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Vice-Chancellor

Ethical issues at Lund University, notes for guidance.

The Board of Lund University decided at a meeting, dated 22 April 2005, that the following document is to comprise guidelines for standpoints on ethical issues. Presenting the report was pro-vice-chancellor, Professor Ann Numhauser-Henning.

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This document deals with the ethical basis for the activities of Lund University. It consists of an introduction, three sections and a collection of examples:

- General value system
- Specific ethical issues for researchers and research

Discussion of ethical issues

The document also has an appendix and a collection of examples. Information is continually being collected about standpoints and decisions that are part of the activities of Lund University and that have clear ethical implications.

Introduction

This document will serve as Lund University's ethics document and is thus aimed at all employees and students at Lund University. The document's format and contents reflect the variation and complexity of the ethical problems that may arise. It is impossible to provide a complete description of all potential problems with detailed guidance. This is why the document is provided in the format described, where the basis is that it will be added to as Lund University takes standpoints on ethical issues. This is also why the document is titled "Notes for guidance".

In its present form, the following can be said of the document's legal status:

Part 1 describes the general value system on which activities rest. It takes up values that have been expressed in international instruments, as well as in legislation that is binding for the university. It is taken for granted that the activities of the university are carried out within the law. In cases where Lund University and activities carried out here do not fulfil such requirements, liability can be demanded in the forms stated in the relevant legislation. If this legislation is pertinent to higher education this may refer to supervision by the Swedish National Agency for Higher Education, but also to reconsideration of decisions through the Higher Education Appeals Board. If it refers to the Swedish Equal Treatment of Students at Universities Act it may involve damages awarded against the university in a public court. The system of rules supporting labour legislation provides a range of opportunities – and obligations – for the university to take action against employees and managers who do not follow the intentions of the legislation, as well as the guidelines and aims for activities that may have been locally established for Lund University. More serious forms of unethical treatment may be penalised and subject to public prosecution.

However, the values that are described in Part 1 can also be used in other cases – where direct legislation is missing – as guidance in situations where there is potential for individual assessment, and so form a basis for definite standpoints.

Part 2 deals with particular ethical issues applicable to researchers and research under separate headings. Here, the document refers to specific ethical documents for research, which have been developed in different contexts and where the content varies from general guidance to more precise requirements. Lund University generally supports these ethics documents and their content. Part 2 also contains a section with definite standpoints that are particularly applicable to Lund University. This section will be expanded and placed at the end of the document. Its character is that of regulations that apply to activities here. However, just what this entails for individual employees may sometimes be difficult to determine from case to case, and is also often finally decided by whether there is supporting legislation, in which the forms for demanding liability are described in more detail. This is where the collection of examples that is linked to the document can provide important guidance for individuals.

Finally, Part 3 develops a model for ethical standpoints. This builds on the “Ethics in practice” report, which was presented by a university working group. It describes some useful starting points and methods for ethical discussions to be used in university activities. This section is particularly valuable in the many cases where obvious answers and guiding legislation are absent, but a decision has to be taken.

The above-mentioned collection of examples comes at the end, with information about standpoints and decisions at Lund University that have clear ethical implications.

It is decisive for the development of ethics at the university that all areas of the university, as well as all employees, now read the document and apply it to ordinary work in teaching, research and administration.

Part 1. General value system

Lund University as part of a shared global and European value system

Lund University traditions are a product of a European cultural inheritance and are also part of the global higher education community. The UN's Universal Declaration of Human Rights from 1948, and its later additions, expresses a shared system of values for the international community (<http://www.manskligarattigheter.gov.se/extra/page/>).

At a European level there is the *Magna Charta Universitatum*, which is an agreement drawn up between a large number of European universities in association with the 900th anniversary of the University of Bologna in 1988. The document has come to be seen as the declaration of European universities' rights (<http://www3.unibo.it/avl/charta/charta.htm>).

Freedom of research and education are seen as basic principles. States and universities must respect the following basic demands in their areas: “To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power.”

Lund University's participation in EU objectives and values

Through membership of the EU, Sweden is committed to the EU's targets and values stated in the European Constitution, signed on 29 October 2004 in Brussels (<http://europa.eu.int/constitution>). (The Constitution comes into force only when it has been ratified by every EU member state. However, its formulation also has equivalents in the previous, now applicable treaties). As a public authority in Sweden and as part of the European cultural heritage, Lund University is part of the common set of European values. In part I, below the first heading, article I-2 states the European Union's values and objectives: “The Union is founded in the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between men and women prevail.” Article I-3 states that the aim of the Union is to promote peace, its values and the well-being of its peoples. The Union shall offer its citizens an area of freedom, security and justice and a free market. It shall also promote social justice, equality between women and men and solidarity between generations. Cultural and linguistic diversity shall be respected.

In relation to the wider world, the EU's objectives and values are: “In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”

Part II of the European Constitution contains the European Union's Charter of Fundamental Rights (adopted in Nice on 7 December 2000 as a separate document, www.europarl.eu.int/charter). The preamble states that: “This Charter reaffirms, with due regard for the powers and tasks of the Community and the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of Europe and the case-law of Justice of the European Communities and of the European Court of Human Rights.”

The Charter contents include article II-73 on freedom of the arts and sciences: “The arts and scientific research shall be free of constraint. Academic freedom shall be respected.”

Lund University as a public authority

Lund University is a public authority and shall therefore comply with the ethical guidelines of Swedish constitutional law.

The Instrument of Government (1974:152)

In this, Chapter 1 “Basic principles of the form of government” states a number of basic ethical guidelines and ethical values. Article 1 says that all public power in Sweden proceeds from the people and that free formation of opinion shall be realised. This is followed by the central statement of values in Article 2:

“Public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the private person.

