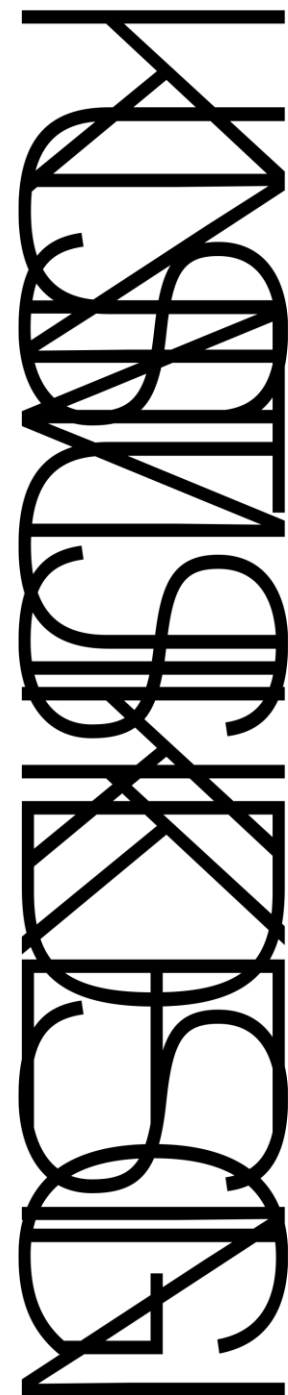


Nina Malterud and Anne Helen Mydland:

# Research Ethics in Norway: Laws and Regulations – What about the Arts?

## Research integrity and challenges for project leaders

Seminar KMD FFU/FUU 25.09.2020



# KMD Research and Research Ethics

## Artistic Research

## Scientific Research

Partners and collaborators from diverse fields of art and science.

Everybody involved must

- relate to the relevant laws and regulations
- do the necessary explorations and considerations
- use knowledge and consciousness as basis for discussions

# Research Ethics – one of many areas of professional ethics

## Levels of different authority:

- Laws
- Regulations (forskrift)
- Guidelines (retningslinjer)
- Discourse, conventions...



# Roles, missions, obligations, responsibilities

## Society is paying – for what?

artist

artistic freedom

researcher

academic freedom

employee

mission of the institution

receiver of funding

conditions in contract

# Laws most relevant

- Lov om organisering av forskningsetisk arbeid (forskningsetikkloven)
- Lov om medisinsk og helsefaglig forskning (helseforskningsloven)
- Lov om behandling av personopplysninger (personopplysningsloven)
- Åndsverksloven
- ++

# Forskningsetikkloven, some points

- «anerkjente forskningsetiske normer»
- Gjelder «forskning og forskere i Norge»
- Institusjonen har ansvaret for:
  - a) nødvendig opplæring av kandidater og ansatte i anerkjente forskningsetiske normer
  - b) at alle som utfører eller deltar i forskningen, er kjent med anerkjente forskningsetiske normer.
- Departementet oppnevner nasjonale forskningsetiske komiteer som til sammen dekker alle fagområder.
- Med vitenskapelig uredelighet menes
  - forfalskning, fabrikkering, plagiering og andre alvorlige brudd på anerkjente forskningsetiske normer som er begått forsettlig eller grovt uaktsomt i planlegging, gjennomføring eller rapportering av forskning.

# The Norwegian National Research Ethics Committees FEK

(subject specific committees with elaborated guidelines)

[www.forskningsetikk.no](http://www.forskningsetikk.no)

- The National Committee for Medical and Health Research Ethics
- The National Committee for Research Ethics in Science and Technology (NENT)
- The National Committee for Research Ethics in the Social Sciences and the Humanities (NESH)
- **Specific guidelines for artistic research ethics?**
  - Starting a process involving UHR/KDA and DIKU/Norwegian Artistic Research School

# FEK general guidelines

General guidelines for research ethics cannot replace subject-specific guidelines, but should serve as a gateway to the principles and concerns of research ethics, including for institutions and individuals who are not researchers themselves.

## Principles

- **Respect.** People who participate in research, as informants or otherwise, shall be treated with respect.
- **Good consequences.** Researchers shall seek to ensure that their activities produce good consequences and that any adverse consequences are within the limits of acceptability.
- **Fairness.** All research projects shall be designed and implemented fairly.
- **Integrity.** Researchers shall comply with recognized norms and to behave responsibly, openly and honestly towards their colleagues and the public.



# FEK general guidelines

<https://www.forskningsetikk.no/en/guidelines/general-guidelines/>

1. Quest for truth
2. Academic freedom
3. Quality
4. Voluntary informed consent
5. Confidentiality
6. Impartiality
7. Integrity
8. Good reference practice
9. Collegiality
10. Institutional responsibility
11. Availability of results
12. Social responsibility
13. Global responsibility
14. Laws and regulations

# Some unavoidable issues

- Project leader responsibility
- Project planning: Identify ethical issues from the beginning, and describe in applications
- Participants and consent – *brukermedvirkning* (law and regulations)
- Data management plan – where to store information
- Share of work, credit and ownership – contracts on beforehand?
  - Institutions and funding bodies
  - Co-authors/co-researchers/collaborators
  - Other interests
- International partners – diverse standards
- Quality in text
  - conventions and styles - references/quotes

The presentation of the research in its various stages shall mirror the quality in the project

## Distribution of responsibility

Where lies the responsibility: everyone involved with research - different roles

**Institution:** Research institutions must ensure that their research is conducted according to established research ethical norms.

