

Science Ethics Code of the Hungarian Academy of Sciences



Hungarian Academy of Sciences
Budapest, 2010

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STILL MORE CERTAINTY...

*„Since even previously, in an age of material power,
spiritual superiority could reign supreme,
it is more certain than ever before that henceforth it
should reign with even more ease and certainty.*

*Nowhere, therefore,
should we search for our saving grace but in our own
virtues and spiritual superiority.”*

(István Széchenyi)

Lying at the base of clear thinking and culture is moral knowledge, a kind of knowledge that is turned into a system by ethical science informed by values commonly held and accomplished.

Rather than a separate dimension of scientific endeavours, ethics is in fact the genuine terrain and legitimacy of science. Ethics in science is an ordering principle that allows for the harmony of scientific goals and achievements with humility and service that science owes to Nature and mankind.

Thus, an ethics code is not at all an achievement or product; rather, it is a gesture of setting rules and standards in the interactive and interdependent area where research and scientist, researcher and science, knowledge and mankind, community and Nature meet.

A science ethics code is also about values held by researchers while doing science; it is an achievement that contributes heavily to the value-system of scientific achievements. It warns us of the requirement that scientific goals should target

commonly held values and interests rather than mere competition. It makes it clear that the needs of scientific advancement must not harm the ideal of a moral knowledge. It stresses that only ethical science can base and shape the improvement of public life by representing public interests and undertaking the future in a responsible way.

With the Science Ethics Code of the Hungarian Academy of Sciences we wish to create a forum for preserving scientific independence, integrity, and authenticity: it is a point of reference, a repository of standards that can serve as a point of departure steering scientists in the correct direction; its spirit can make sure that research objectives should preserve rather than destroy the many values that are equally valid in human science and culture.

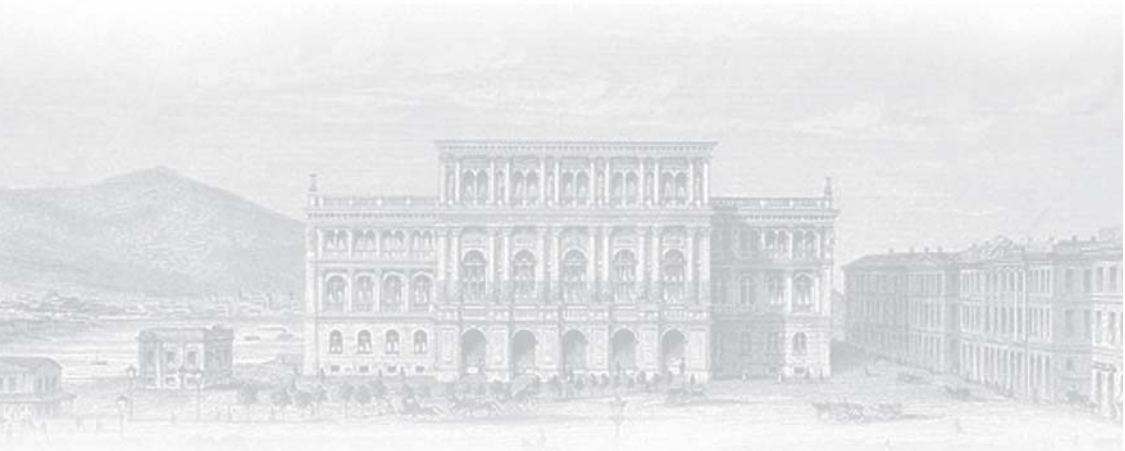
It strives to provide a base for evaluation, a weight to decisions, and much legitimacy to undertakings. Yet, it is not at all a mere compendium of rules; rather, it is the expression of the mindset of doing a moral and ethical kind of science.

Its significance, therefore, must not be measured by its mere coming into being but much rather by its prospective model-making power that can shape the many kindred intentions, endeavours, and commitments of many other institutions where science is done.

Budapest, 22 November, 2010.