The personal, economic and cultural welfare of the private person shall be fundamental aims of public activity. In particular, it shall be incumbent upon the public institutions to secure the right to health, employment, housing and education, and to promote social care and social security.

The public institutions shall promote sustainable development leading to a good environment for present and future generations.

The public institutions shall promote the ideals of democracy as guidelines in all sectors of society and protect the private and family lives of private persons. The public institutions shall promote the opportunity for all to attain participation and equality in society. The public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

Opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own. Law (2002:903).”

Chapter 2 Articles 1 -2 establish the citizen’s fundamental rights and freedoms, and thereby also apply to Lund University. This applies to freedom of speech, freedom of information, freedom of assembly, freedom to demonstrate, freedom of association, freedom of worship and freedom of the press.

Additionally, since 1 January 1995 the European Convention dated 4 November 1950 applies as Swedish law through the Act (1994:1219) on the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Swedish Higher Education Act (1992:1434)

Lund University must also follow the fundamental statutes for institutions of higher education.

In the introduction the Higher Education Act states: “Scientific credibility and good research ethics” shall be upheld. High quality and efficiency shall apply. It also states:

Section 5 Equality between women and men shall always be observed and promoted in the activities of the higher education institutions.

The higher education institutions should furthermore in their activities promote understanding of other countries and of international conditions.

The higher education institutions shall also actively promote and broaden recruitment to higher education. Law (2001:1263).

Section 5 a of the Equal Treatment of Students at Universities Act (2001:1286) contains provisions stating that universities shall carry out targeted measures within their normal activities to actively promote equal rights for students and applicants, irrespective of sex, ethnic belonging, religion or religious faith, sexual orientation or disability. Law (2003:312).

The following principles contained in the Swedish Higher Education Act are fundamental to protecting freedom of research:

Section 6 The following general principles shall apply to research

1. research problems may be freely selected,
2. research methods may be freely developed and
3. research results may be freely published.

Lund University’s internal guidelines

In the Strategic Plan for 2002-2006, which is the foundation document, the ethical values represented by Lund University can be found in the Vision and General Values sections. In these sections the following should be of particular note:

The university’s vision

Lund University works to continually renew its attractive and dynamic environment, characterised by social and ethnic diversity, equality, democratic values, transparency and critical thinking, as well as work towards global sustainable development. Lund University is an important cultural institution in society, which manages and renews a long tradition of education.

General values

- The university’s activities are based on the search for knowledge and perspective, as well as analysis, synthesis, critical testing and assessment of facts and values. All activities are carried out with respect for arguments and objectivity. The university safeguards the individual’s freedom to test hypotheses, the freedom to think and express him/herself, the freedom to choose research tasks and to publish.

- The university – employees and students – is an active voice in the community. The university makes its knowledge available and adds perspective and alternative viewpoints, and is thereby not just a reflection of society but also an influential, socially-critical player.
- The university builds on and conveys democratic values. Individual integrity is protected. Employees and students can influence their work and their studies and take joint responsibility for the university's development.
- The university's activities are based on equality between the sexes and the desire to achieve ethnic and social diversity. The equal rights of all persons are recognised and the university works to combat racism and xenophobia.
- The university is an international environment. All activities are carried out with international transparency and thereby promote peaceful cooperation across cultural and national boundaries.
- The university is an organisation with great transparency, as regards society in general and individual citizens. The university cooperates with the surrounding community to contribute to the cultural and financial development of regional, national and international development.
- Quality and innovation are the basis of all activities at the university.
- The university is an environment that is characterised by openness to new ideas, vibrant interest in humanity and curiosity about the unknown and where humour, scepticism and humanism are the key words.

Summary: Lund University's ethical foundations

All the stated ethical values and guidelines are normative for Lund University, from the UN to the EU to constitutional law, other relevant national legislation and the university's internal guidelines. All of these converge into a few founding standards and norms.

Primarily, there is the protection of human dignity, people's equal value and human rights. Different freedoms, tolerance, democracy, equality and non-discrimination are central values, as are the promotion of peace, global sustainable development and social welfare and international cooperation.

Additionally, as part of university activities employees are to show respect to one another, behave honourably and honestly, with care and commitment and to show solidarity with the university's value system and activities. All those who are tied to the university's activities – researchers, teachers, technical and administrative staff and students – have to, just like other citizens, observe the value systems upon which society is based and which are deeply rooted in human dignity. These general humanist guidelines comprise a form of rules, about which there is great consensus and which are also accepted by citizens in order for society to function. Those who work at the university must, in their activities and in their relations to other people, try to follow and realise these intentions. For the university, safeguarding the freedom to select research and methods and to publish results also applies. The academic freedom to guide the university's activities shall be protected. Academic integrity is an absolute, i.e. there may be no undue influence as regards activities, research and education. On the basis of this clear value system Lund University shall be open to the outside world and take an active part in social development. A more popular expansion on this is available in the appended *Value System*, which has been produced by the university's Corporate Communications office.

Part 2. Researcher ethics and research ethics

The distinction between researcher ethics and research ethics is not razor sharp, but can be described in the following way.

Researcher ethics

Researcher ethics involve issues that affect the quality of research, the researcher's honesty and integrity, and the researcher's actions in certain roles outside of pure research. However, researcher ethics also include relationships with colleagues, fellow researchers and financiers.

