to answer the question with a court hearing, the institution suddenly changed its claim to be the same as that of the plaintiff.

So, since the two claims were then the same, the district courts conclusion was not to conduct court proceedings and the written court conclusion was that the institution did not have competence to investigate the articles from abroad.

4) To what extent is this question discussed in European handbooks, guides and codes of conduct?

The European Code of Conduct for Research Integrity, revised edition 2023:
The question is not addressed in ALLEA 2023.

Standard Operating Procedures for Research Integrity (SOPs4RI):
The question is not addressed in SOPs4RI.

Recommendations for the Investigation of Research Misconduct (Enrio Handbook, eneri (The European Network of Research Ethics and Research Integrity, European Commission):



The issue is mentioned from page 26. The main focus is on cross-boundary research projects and not on researcher mobility. Some relevant scenarios, that could also be relevant for researcher mobility as such, is though mentioned in the document. Some examples:

Page 28:

« 3) It emerges during an investigation that a researcher is also under investigation at another institution or in another country.”

(...)

“4) A researcher moves to another country a) during an investigation, b) after an investigation has been concluded, and in this way, perhaps “avoids” scrutiny and sanctions but continues the research (gets a new position, new funding etc.) and perhaps even perpetuates wrongdoings despite sanctions.”

Page 26:

«There is a need for more knowledge about the challenges regarding cross-boundary investigations and subsequently for a common European policy, procedures or statement.”

Research Integrity Practices in Science Europe Member Organisations, survey report, from Science Europe:
Addresses the question in chapter 6.5

MLE on Research Integrity: Challenge paper: Dialogue and communication European Commission, 2019:
Addresses the question at page 6.

5) Question for you or your country

Are you for or against the ability to investigate after researcher mobility?

What decides the answer?
Law? Or Ethics?

Feel free to discuss with me also in Italian or French.



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