József Pálincás
President
Hungarian Academy of Sciences

MEMORANDUM
MORAL AND ETHICAL
QUESTIONS OF SCIENTIFIC
RESEARCH



Introduction

The motivational power of scientific research is a natural human thirst for understanding, a desire for understanding the physical, biological, and social world, the human mind and its products. Science itself is systematized knowledge which we acquire through observations, experimentation, disquisition, and opinions. The aim of scientific research is the cognition of nature and the fundamental principles of the object or phenomenon studied, and to make the research results public.

Scientific research is exceptionally divergent and varied and cannot be described by a single factual or normative definition. Although regarding their methods and traditions kinds of scientific research may differ from one another, it is the distinctive mark of all scientific research to be based on evidence and to be founded on the observation of the products of nature or human activity and its results.

Scientific research is an activity carried out by individuals not in isolation but in synergy or co-operation with other researchers. In its mode of reasoning and processes, science is not tied to national borders. The scientific community determines the proper methodology of research and confirms its results. It follows that scientific research is able to contribute to human knowledge if its results become available to others as well so that its value of truth can be judged with a high degree of certainty.

The document was adopted by the Hungarian Academy of Sciences with its resolution No. 25/2010. (V.4.)

The autonomy of scientific research and the obligations of researchers

Scientific research shall be independent, unbiased, and autonomous. The realisation of this is often hampered or even prevented by strong personalities or institutions, political pressure, economic or financial interest. The researcher shall have the freedom needed to keep to the rules and criteria formulated by him/herself, serving the cognition of reality and keeping public welfare in mind. However, it must be seen clearly that the researcher shall fulfill his/her task in order to produce value: his/her presumptions, starting points of research, the selection of the research object, the method of collecting data, and the effect of its results and discoveries on society are connected to the moral, ethical and social relations in the midst of which science is proceeding.

The institutions of Hungarian science aspire to operate in a way unquestionable in both legal and moral terms. Therefore it is demanded of all persons pursuing science to comply with effective laws and regulations, to unconditionally respect human dignity and fundamental freedoms, and to carry out proper work of a high level of professional skills.

Moral self-control of scientific research

The ethical and social relationship of science emphasises the responsibility of the person pursuing science.

Relating to this, a distinction shall be made between questions dealing with the relationship of science to society, and those affecting the moral rules of scientific research. However, no sharp borderline can be drawn up between these two kinds of questions: some of the forms of violation of behaviour norms relating to research work can cause serious harm to our fellow-beings endangering their health or welfare, therefore merely procedural violations can be immoral in a wider sense as well.

During our examination of science in its wider ethical and social connections, numerous ethical questions occur like:

- Regarding the object to be discovered: is it at all worth being discovered?
- What can be the consequences of the results of research to the individual person or society?
- Can research be restricted on an ethical or social base; can science be forced to self-discipline if as a result of its activities it can cause harm to people, can have harmful effects on the fauna, society, or nature?
- What is to be done if the consequences of research conflict with human values (dignity, autonomy, freedom, equality, prohibition of exploitation); or indeed if it seems probable that the result of scientific research can be used against mankind?
- Can research remain sufficiently independent of group interests, does the danger not exist that the research place becomes too dependent on the influence of sponsors?

- Is the researcher able to refrain from a selective use and misinterpretation of his/her research results, and can he/she stop an unacceptable utilisation of his/her discoveries.

Regarding the ethical self-discipline of scientific research we must first deal with the ethical norms to be adhered to during the fulfilment of research work. Extended administrative duties, a lack of time, financial austerity, tensions generated by competition, human frailty and social changes are all factors raising the temptation for the researcher to achieve fast scientific success by questionable and unacceptable means, or to try to gain more attention to him/herself than deserved. Therefore it is necessary that rules laid down in a code of conduct delimit such attempts so that scientific research remains moral and authentic.

Dangers of infringing upon science ethic norms

The researcher's behaviour going against science ethics is harmful to science itself as it can give false guidelines to other researchers and so it can result in a continuous misrepresentation. If for example under the pressure of competition an influential managing researcher presents a statement of doctrine which is disproven by the profession, but the author of the false statement continues to maintain and propagate it, this can set back for long years the development of the research area concerned.