Naturally, researchers shall be honourable and preserve their integrity, something that is already stated in the value system stated in the previous section. Researcher ethics also involves issues applicable to scientific

fraudulence, conflicts of interest in reviewing colleagues' manuscripts and publication ethics. Concrete requirements for honesty in these cases are discussed in more detail in a 2005 publication from the Swedish Research Council titled *Vad är god forskningsetik?* (What are good research ethics?) and the literature stated therein (Swedish Research Council Reports).

Research ethics

This is where issues about how, when conducting research, you should take account of and protect different participants, informants, subjects and others affected by research. Issues of research ethics are those that affect how the selection of research subjects takes place, how information is supplied, which information is supplied, how participation affects the person during and after the project, and how publication can affect participants, and issues that affect third parties as regards, for example, information, publication and possible influence. A basic principle is that a research subject's integrity shall be protected.

When it comes to researcher ethics and research ethics the choice is to provide general guidelines that can be interpreted and applied to concrete cases or to provide detailed regulations for each case. General guidelines are easy to remember. Detailed regulations, on the other hand, will be extensive because there are a great number of different problems to deal with, which can also become rapidly out of date because new problems, methods and situations give rise to new issues.

Detailed regulations for specific cases cannot be provided in a policy document of this type. Instead, the document is constructed so that the values and guidelines stated in part 1 are also the basis of the university's researcher ethics and research ethics and their values and guidelines may be applied to individual issues. In part 2 references are given to generally accepted declarations and other documents that provide more detailed guidance on individual issues. To help individuals and groups who need standpoints for ethical choices, part 3 also has a recommended method for discussions of ethical issues.

The rest of this part will provide guidance for seeking and using ethical guidelines for three central areas: basic research ethics, research regarding people and researchers' commercial ties.

Basic research ethics

One ethics declaration that is of great significance is the Declaration of Helsinki (www.codex.vr.se). The Declaration of Helsinki was originally intended for use within biomedical research but has become the founding document for research ethics in many scientific areas. It has high status in the research community and its founding principles have been applied far outside biomedical research, even within the humanities and social sciences.

The requirements for information, consent, confidentiality, the right to withdraw from participation etc are also necessary in research in the humanities, behavioural sciences and social sciences, even if they are sometimes interpreted and applied somewhat differently in these research areas.

The Declaration of Helsinki came about in order to protect research subjects, against the background of the dangerous research lacking in free and informed consent that had been carried out on prisoners in concentration camps during WWII. One starting point is that there are two legitimate requirements: the requirement to produce new knowledge, something that is important for the development of individuals and society, and well as the requirement for protection from physical, mental and other injuries in association with research. These requirements sometimes come into conflict with each other; so they then must be weighed against each other. This weighting and the limits for this are discussed in the Declaration of Helsinki. A Swedish interpretation and application of this declaration has been produced by the Swedish Research Council (the Swedish Research Council's Guidelines for Evaluating Medical Research on Humans).

Originally, the Declaration of Helsinki was primarily intended for clinical research. Through additions and revisions, the area of application has been broadened to other types of research as well, such as register data research, biobank research and epidemiological research. Along with the Declaration of Helsinki there are also a number of guidelines for other types of research, published by CIOMS and the WHO, among others.

The Swedish Research Council's guidelines for research ethics for humanities-social sciences research are associated with the basic premise of the Declaration of Helsinki and clarify the requirements for information, consent, confidentiality and how research material may be used in these areas of research.

The Swedish Act on Ethics Review of Research involving Humans

From 1 January 2004 there has been Swedish legislation that regulates the ethical review of research, the *Act on Ethics Review of Research involving Humans*. According to this act, all research on humans that (1) relates to sensitive information and which is carried out without informed consent or (2) aims to produce physical or mental effect, shall be the subject of an ethics review by a regional ethics review board. In the first case, the board's review entails examining the project description with regard to whether human rights issues or human dignity are in any way violated. The relationship between the project's value and the potential stresses or risks to which a subject may be exposed is also assessed. The value must be assessed as exceeding the risks. In the second case the factors mentioned above are assessed, but in addition there is an assessment of the informed consent that has been required. The act applies to all research, regardless of how it is financed.

As well as the research which, according to the new legislation, *shall* be reviewed, other research may also become subject to advisory review by the new boards. Such an advisory review is important to many researchers. Numerous research financiers require that a project is ethically reviewed and approved for it to receive funding. Many international scientific journals have similar requirements. There are also other pieces of legislation that are relevant to research, such as the Swedish Freedom of the Press Act, Archives Act and the Personal Data Act. There are specific ethical rules for research involving animals.

The researcher's commercial ties

The purpose here is to protect the freedom of research, its impartiality and its objectivity. Public transparency clarifies the researcher's relationship to financiers. Scientific requirements for objectivity shall be protected and the knowledge generated shall be made accessible to the community. The Swedish Research Council's guidelines are also relevant and are partly quoted here.

In general, researchers shall state commercial and comparable interests and dependence in applications, reports and scientific production. Such interests include financial contributions to research, employment, consultancy fees or other compensation from companies or other organisations and personal or family ownership or part ownership of companies.

It is the researcher's obligation and entitlement to publish research results independently of financial or other ties. Exceptions may be clarified in contracts or their equivalent. As a guideline, publication of results may not be delayed by a financier by more than two months unless a patent application is planned, in which case the limit is six months.

