

Guidelines for Named Person at the University of Copenhagen



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1. Each faculty at the University of Copenhagen has at least one Named Person.
 - (2) A faculty's Named Person is appointed by the Academic Council on the recommendation of the Dean for a period of three years. Reappointment is permitted.
 - (3) A professor, associate professor or senior researcher at the University of Copenhagen may be appointed as a Named Person.
 - (4) In connection with the appointment, the Academic Council also appoints an alternate for the Named Person. The alternate acts as the Named Person at the faculty when the Named Person is absent or is unable to provide advice and guidance, see section 2, because of ineligibility.
 - (5) A Named Person cannot also be a member of the Practice Committee, the Danish Committee on Research Misconduct or be a part of the management at the University of Copenhagen.
 - (6) At faculties with several major research areas, more than one Named Person can be appointed.
 2. The faculty's Named Person is responsible for advising staff at the faculty who request guidance on research misconduct and dubious research practices, see the definition of research misconduct and dubious research practices in the Danish Act on Research Misconduct etc. By agreement with the Dean, the faculty's Named Person can be included in the faculty's work to provide information and guidance, and to develop the standards for responsible research practices, including contributing to the education of researchers etc.
 - (2) The advice and guidance are confidential, see, however, section 5(2) and section 6. A Named Person must know the identity of the employee who is looking for advice and guidance.

3. In connection with the provision of advice and guidance to employees at the faculty, see section 2, the Named Person may contribute to mediation by agreement with the parties involved. However, the Named Person cannot mediate in cases that are regarded as being so serious that they must be submitted to the management because they either concern possible research misconduct or possible dubious research practices, see section 5(2).

4. A Named Person cannot bring cases before the Practice Committee or the Danish Committee on Research Misconduct.

5. The Named Person provides advice and guidance, see section 2, independently of the university and faculty management and is therefore not required to inform the university and faculty management of the specific advice and guidance provided, see, however, subsection (2).

(2) The Named Person is obliged to inform the faculty management if there are reasonable grounds for suspecting that research misconduct may have been shown in a specific case, see section 10(3) of the Danish Act on Research Misconduct etc., or if there are reasonable grounds for suspecting that dubious research practices of a gross nature have been conducted. In these situations, the Named Person must prepare a memo on the information available in the case.

(3) For the purpose of collating experience, the Named Person submits an annual anonymous report to the Dean on his or her activities.

6. Enquiries to a Named Person should only contain information about other persons (secondary persons) in anonymised form.

(2) If data about secondary persons cannot be processed in anonymised form, the Named Person will inform the secondary persons in question about the processing of personal data in accordance with Article 14 of the General Data Protection Regulation, see, however, section 6(3).

(3) The Named Person may refrain from providing information about the processing of data to any secondary persons pursuant to Article 14 of the General Data Protection Regulation if the secondary person's interest in the data processing should be overridden by essential considerations for private interests, including consideration for the data subject, see section 22(1) of the Danish Data Protection Act. In addition, the Named Person may refrain from providing information about the processing of personal data to secondary persons if provision of such information proves impossible or would involve a disproportionate effort, see Article 14(5)(b) of the General Data Protection Regulation.

(4) The Named Person can contact the University's data protection officer for advice on how to handle the information in accordance with the General Data Protection Regulation and the Danish Data Protection Act.

(5) Any memos prepared by the Named Person about enquiries which contain personally identifiable data must be erased/shredded once the advisory process has been completed. However, in cases where the faculty management must be informed, the memos must not be erased until the Named Person has fulfilled his or her duty to inform the faculty management, see section 5 (2).

(6) Persons who contact the Named Person and any secondary persons may complain to the Danish Data Protection Agency about the processing of personal data. The University of Copenhagen's privacy policy applies to the Named Person's processing of personal data.

7. The faculties' Named Persons meet 1-2 times a year with a view to sparring and discussing their advisory work. FA R&I is responsible for arranging the meetings.

8. The faculty provides information/guidance on the faculty's website about how the Named Person scheme works at the faculty, including where and how the employees can contact the Named Person.

9. These guidelines enter into force on 1 January 2021

Copenhagen, 2 December 2020

Henrik C. Wegener, Rector

/Kim Brinckmann, Director

Guidance for the guidelines

1.

Each faculty has at least one Named Person. To ensure the independence of the management, the Named Person is appointed by the Academic Council, and the Named Person cannot be included in the management structure either at the faculty or in the Central Administration.

A Named Person may be re-appointed to ensure the accumulation of experience and continuity. There are no restrictions on how many times a Named Person may be re-appointed.