Behaviour infringing upon science ethic can be harmful to society as well: false research may result in e.g. the commercial marketing of hazardous medicines or other industrial products. Further, if science policy or legislation is based on false research results, the harmful consequences are unforeseeable.

It can also have a harmful effect if the trust of the public in science is shaken even though science shall always be a reliable source of orientation towards and preparation for decision making. Finally, behaviour infringing upon science ethic can also be harmful to the researcher him/herself since sooner or later he/she will be rejected by the researcher community.

In all, behaviour infringing upon science ethic is spreading. The publication pressure caused by an expansion of science metrics, various evaluation techniques, practices and quantified systems regulating the careers of scientists, the business sphere, the ever harder competition for resources, the possibilities provided by the internet all contribute to this regrettable phenomenon. Offence to research ethics may be judged either as an ethical or as a legal infringement. Ethical misconduct that cannot be adjudged and punished with legal instruments, but only on a moral and ethical base. Infringements can be adjudged and punished by instruments of law. The form of moral punishment is publicity. There is often no sharp border between a severe ethical misconduct and a legal offence, in such cases the categorisation of the misconduct is not an easy task.

The research ethic role of the Hungarian Academy of Sciences

Based on its statutory obligation, the Hungarian Academy of Sciences takes responsibility for the preservation of the morality and authenticity of Hungarian scientific research. Pursuant thereto it

- creates and continuously maintains its Code of Conduct and operates its Science Ethics Committee;
- wishes that all persons participating in the solution of home and/or international scientific tasks with their scientific activity commit themselves to comply with the Code of Conduct by adhering to it;
- considers it prominently important that the leaders of institutions and institutes should be in their persons committed to an exemplary preservation and strengthening of the integrity of science;
- calls on all research organisations operating in Hungary to set up research ethics bodies which shall guard over the integrity of science research on the basis of this Science Ethic Code or their own science ethical rules.;
- regards as a fundamental requirement the all-time observance of Hungarian legal regulations and international rules relating to human research and animal tests;
- regards it crucial that in the secondary and tertiary education and especially in doctoral training science ethic knowledge, and principles and

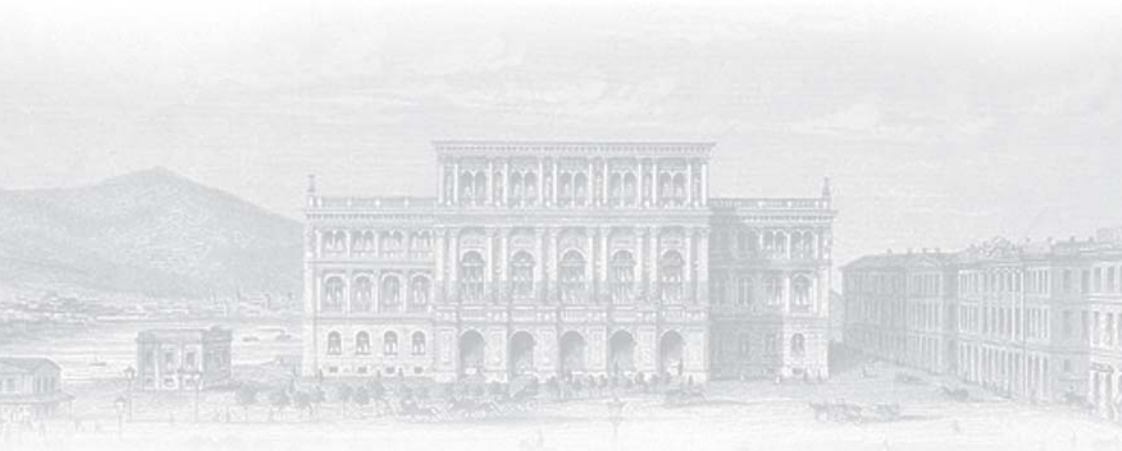
practices to be followed should be continuously taught and learned;

- authorises its Science Ethics Committee to proceed upon request in all cases that injure or endanger the integrity of scientific research or raise a suspicion of a science ethical misconduct. In this role the Science Ethics Committee can also act as a forum of appeal in cases decided by the science ethic committees of research institutes, higher education, or other institutions and organisations.