There are situations when the researcher's objectivity may be affected by other interests, such as his/her own career, intellectual fixation on a hypothesis or profitable financial interests. Sometimes these influences may be so strong that they result in nothing less than scientific dishonesty. It is perhaps more common that a researcher consciously or subconsciously distorts his/her own or other researchers' results. Their own results may be exaggerated and others' results not reported to sources of funding. A result that has a negative impact on the researcher's own interests may remain unpublished. When a researcher cooperates with a company or another organisation an agreement should regulate that he/she is not denied the opportunity to analyse or interpret the results in an objective and critical manner, or is forbidden to publish results if they are negative from the company's/organisation's perspective. Therefore, in order to maintain public trust, it is important that the researcher discloses any financial interests in association with the application for research funding. It is difficult to find the right balance between the requirements for transparency, scientific dialogue and the opportunity of a patent or commercialisation of research results. However, the decision on when the research results should be published must lie with the researcher. At the start of a relationship between academic researchers and companies etc, it is recommended that agreements are drawn up so that doctorates are not delayed

and that researchers do not renounce the right to analyse, interpret, describe and publish their results, though with appropriate regard for the company's business interests.

The documents stated here, and others, are available on the Swedish Research Council's website, CODEX (www.codex.vr.se.) The website includes all legislation that is relevant to research: the *Act on Ethics Review of Research involving Humans*, the *Archives Act*, the *Secrecy Act*, the *Personal Data Act*, the *Health and Medical Service Act*, the *Animal Welfare Act*, etc. There are also various international directives and conventions, associated with the UN, UNESCO, EU and the Council of Europe.

The website also contains complete texts for ethical codes for research in different fields and disciplines. There are also texts that are relevant to particular research problems, such as informed consent or publication. CODEX also takes up the use of animals in research under a special heading. The texts for the *Medicinal Products Act* and the *Medicinal Products Ordinance*, as well as the Medical Products Agency's rules for clinical trials are also available. The relevant document for pharmaceutical trials is *Guidelines for Good Clinical Practice (GCP)*. This document is valid in the EU, USA, Japan and Australia and is of a practically legally binding character. It contains a large number of detailed principles as well as a list of terms and definitions. The most recent version of the document is available in CODEX.

For medical research, CODEX contains a policy document on the treatment of personal data, designed by the Ethics Working Group at the Scientific Council for Medicine at Swedish Research Council.

The following section contains some concrete standpoints with ethical implications, formulated as "that clauses", which are specifically applicable to Lund University. This section will be expanded through decisions taken according to a specific regulation.

At Lund University, the following applies:

- that the relevant parties have a responsibility for ensuring that the funds and resources that are at the university's disposal are managed and used in the rightful manner.
- that no one may use their position to provide themselves or relatives with financial or other benefits.
- that intimate relationships between people where there is a state of dependence should be avoided in order that problems of invalidity shall not occur in activities.
- that if an intimate relationship should arise between supervisor and doctoral student or other student, there shall be a replacement supervisor.
- that teaching relating to researcher and research ethics shall be included in researcher and supervisor training in all academic fields at the university.
- that external funding, where there is a potential risk for damaged credibility, shall be approved by the dean/head of faculty.
- that registered sideline activities shall be reviewed from the perspective of their potential to damage credibility by the head of department and, in borderline cases, by the dean/head of faculty.
- that fundraising/sponsorship of activities shall follow the rules and regulations that have been adopted in a particular regulation (Vice-Chancellor's decision 22 March 2003) Reg no I B 9 1718/2003.
- that allocation of funds to foundations associated with Lund University shall follow the rules and regulations that have been adopted in the document "Ethical issues regarding foundations associated with Lund University" through a decision by the university board (minutes 17 December 2004 Section 66. See website under "US").

Part 3. Discussion of ethical issues

Ethical guidelines exist, as shown, at different levels and for different areas of activity. Whilst such guidelines can be said to apply to Lund University and its employees in varying degrees, official guidelines are not sufficient. Each individual needs to have ethical awareness and a standpoint. Assuming such standpoints take place through individual ethical reflection, but also through discussions of shared ethical issues, e.g. within a department or research group.

In one particular report, “Ethics in practice”, a joint working group for the university has developed some useful starting points and methods for ethical discussions. The majority of Part 3 is taken from the working group’s report. As an appendix there is an historical survey, which also places the basic values stated in Part 1 in an historical context.

This third part of the university’s ethics document is intended for use within Lund University as a basis for discussions about ethical issues. The aim is to increase focus on ethical issues and dilemmas in specific situations, encourage ethical reflection and thereby make it easier for individuals to adopt a standpoint and experience greater security in their attitudes. The hope is that the description and listing of ethical situations and key words should be experienced as a positive stimulant in daily activities and contacts, and help to solve problems and conflicts in a constructive manner.

A few key words have been stated previously that provide a focus in this context: respect and tolerance, honesty and integrity, care and commitment, solidarity and equality. What all these terms have in common is that they are perceived as general, that there is wide-ranging agreement about them and that they thus cover the whole of society. They therefore comprise important and fairly obvious touchstones for everyone working at the university. Maintaining these values and principles is decisive for the university functioning well as part of society. They are necessary so that everyone who works at the university will be able to experience security and harmony in their work situation and working atmosphere.

Ethics in practice

A comprehensive description with detailed guidelines for all ethical problems is impossible to achieve. Instead, we present a model illustrating:

- how to handle a situation, an ethical problem,
- how to successively work through and highlight various aspects,
- how it is possible to arrive at a standpoint using the model as an aid,
- how to assess the ethical quality of a given standpoint,
- how to inform affected parties during ongoing work.

Along with the presentation of a number of comparative examples, work based on the model should make it easier for individuals to be able to assess and process a problem situation and to take action when a fixed ethical standpoint is necessary.

People associated with the university are faced with ethical conflicts that are specific to the academic world. How should you handle such a situation? The basis should be the university’s core values, described in parts 1 and 2. There are different aspects and stages in the handling, assessing and taking a standpoint.