To avoid conflicts of interest on the Practice Committee in connection with the Committee's processing of cases, the faculty's Named Person cannot concurrently be a member of the Practice Committee or a member of the Danish Committee on Research Misconduct.

2.

The definition of research misconduct and dubious research practices is found in section 3 of the Danish Act on Research Misconduct etc., which includes the following provisions:

“3. The following definitions apply under this Act:

Research misconduct: Fabrication, falsification and plagiarism committed intentionally or due to gross negligence during the planning, implementation or reporting of research.

Fabrication: Undisclosed construction of data or substitution with fictitious data.

Falsification: Manipulation of research material, equipment or processes as well as modification or omission of data or results that renders the research misleading.

Plagiarism: The acquisition of other people's ideas, processes, results, text or special concepts without lawful crediting.

Dubious research practices: Violation of generally accepted standards for responsible research practices, including the standards in the Danish Code of Conduct for Research integrity and other applicable institutional, national and international practices and guidelines for research integrity.”

It is not possible for an employee to contact the Named Person anonymously. The employee's identity must be known to the Named Person.

The Named Person has a number of different tasks:

- To provide advice and guidance on responsible research practices
- To provide advice and guidance on suspected violations of responsible research practices.
- To participate, by agreement with the Dean, in the faculty's work to provide information and guidance, and to develop the standards for responsible research practices.

A Named Person must contribute to ensuring that the standards for responsible research practices are complied with at the faculty.

If this is regarded as expedient, the Dean may enter into an agreement with the Named Person to participate in the faculty's work to provide information and guidance, and to develop the standards for responsible research practices, including contributing to the education of researchers, etc. As part of this work, the Named Person can contribute to ensuring that the knowledge acquired in connection with specific cases is utilised optimally for further development of the research culture.

The Named Person provides advice and guidance on all issues concerning research integrity. This may, for example, be planning of research, data management or conflicts of interest. The advice and guidance are provided in confidence if this concerns future matters, i.e. misconduct that has not already been shown. Researchers should thus pay attention to clarifying any doubts to avoid acting in breach of responsible research practices rather than remedying misconduct already shown.

The Named Person also provides advice and guidance on conduct or activities already shown or carried out, but, in such cases, the researcher in question is not guaranteed confidentiality, as the Named Person is obliged to notify the faculty management if there are reasonable grounds for suspecting that research misconduct or dubious research practices have been shown in a given case. The faculty management decides in such cases whether the matter is to be reported to the Danish Committee on Research Misconduct or to the Practice Committee.

3.

Any mediation requires binding commitments to this from all parties involved.

4.

The Named Person only has an advisory function and therefore does not have the authority to make decisions or bring matters before the Practice Committee or the Danish Committee on Research Misconduct.

5.

To ensure independence, the Named Person generally cannot inform the management about the specific advice and guidance provided or about any cases.

However, the Named Person may recommend during the advisory process that the employee inform the management about the case.

In special circumstances, the Named Person is obliged to inform the faculty management in cases in which there are reasonable grounds for suspecting research misconduct. This concerns cases in which the University of Copenhagen will be obliged to notify the Danish Committee on Research Misconduct pursuant to section 10(3) of the Danish Act on Research Misconduct.

Examples of enquiries about possible research misconduct where the Named Person is obliged to notify the faculty management are enquiries which concern scientific products that can immediately be identified with specific, reasoned claims or otherwise substantiated information about fabrication, falsification and plagiarism that have already been committed. For a definition of these concepts, see sections 3 and 11 of the Danish Act on Research Misconduct etc. It may, for example, be a reasoned claim or otherwise substantiated information that plagiarism has been committed in connection with a specific scientific product. Finally, the Named Person must find that research misconduct has been shown on a preponderance of probabilities.

In relation to enquiries about possible dubious research practices, the Named Person is, for example, obliged to inform the faculty management if an enquiry concerns a readily identifiable object, for example a text, a figure or a course of events, contains specific, reasoned claims or otherwise substantiated information about, for example, self-plagiarism, failure to disclose conflicts of interest and a lack of or insufficient storage of primary data that has already been committed or occurred. Finally, the Named Person must find that there are dubious research practices on a preponderance of probabilities, and that the matter is of a gross nature by the conduct having been committed with intent, persistently or by several parties acting jointly. For a definition of dubious research practices, reference is made to section 3(1) para (5) of the Danish Act on Research Misconduct etc. Regarding the University of Copenhagen, this has been elaborated on in section 2 of the University of Copenhagen's rules on the handling of cases of dubious research practices and research

misconduct. Reference is also made to www.folketingstidende.dk, the Official Report of Parliamentary Proceedings 2016-17, appendix A, L 117, as presented, pages 11 and 27, and to items 6 and 2 in the Danish Code of Conduct for Research Integrity for a more detailed description of self-plagiarism, conflicts of interest and primary data. This may, for example, be a reasoned claim or otherwise substantiated information that, in connection with a given research activity, primary data is not stored in a manner that makes it possible to evaluate the result or to identify the persons who have conducted the research.