Budapest, 4 May 2010

General Assembly of the Hungarian Academy of
Sciences

CODE OF CONDUCT
OF THE
HUNGARIAN ACADEMY OF
SCIENCES



PREAMBLE

Based on point g) of paragraph (1) of article 3 of the Act XL of 1994 on the Hungarian Academy of Sciences (HASL) (“guards over the clarity of public life, the freedom of scientific research and articulation of scientific opinions”), further, in line with such intentions arising in international scientific life the present Code of Conduct determines the moral and fundamental ethical principles that those carrying out scientific research shall adhere to, describes the recommended procedures and rules relating to the carrying-out of scientific research and presents the cases and modi operandi in case of which research ethic is infringed. Further it aims at continuously reminding researchers, institutions dealing with research and organisations supporting research of their responsibility for the maintenance of integrity and authenticity in scientific research.

The science ethic principles and the prohibition of the infringement thereof are fundamental and universal rules that can be derived from universal moral principles. Therefore, the former have been incorporated into the Code of Conduct without disciplinary, cultural, or regional compromises.

The Code of Conduct is not a law, nor is it a legal norm, but is the means of the moral self-regulation of

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the scientific community. It is a fundamental responsibility of those pursuing science to formulate the fundamental principles relating to morally sound research work, determine the criteria of acceptable researcher conduct, and to act in cases when there is a danger of an infringement of the fundamental moral principles of scientific research, and the suspicion of an ethical offence occurs.

During the preparation of the Science Code of Conduct the „Code of Conduct for Scientific Integrity¹” recommendations of the European Science Foundation and the All European Academies² elaborated on the basis of several preceding documents in 2009 served as a starting point

1. Scope of the Science Code of Conduct

The scope of the Science Code of Conduct shall compulsorily cover all public body members of the Hungarian Academy of Sciences (HAS) as well as those employed in its research institutes, the researchers of research groups supported by HAS, those awarded Bolyai János fellowships, the procedure itself for obtaining this fellowship and all persons participating therein, the persons participating in tenders called for by HAS, the procedures conducted by the Scientific Ethics Committee of HAS, furthermore, the procedure

¹ <http://www.mta.hu/index.php?id=1043>

² www.allea.org

for obtaining the title Doctor of HAS and all persons participating therein, and the persons rewarded by HAS for their professional work (hereinafter referred to as: scientific researchers). In addition, HAS suggests that all other institutes and organisations pursuing science should regard it as their duty to apply the present code of conduct. While taking into consideration the Science Code of Conduct of HAS, particular scientific and educational institutes may , prepare their own codes of conduct as well.

2. Fundamental moral and ethical principles of scientific research³

The most important moral rules of scientific research that scientific researchers should consider obligatory for themselves and which they must stand for can be described by the following concepts:

2.1. Honesty in presenting scientific goals and research intentions, a precise presentation of scientific methods, procedures and interpretations, and honesty also in explaining possibilities, dangers and justifiable claims inherent in the possible application of results.

3 The Anglo-Saxon literature often uses the expression „scientific integrity”. As the translation of science integrity is not a generally accepted term in the Hungarian language, we only use it sparsely in this document.

2.2. *Reliability* in performing research, recording, storing and presenting data. Eliminating negligence and inattention. Full reporting on the accomplishments and results of previous research.

2.3. *Objectivity*: interpretations and conclusions must be exclusively founded on facts or impartial and logical proof and on data the correctness of which can be verified at least on a theoretical level.

2.4. *Impartiality and independence* from any interested party or group interest, from ideological or political pressure groups, and from economic or financial influence.

2.5. *Openness* in discussing the results with other researchers and contributing to the augmenting of public knowledge through the publication of results. Openness presupposes the publicity and accessibility of the data supporting the results published in the scientific communication for all interested researchers and the general public. In reasonable cases this fundamental principle may be restricted by special considerations arising from the nature of research (intellectual property rights, protection of personality rights etc.). Openness is also restricted during ongoing research.