1. What is the ethical problem? Analyse and specify to clarify what applies, preferably in consultation with someone you trust.
2. Who are the interested parties?
3. What solutions are there?
4. What are the effects/consequences of the various alternatives/solutions?
 - for individuals or groups and for myself
 - for work and the work environment at the department/unit
 - for the university
 - for the surrounding community
 - in the short and long term
5. Test the solutions against
 - the university’s core values
 - Your own experience and assessment

The reflections of your discussion partner(s)

6. Consider the need for information at various stages, for those affected, work groups and the workplace.

This model can be applied to the following example, without providing obvious solutions.

Example 1

A researcher discovers that another researcher and good friend has plagiarised text in a journal article. The plagiarised text has been taken from an unpublished manuscript that a doctoral student in another department has written. How do you handle such a situation?

To clarify the problem for yourself it is important to consult a colleague.

1. What is the ethical problem? Analyse and specify to clarify what applies, preferably in consultation with someone you trust.

Probable plagiarism has been discovered. It has been published. The original text has not been published. It is only available as a manuscript written by a doctoral student. The doctoral student may also be accused of plagiarising the journal article if nothing is done. The doctoral student is at another department. Reporting it will certainly affect the relationship between the two researchers.

2. Who are the interested parties?

- a) the researcher and friend
- b) the doctoral student
- c) the doctoral student's supervisor
- d) the heads of both departments
- e) the faculty board (or equivalent) which is responsible for issues relating to research fraud and the research programme

3. What solutions are there?

The available solutions are

- a) reporting the probable plagiarism to the faculty board or equivalent body for investigation, i.e. to formally begin proceedings on the issue
- b) talking to the good friend and ask him to deal with the problem
- c) to inform the doctoral student and his/her supervisor.
- d) to "forget" the problem

All solutions are imaginable

4. What are the effects/consequences of the various alternatives/solutions?

a) If the suspected plagiarism is reported, the issue will be investigated by an independent body. The suspect will either be freed or found guilty and the situation for the author made clear.

The relationship between my good friend and myself will probably come to an end. The doctoral student's interests are safeguarded.

The measure results in some turbulence in the short term but hopefully prevents future plagiarism.

The reputation of the university is maintained on this basic issue.

b) Speaking to the suspect may result in a good solution if the suspect agrees to a faculty investigation. If he/she doesn't, the person who discovered it should report the issue to the faculty board or another equivalent body.

c) The supervisor can choose to push the issue

What the effects will be depends on action the supervisor takes. The effect on me will be that I place the responsibility on someone else.

d) If the problem is "forgotten" there is calm at the moment. But the person who discovered it all will wrestle with his/her conscience. The doctoral student who wrote the original text may be found guilty of plagiarism, because he/she cannot prove that his/her text was written first, as the basis for all of this was an unpublished manuscript. For the department and the university the issue becomes more embarrassing the longer the time period between discovery and action.

5. Try out the solutions against the university's value system, your own experience and your discussion partner's reflections. It is central to the university's value system that a researcher states his/her sources. The path of action

should be regard for the university's value system. Naturally, concern for the doctoral student should be added as he/she may get in trouble. Even the person who act acted wrongly needs support. It is vital that rapid and correct information is given to all those involved (the researcher and the doctoral student), to the two departments and to the university management. The issue must be handled as swiftly as possible without losing sight of the facts.

Example 2

A researcher at the department of which you are head has been given a research grant from a research council with members nominated by faculties of Medicine. The research council is financed by an international tobacco company. The application was for research into the long term effects of passive smoking. As head, will you approve the grant?

1. What is the ethical problem? Analyse and specify to clarify what applies, preferably in consultation with someone you trust.

The first problem is that the funding is generated by activities that result in a product that is injurious to human health; the second is that the intentions include investigations that may be "useful" to the company, but also to society. The department needs funding to finance its activities. The funds are "legitimised" through a medical research council that is tied to the company. The research may benefit mankind, but can also be used for a contradictory purpose.

2. Who are the interested parties?

- a) the head
- b) the research group that needs funding
- c) the faculty which shall protect the independence of research
- d) the company's medical research council
- e) the company

3. What solutions are there?

- a) to refuse the funding
- b) to take the funding
- c) to ask the researcher to move the funding
- a) to specify terms for accepting the funding

4. What are the effects/consequences of the various alternatives/solutions?

- a) refusing the funding is seen as being correct. It will not be necessary to handle "dirty money". The department's and the group's ethical reputation increases. However, this means that the group is without funding.
- b) taking the funding means that research can be carried out and that financing by the department is made easier.
- c) asking the research group to move the funding may mean not having to take a standpoint on the ethical issue.
- d) specifying terms may be one way of compromising. It is not certain that this solves the basic conflict of interests.

5. Try out the solutions against the university's value system, your own experience and your discussion partner's reflections.

The basic task of the university is the production of knowledge. Depriving research of resources to some extent removes opportunities to produce knowledge and thus contribute to patient health. However, the research group contributes to providing goodwill to a company that contributes to ill health and not accepting the funding is an expression of the principle of not legitimising the tobacco company's activities. It is thus defensible from an ethical perspective.

The situation is thus a real ethical dilemma. The actual circumstances, the company's activities etc all become significant. The basic objective of the university is the production of knowledge, but this may not take place at any price. Sometimes there are ethical guidelines that should prevent research.