In both types of cases, the Named Person must prepare a memo as soon as possible, which will serve as a basis for notification of the management. In connection with the provision of advice and guidance to faculty staff, the Named Person must therefore constantly be aware of whether the nature of the case means that a memo must be prepared and submitted to the management for information about the case. The obligation to prepare a memo only applies to cases in which the management must be notified, and the Named Person is therefore only to prepare a memo in a case when the Named Person assesses that the management must be notified. Cases may therefore be dealt with by the Named Person for a period without it being regarded as necessary to prepare a memo on the nature of the case.

When such notifications are received, the faculty management must decide whether the case is of such a nature that it must be reported to the Practice Committee, which will then ensure that the cases is passed on to the Danish Committee on Research.

The Named Person's notification of the management in the above cases must be included in the case material in connection with a case pertaining to employment law at UCPH based on an opinion from the Practice Committee or a case before the Danish Committee on Research Misconduct, respectively. The notification must therefore be sent to the reported person for consultation before the management at UCPH decides to impose a sanction in employment law and before the Danish Committee on Research Misconduct makes a decision. In the latter case, however, the consultation process is conducted in connection with the Committee's hearing of the case. However, a sanction in employment law may also be imposed even though the Practice Committee or the Danish Committee on Research Misconduct has not made a decision in the case. Notwithstanding the above, the consultation process must not be conducted by the Named Person, but must be implemented as a procedural step in connection with the management's hearing of the case pertaining to employment law or on the Danish Committee on Research Misconduct.

6.

The rules in the General Data Protection Regulation (GDPR) apply when the University of Copenhagen processes employees' personal data. The rules therefore also apply when a

Named Person advises an employee at the University of Copenhagen and processes the employee's personal data in this connection.

The University of Copenhagen is obliged to provide the employees with information about the processing of personal data. This information has been provided to all employees in the Employee Guide <https://kUNET.ku.dk/employee-guide/Pages/HR/UCPHs-use-of-personal-data.aspx>. The Named Person will be obliged to provide information about the period in which the personal data will be stored. In accordance with section 6(5), the data will be erased or shredded once the advisory process has been completed.

In cases in which an employee contacts the Named Person and discloses data on other persons in this connection, the Named Person will, as a general rule, be obliged to inform the other person(s) about the processing of the personal data and the purpose of the processing, as well as the expected data storage period. The other person(s) is/are referred to as secondary persons, and secondary persons have the same rights under the General Data Protection Regulation as the direct data subjects. <https://kUNET.ku.dk/employee-guide/Pages/Safety-and-Emergency-Preparedness/Duty-notification.aspx>.

The Named Person may refrain from informing secondary persons about the processing of the data and the purpose of the processing. This must be justified by overriding consideration for private interests, including consideration for the employee who is requesting the Named Person's advice and guidance. The consideration for the secondary person's interests may also justify a decision not to comply with the duty of disclosure. A specific assessment must always be made, in which the consideration for an open dialogue in the guidance situation may be weighted.

The Named Person may also refrain from informing secondary persons in cases in which this proves impossible or would involve a disproportionate effort. This may be the case where an employee mentions a large group of people, such as "all researchers at the Faculty of Health and Medical Sciences" or "the researchers in Copenhagen".

The rules in the General Data Protection Regulation do not apply if the data on secondary persons is disclosed to the Named Persons in anonymised form.

The data is anonymous if the secondary person's identity is not mentioned in connection with the advice and guidance or if it is not possible to derive the secondary person's identity based on the context. If, for example, a PhD student discloses data about the PhD student's supervisor, it will be possible to identify the supervisor. The data is consequently not anonymous even if the supervisor's name is not mentioned in the enquiry to the Named Person.

7.

Named Persons at the University of Copenhagen meet once or twice a year for sparring and exchange of experiences.

8.

The faculty provides the necessary information on the faculty's website about how the Named Person scheme works at the faculty, including where and how the employees can contact the Named Person.