2.6. *Duty of care* for participants in and the subjects of research, be they human beings, experimental animals, the environment, or cultural objects. Research on human subjects and animals should always rest on respect and duty of care, procedures mostly stipulated in laws as well..

2.7. *Candour* in presenting the work of others and providing references. The professional integrity of re-

searcher colleagues shall be respected, their results treated with honesty.

2.8. *Responsibility* for future science generations. The control and education of young scientists requires special attention and the mediation and increased respect of ethical norms.

2.9. *Disinterested* and impartial participation in scientific public life: in reviewing procedures and in the work of scientific bodies and committees.

3. *Performing scientific research*

3.1. Planning the research programme

3.1.1. Defining the goals of research

The validity of the principle of freedom of scientific research shall not mean that the planning of the particular research programme has no limits. Such restrictions may arise especially in the case of questionable research goals and methods, or indeed if the research planned may endanger or injure the individual, society, or the environment.

3.1.2. Morality and quality of research

The morality and quality of research presupposes self-critical and ethical judgment on the part of both the researcher and the scientific public. It is especially important that unrealistic goals should not be conceived of as research topics, and the researcher should not arouse unfounded expectations. It is necessary to ponder the originality of the problem arising, the preliminary data, the necessary finances and other circumstances. The research should not be determined

by an effort to produce fast results or the largest possible number of publications.

3.1.3. Documentation of the research plan

The research plan shall be recorded in a form stipulated by the financier of the research. Generally, the research plan includes who is responsible for the research programme, what is the role of the participants, what is the form and resource of the financing of the research, and how data and experimental observations shall be processed.

3.1.4. Clarification and recording of incompatibility

Supporters of the research and external financiers shall accept that the researcher performs his or her work without being influenced. However, if by any special reason the research is influenced, it must be clearly stated under what circumstances and to which extent this is occurring whether during planning, performing, or in the course of the reviewing and publishing of data. Such agreements shall be preliminarily concluded in writing and made available for the management or ethics committee of the respective institute or organisation. The persons participating in the research programme shall clarify to competent authorities and those entitled to such clarification their financial or other commitments, in case this may in any form constitute incompatibility during the research. Personal interest or partiality must not influence the research, its objectivity, findings, or publication.

3.1.5. Considering patents

In cases where the possibility or consideration of patent application arises, necessary rights and obligations shall be clarified in time, in an agreement concluded between participating persons and institutes and the supporters of the research, preferably in a written form.

3.2. Fulfilment of the research programme

3.2.1. Documentation of data and other research materials

In the case of sciences performing experiments and observations, - data shall be accurately documented so that the research can be controlled. Data and other documentation materials produced during the research, both those contained in electronic data storage devices and hard copies shall be stored in a way that the damage, loss or manipulation thereof cannot occur. In case loss of data occurs, it must be documented separately.

Following the closure of the research programme the programme leader must see that after the completion of the programme the data and documentation materials are stored for a time commonly accepted in his/her respective area of science and their protection and preservation is secured.

3.2.2. Handover of the information relating to the research programme

Within the research working group the free circulation of information relating to the research shall be ensured. During the execution of the research prog-

ramme all participants shall be aware of what can be revealed on the research to persons outside the research.

Following the accomplishment of the research programme, data and other documentation materials necessary for the data to be controllable or repeatable or for the programme to be continued must be made available for such purposes.

4. Communication of scientific results

The primary forum the researcher reports on his or her results and publishes them shall be a scientific communication (publication) with the form accepted in the respective area of science and produced on the basis of independent professional review procedure.

4.1. Scientific publications

A scientific communication must be published in a recognised periodical or book in printing or electronically and having an independent editorial committee. Prior to the publication, the scientific result may be placed in an internationally known archive, but this cannot be deemed a scientific communication. Indicating a non-scientific work (informative article, communication not published in a professional issue, educational excerpt etc.) as scientific communication constitutes an ethical misconduct.