A few more examples of problems where the ethical model can be used

1. E-mail and websites have made teachers more visible to the public. This public is periodically comprised of sixth formers (particularly for teachers in some subjects) who are writing projects. As a public authority the university is obliged to respond to enquiries (including e-mail). Is this obligation unlimited? Can a teacher say enough is enough?
2. A research group has been given a commission from a company. The company demands that the research results are not to be published. The group accepts this. Is this compatible with the university's value system?
3. A researcher submits an article to an international journal for publication. The article is sent to another researcher for peer review, a colleague to the author. The review takes time. The article's author gets to hear from another source that the reviewer has a researcher working on the same problem in his/her research group. There is suspicion that the reviewer is taking time so his/her colleague has time to grasp the ideas and publish something before the article's author. What is the right thing to do?
4. A research group needs access to blood for its experiments. The group consists of the supervisor and a number of doctoral students. At a meeting the supervisor suggests that the doctoral students donate blood so that the project can continue and wants a reply at the meeting. Is this approach ethically defensible?

A number of examples and situations have previously been presented and analysed. They show the variation and the complexity of this type of ethical problem. The aim is to find a system that can help in identifying, analysing and handling such specific problems.

There are not really any problems that are exactly similar, so it is almost impossible to formulate fixed, definite guidelines. This puts requirements on the individual to reflect on and try to analyse the problem – often in consultation with others, in the various phases of the issue – to be able to experience his/her own standpoint as thought through and personally acceptable as regards the relevant circumstances. In this way, a shared ethical approach is developed within the university. The conclusion is:

It is primarily through reflection and debate based on the university's common value system that the ethical problems – even the most everyday ones – find their best solution.

Appendix

Brief historical background

Ethical rules/guidelines with general, sometimes universal, applications have been natural elements of cultures and religions way back through the ages. They have been based on basic principles that motivated and sanctioned moral values and their practical consequences. Their intention has been to create a common frame of reference for those affected, whether citizens of states, adherents of a particular faith or those who belonged to guilds and associations. Without exception, they have had an overarching fundamental design aimed at providing general guidance about how to live in relation to the surrounding world. However, each individual was responsible for their interpretation in real circumstances.

The best known and most often quoted rule is doubtless the golden rule. Its oldest formulation is credited to Confucius, around 500 BCE. When asked by one of his disciples, "Is there one word that could guide a person throughout life?" Confucius is said to have answered, "Reciprocity. Never impose on others what you would not choose for yourself." Different variations of similar sayings are found in Judaism, and specified in the Ten Commandments, in the Hellenistic tradition, just as in Hinduism and Buddhism – all from around the same period – and later in Islam. The most often quoted is the positive formulation of the Sermon on the Mount in the New Testament, "Do unto others as you would have them do unto you."

There are also other similar principles for moral actions that have played a major role in mankind's social relationships. In the 13th century, Thomas Aquinas stated that, "good is to be done and promoted, and evil is to be avoided." Hundreds of years later – at the end of the 18th century – the philosopher Immanuel Kant formulated his famous categorical imperative, "Act only according to that maxim whereby you can at the same time will that it should become a universal law." Even before Kant, liberal individualism had placed the individual at the centre of ethical behaviour, due to the influence of people that included the 17th century philosopher Thomas Hobbes. It maintained that it was the individual's independence, autonomy, freedoms and rights in relation to the state, society and religion that would provide moral guidance. New thinking was introduced with utilitarianism. One of its primary representatives was the philosopher Jeremy Bentham, who made utilitarianism the highest moral principle in the early 1800s. He established its objective with the words "It is the greatest good to the greatest number of people which is the measure of right and wrong". According to Bentham everything we do is controlled by a continual desire to "win the greatest possible pleasure". He strongly distanced himself from liberalism's ideas about the individual's inviolable rights as regards the state and citizens. Instead, he believed that benefit should be the highest ethical standard in legislation. In Sweden development was greatly affected by the philosopher Axel Hägerström (1868-1939). His assertion that there was no knowledge of values was especially significant. Only that which is real can form the basis of knowledge, thus knowledge of right and wrong is impossible. Hägerström represented and reinforced the legal positivistic idea that any universal basis for the law, e.g. natural law, does not exist, that the state, through representing the citizens, from time to time determines what is to be regarded as law.

Current philosophical thought is that fundamental ethical values are inspired by the values that are perceived as shared and are an expression of the common good, as well as social objectives. We can also find traces of utilitarianism and eudaemonism, as well as value nihilism. The potential for universal ethical rules is questioned, whilst other groups require clear rules that can provide a focus for our actions. Post-modern moral philosophy has introduced questions about the significance of time, place and feeling for moral decisions and standpoints. A relationship-based care morality (female) has been positioned in contrast to a principle-controlled legislative morality (male). The current discussion is not characterised by unity, but rather by diversity, and thus reflects the multicultural society in which we live.

Sometimes ethical standpoints are classified based on different ways of arguing a position. *The ethics of obligation* is based on certain principles, rules that should be followed because they are regarded as objective and do not take various interests into account. *The ethics of consequence* means that you choose an alternative, a solution that is perceived as having the best consequences (e.g. the greatest possible benefit, according to utilitarianism). *The ethics of virtue* really disregards different alternatives and focuses on the personality of the person taking action and the situations in which he/she is placed. The borders between the three are fluid and they are often combined when arguing for a specific standpoint.