**Researcher:** The researcher's independent duty to be cautious and its role in collective responsibility

**Project leader:** project managers must in addition assume responsibility for the research ethics problems faced by project team members

### *Forskningsetikkloven:*

The law is for researchers and research in Norway, if the employed has a Norwegian employer or a major part is funded by a Norwegian funding body. Students and others who are involved in research activities and are researching - but not researchers by title - are thus included in the law.

## **§ 4. Forskeres aktsomhetsplikt (Forskningsetikkloven)**

Forskere skal opptre med aktsomhet for å sikre at all forskning skjer i henhold til anerkjente forskningsetiske normer. Dette gjelder også under forberedelser til forskning, rapportering av forskning og andre forskningsrelaterte aktiviteter.

(AH translation)

### **The researcher's duty to be cautious (Law on Research Ethics)**

Researchers shall demonstrate caution to secure that all research is conducted according to established research ethical norms. This includes as well preparation to research, reporting on research and other research related activities.

*There might be additional responsibilities of ethical character in contracts, funding bodies, etc*

## **Guidelines for Research Ethics in the Social Sciences, Humanities, Law and Theology:**

<https://www.forskningsetikk.no/en/guidelines/social-sciences-humanities-law-and-theology/guidelines-for-research-ethics-in-the-social-sciences-humanities-law-and-theology>

### **33. Veileder og prosjektleders ansvar**

**Veilederen og prosjektlederen må ta ansvar for de forskningsetiske problemene som studentene eller prosjektmedarbeiderne stilles overfor.**

Veilederne og prosjektlederne har også ansvar for hensynet til forskningsdeltakerne og andre som berøres av prosjektene til studenter og medarbeidere. De må ta ansvar for problemer som kan oppstå for den eller dem som utfører prosjektet, dersom forskningen kan bli spesielt belastende for disse. Veilederne og prosjektlederne har også et medansvar når det skal formidles fra prosjektene. Ansvarer omfatter også å avklare forskningsetiske utfordringer.

### **33. Responsibilities of supervisors and project managers**

**Supervisors and project managers must assume responsibility for the research ethics problems faced by students or project team members.**

Supervisors and project managers are also responsible for taking account of participants and others who are affected by the projects of students and project team members. They must assume responsibility for dealing with the problems that may arise for those conducting the project, especially if conducting the research become particularly stressful or problematic for them. Supervisors and project managers also have a shared responsibility for disseminating the results of projects. This responsibility also involves dealing with challenges presented by research ethics.

## The researcher's responsibilities for internal and external collaboration partners

Where are the borders for the individual researcher's responsibilities? What are the distribution of responsibilities in collaborations?

A collective ethical responsibility for the totality of a collaboration project:

The Montreal statement (2013) <https://wcrif.org/montreal-statement/file>

1. **Integrity.** Collaborating partners should take collective responsibility for the trustworthiness of the overall collaborative research and individual responsibility for the trustworthiness of their own contributions

12. **Roles and Responsibilities.** Collaborating partners should come to mutual understandings about their roles and responsibilities in the planning, conduct and dissemination of research. Such understandings should be renegotiated when roles or responsibilities change.

The individual researcher has a two folded responsibility: His or hers own work, but also for the totality of the project within the defined roles, *a collective responsibility*

## § 5. *Krav til forskningsinstitusjoner*

Forskningsinstitusjoner er offentlige eller private institusjoner som har forskning som en av sine hovedoppgaver.

Forskningsinstitusjoner skal sikre at forskningen ved institusjonen skjer i henhold til anerkjente forskningsetiske normer. Institusjonen har ansvaret for:

- a) nødvendig opplæring av kandidater og ansatte i anerkjente forskningsetiske normer og
- b at alle som utfører eller deltar i forskningen, er kjent med anerkjente forskningsetiske normer.

(AH translation)

### **Demands for research institutions:**

Research institutions are public or private institutions which have research as one of their main missions. Research institutions must ensure that their research is conducted according to established research ethical norms. The institution is responsible for:

- a. Adequate training of candidates and employees in established research ethical norms
- b that anyone who conducts or participates in research is known with these norms

The institution's mission is to safeguard their employees, candidates and students

*Researchers shall demonstrate caution to secure that all research is conducted according to established research ethical norms. This includes as well preparation to research, reporting on research and other research related activities.*

*Supervisors and project managers must assume responsibility for the research ethics problems faced by students or project team members.*

*Research institutions must ensure that their research is conducted according to established research ethical norms.*

## ***What does it mean in practice?***

***Defining roles and responsibilities is an ethical responsibility – what is imbedded in the role of the project leader, institution, researcher when it comes to:***

Project development: the core of the project, applications, timeline, progress plan, budgeting, contracts, agreements...

Project management: the quality of the research and project, progress, problems, conflicts, changes,, communication, inclusion, transparency, reporting, contract fulfilment, budget management, crediting, results, dissemination, publication...

Post-project: Archiving, documenting, publishing, using the outcome...

*What are 'established research ethical norms' (especially in Artistic Research)*

*What does KMD need to do, what do the departments need to do, and what do the researchers need to do*



## Next seminar 24 November 12.30 – 16.00

- *Map Ethics!*  
Presentation of KMDs work package in the international project  
Advancing Supervision for Artistic Research Doctorates  
<https://advancingsupervision.eu/>
- Discussion: Research Ethics at KMD - status and next steps