The contemporary public discussion of ethical rules and moral conduct in the West has, however, come to be dominated by the documents on human rights that were developed after WWII to protect individuals/citizens, primarily from abuse from dictatorial states. The 1948 Universal Declaration of Human Rights, which has roots in earlier perceptions of human value and human rights – primarily those of the 18th century's natural law – provides some fixed starting points for discussions of ethical guidelines. The preamble to the declaration talks about "inherent dignity and of the equal and inalienable rights of all members of the human family." Article 1 states that "All human beings are born free and equal in dignity and rights." Therefore, they shall also "act towards one another in a spirit of brotherhood" (gender equality terms weren't in use then!). The declaration then clarifies, in its many articles, the rights of every individual. It is in the last article, Article 29, that the declaration first states that "Everyone has duties to the community". The second point in the same article also makes some limitations to individual rights. These limitations include "securing due recognition and respect for the rights and freedoms of others". An attempt to create a declaration of human duties was made in 1997 with the Trieste Declaration of Human Duties. This contains a catalogue of duties with 12 articles, with everything from respect for human value and dignity, as well as human life, to the duty to work for peace and the world

Academia and ethics

The shared interests that the developing universities created between teachers and students from the 11th and 12th centuries also found their expression in forms of cooperation. From the beginning, what was most important for both parties was to safeguard demands for freedom in relation to power and authority in the surrounding community. Their actions have naturally worked according to that era's ideas. Because they occurred at a time when guild systems dominated, their structure came to be tied to the guild tradition. There were requirements for mutual solidarity and unity, as well as safeguarding freedom and their own privileges against attack from various external authorities, primarily state and church in the university's case. The teaching body developed its rules and the student bodies their own. Within this framework, a common view of what could be required of both parties in their relationship in teaching and learning also developed in the university's collegial community.

Laws and ordinances for the university's activities over the centuries have, however, had few ethical guidelines and rules. The few ordinances have successively disappeared and are now entirely lacking. The constitution of Lund University, 1666, provides some rules for both teachers and students at the academy. As a guarantee for loyal support of the activities all categories at the university were to swear an oath. The vice-chancellor bound himself through oath to "energetically and thoroughly take care of everything that will produce welfare, honour and benefit in this academy".

A special chapter in the constitution deals with the student's life and morals. The first section prescribes that each one shall "love and always adhere to the truth". This is then specified in examples relevant to Christian teaching and "in pursuit of all bookish arts and sciences, in contacts, in speech, in behaviour, in voice and appearance, in judgement and friendship." A second section describes what a student should "shun and abhor as the abyss", namely "lies and false opinions", including "all false lying, disparagement, insults, vanity, disloyalty, treachery, boasting, dissemblance, in words, deeds and behaviour." Some changes were made to the constitution over the years. This includes changing the vice-chancellor's oath in 1829. According to the new formulation the vice-chancellor promised to superintend his post "with loyalty, zeal and probity."

In 1852 the universities in Uppsala and Lund received common statutes that replaced the constitutions from 1655 for Uppsala and 1666 for Lund. This meant the cessation of the individual jurisdiction that the universities had had until then. The new statutes no longer contain the need to swear an oath. There are no requirements that the teachers' appearance shall conform to specific values. Nor are there any rules for the students' "life and morals", other than the instruction that the "the purpose of the student clubs is to promote diligence, morality and good order among the students."

The formulations above recur word for word in the new statutes for Uppsala and Lund that were issued in 1876, 1908 and 1916. The university statutes of 1956 specify the professors' duties in a list: research, teaching, supervision, superintendence, management of the department and writing text books. In the description of the student clubs' tasks the change is that the word "morals" has been removed. In the university regulations of 1964, which provide almost the same description of the professors' duties in 1956, the purpose of the student associations is described as "promoting the members' studies." Thereby there were no longer any rules or guidelines tied to how the university's staff and students should behave during activities. Such remarks are also entirely absent from the 1977 higher education act and higher education ordinance, just as in the 1992 higher education act and the higher education ordinance.

It is interesting to note that when all regulations of an ethical nature disappeared from the laws and ordinances that regulate the university's activities this has been perceived as a vacuum and a desire for ethical guidelines has been put forward. It started with discussions around ethical questions in association with medicinal research and has developed as shown in part 2. At the same time, the university, as part of the community, does not have its own ethics or ethical code that deviates from the fundamental ethical notions and standards that the community otherwise represents and which are presented in part 1. Instead, the issue is to try to find solutions to the specific ethical problems at the university, based on these fundamental values, that arise in this environment, not least due to the complexity of the university's activities.

In the unified society that existed into the 1900s it was, in many cases, quite obvious what would be accepted as ethically and morally defensible. In the diverse and multi-religious Swedish society that characterises the 21st century, such common values are far from obvious and accepted. Not unexpectedly, there have thus been several attempts to find common values as unifying ties within different types of organisations.

In trade and industry general ethical rules have therefore been formulated. In some countries companies must now have such rules. In 2000 the board of AstraZeneca approved “ethical rules” and the principles they are based on, and enjoined all employees to follow them. The motive is stated that the company’s good reputation is of the greatest significance, that the surrounding world has faith in the company and it is therefore “important that we maintain a high ethical standard in our actions.” As a policy, the board states that everyone must “work according to high standards regarding integrity and honesty.” This policy is then developed in a number of points about standards for behaviour, equality, conflicts of interest etc.

The issue of ethical guidelines has also been discussed in the public sector. The commission for administrative policy’s report “Serving the citizen. Comprehensive administrative policy for the state” (SOU 1997:57) discusses ethical problems. The commission states that it would “not be meaningful to try to formulate a particular ethical code for civil servants. The central issue is that there is awareness and discussion of the administrative culture and the role of the civil servant. Values and attitudes that are central to state activities, such as objectivity, rule of law and loyalty to superior objectives should be reinforced.” The commission also emphasises that “the most central and most demanding aspects of high administrative ethical standards cannot be summarised in a few simple points.” In Government Bill 1997/98:136 the government follows the commission’s proposal and rejects the introduction of a general ethical code. Instead, the proposition points out that:

“A better way to reinforce awareness is that issues of ethics and content in the role of the civil servant are highlighted and continually discussed at every authority.”

Is there generally accepted value system in society? Even if there are no specific regulations that provide ethical guidance for members of the community, there is still great support for some values that are perceived as shared and indispensable, and which are described in part 1. These rules and values are also focused on the mutual interplay in daily work and social intercourse. They thus express both the rights and obligations the individual is considered as having in relation to the surrounding world. This is also where the power of example, individuals as role models, is important in realising ideals.

Appendix: Collection of examples

Examples of decisions with ethical import made at Lund University. The collection of examples will be gradually increased.

Example 1: Research fraud

Reg no: SG 422 94/96

A public defence of a doctoral dissertation took place on 29 March 1996. One month later the head of the relevant department submitted documents to the faculty office regarding accusations of plagiarism in the dissertation. The plagiarism was mainly from an unpublished manuscript written by a doctoral student at another institute of higher education. The head of the faculty appointed a special investigator for the case. The grading committee was recalled and, based on the investigation's material, were tasked with deciding whether plagiarism had occurred. The grading committee found that this was the case. The committee found it to be particularly serious that the plagiarism was of unpublished texts. The grading committee failed the dissertation.

Example 2: Managing a donation

Reg no: F9 1271/2002.

A doctor died and donated his estate to Lund University. After the inventory of the estate, the university was given the responsibility of selling the property. The head of the unit responsible for donations to the university decided that the university, for reasons of economy, should be responsible for disposing of the property. A few months after the person responsible for the inventory of the estate accounted for the property, the head of university administration was contacted by a friend to the deceased. The friend was confused by the way the issue had been handled. She was worried and one issue that was of concern was that the unit head and her colleagues were personally involved in the practical arrangements, such as cleaning and transporting the effects in the house that was to be sold. The friend also said that she had contacted the auction company that was to take care of selling the personal property and been told that the unit head had requested that the auction firm did not auction off some of the property, but instead it would be bought at "market value". To summarise, the friend believed that it didn't seem as if the issue was being dealt with in a professional manner. The head of university administration and the university treasurer immediately contacted the relevant unit head. The unit head provided a list of the property that had been marked out. She explained that the property that was to be removed from the auction consisted of objects of limited value and was to be used to furnish the unit's new premises. The unit head was informed that this procedure was unethical and asked to provide the auction firm with notification that all property of value was to be auctioned. Additionally, the unit head should immediately hand over responsibility to the university treasurer.

However, when the university contacted the auction company it turned out that other items, in addition to those the unit head had previously listed, had been removed from the auction. The objects had not only been marked out but had also been transported away from the auction firm to be bought at "market value". When this came to light the university's HR unit was contacted and the unit head was confronted with the new information. She confessed that she intended to buy some of these items herself. Against this background, the unit head was informed that she no longer had the university's support in her post. The basis for this lack of trust was partly the management of the sale of the estate, partly that she provided false information to her superiors when she was previously confronted with the facts. The unit head was asked to contact her union to continue discussions and negotiations regarding transfer to another post.

The unit head contacted a private representative. This representative explained that her client had no interest in another post at the university. After negotiation the parties agreed that the unit head would resign and receive severance pay equivalent to six months' salary.

In association with the discussion around the unit head's employment, the issue of prosecution in accordance with Section 22 of the Swedish Public Employment Act was raised. However, the university's assessment was that there were no grounds for prosecution.

The friend of the deceased was informed about the course of events. The friend did not agree with the university, but instead believed that the university should report the unit head to the police. However, the university's assessment was that it did not consider that the unit head had done anything criminal and that employees are not reported to the police "for the sake of it". The university did consider that the unit head had been grossly negligent in her duties, and acted upon this.

After this the newspapers were "tipped off" about what had happened and the friend reported it to the police herself. After this the auction firm informed the university about additional objects, in addition to those the firm had previously mentioned, that had been submitted by the unit head. The university received great criticism from the media for trying to "hush up" what had happened.

The case was investigated by the police, but after a few months the prosecutor decided not to prosecute as no crime could be proven.

Example 3: Suspected plagiarism in a doctoral dissertation

Reg no: S G 422 196/00

The date of the public defence of the dissertation was set for 5 October. However, it was stopped by the head of the department after being informed by the external reviewer that two sections in the dissertation were derived from his own writing, without references being made to the source. Nor were the writings quoted found in the list of references.

Additionally, the list of sources contained faults, according to a document sent from the department to the faculty on 16 October 2000. In the first ninety pages the reviewer had found around twenty references to works that were not found in the list of sources.

On 30 October 2000 the faculty asked the reviewer to specify the information, which was done in a document of 13 November 2000.

The author admitted that the sections cited in the dissertation had no source references. However, he stated that this was unintentional. The reason was said to be that the work grew and references disappeared when revising the text.

The author admitted using ideas from his reviewer's work. However, he pointed out that the reviewer was named a total of seven times in the text, on pages 80, 86, 89 and 92. The works by the reviewer that were mentioned a number of times were not included in the list of references. This also applied to works by other people. According to the author the reason for this was that the wrong manuscript was sent to print.

The author offered two alternatives to correct the faults, either to rewrite the text with correct references or to quote the relevant sections without his own comments in the text.

The board of the Faculty of Social Science stated that the dissertation was recalled before its public defence. As the author himself stated in his explanation dated 20 November 2000 the dissertation in its present form had considerable faults as regards references and notes. This should have been corrected before the final seminars.

In the future submissions of the dissertation it is assumed that the criticised faults and others have been corrected. The public defence was held in May 2001 with a new external reviewer.

Vice-Chancellor