4.2. Entirety and impartiality

Results shall be published impartially and in their entirety. In the communication the description of methods applied in experiments and examinations,

and their proper literature references shall be given, the fault of the experimental data and the limits of applied methods shall also be communicated. In the communication attention shall be called to the dangers occurring during the experiments. Arbitrary selection of data cannot be tolerated and results not in accordance with the conclusions cannot be withheld.

4.3. Proper quotation

The quotation of the widest possible range of substantial precedents of the research and the possible all-inclusive quotation of scientific publications containing disputed questions must be attempted. If one expropriates others' ideas, methods or data to him- or herself through incomplete quotation, he or she commits an ethical misconduct.

4.4. Author of the communication

4.4.1.

The person who, due to his or her scientific work, has given an important contribution to the planning or accomplishment of experiments, the evaluation and control of results shall be indicated as author. A position held in the institution or institute, or a role played in the financing of the research shall in itself not entitle anyone to pose as the author of the publication. Nor can honorary authorship be allowed.

4.4.2.

In the case of several authors and the presentation of the results of substantially differing experimental processes the particular contributions of the individual authors must be made obvious.

4.4.3.

The indication corresponding author may only be used by the consent of the other authors. Only those who have played a decisive or co-ordinating role in the communication may be indicated as such.

4.4.4.

It is not proper practice to communicate a particular experimental result in several separate publications for the purpose of augmenting the number of articles published by the researcher. Cases where the original article was written in a foreign language shall be excepted. In such cases, while in full deference to copyrights, publication of the Hungarian language version is desirable for the purpose of the availability of the research results to wider Hungarian professional circles and for the care of an Hungarian scientific-professional language terminology. The practice of after-publication accepted in certain professional areas may also be an exception.

4.5. Correction

In case during the research work it emerges that someone's own data or conclusion published previously are faulty or wrong, the authors shall publish this fact without delay, preferably in the periodical that had carried the original article in the first instance. In the case of a publication of several authors the initiation of the correction is the obligation of the first author. During a correction, especially when indicating the name of the authors it must be avoided that anyone is unreasonably accused with scientific ethical misconduct. In case the correcting communication

does not indicate any of the authors of the original communication, the reason must be explained.

5. Infringement of scientific ethics

5.1. Grievous forms of infringement of research ethical norms

The most grievous forms of the infringement of scientific ethics are fabrication, falsification, plagiarism, and bringing personal influence to bear. These offences are very close to violations of the law and it can only be decided while considering the particular offence whether it reaches beyond ethical misconduct and hence must be treated as a violation of law.

5.1.1.

Fabrication is the publication of “results” without any base.

5.1.2.

Falsification is the manipulation, alteration, or deliberate neglect of data or results. Publication of falsified data also qualifies as an ethical misconduct.

5.1.3.

Plagiarism is the takeover of ideas, scientific results, words, texts of others and indicating them as one’s own. Among grievous offences plagiarism can be caught out most easily. Namely, scientific communications and new ideas and illustrative materials occurring therein are protected by copyright enforceable in court. However, this protection is not all-inclusive, all the above can become the subjects of plagiarism without a violation of law being clear. In such cases ethical

rules can serve as a basis of orientation and provide protection for the author.

Plagiarism is first of all derogatory for the researcher and not so much for science itself. However, openness is one of the ethical fundamental principles of scientific research, according to which the development of science is based on the open communication and debate among scientists. Should scientists seclude themselves from such communication, being afraid of not being recognised as discoverers, this will spoil even the science itself.

It is an aggravated case of plagiarism when the editor or reviewer of the publication expropriates new thoughts or experimental results of an article submitted for publication, even indirectly, among others by its handover to a third party.

5.1.4.

Bringing personal influence to bear usually offends the dignity of persons, an offence that can easily turn into injury. It can aim at the acquisition of a position favourable to the person bringing his/her influence to bear, but also at the making of a decision unfavourable to a third party. Asking for consideration or any kind of bargain may also occur. Intimidation of the persons depending on the researcher, unjustified restriction of the freedom of research and any form of discrimination also belong to this category. The ethical misconduct of personal influence may be, subject to the circumstances, qualified as a criminal act akin to blackmail or defamation.

Further, toleration or neglect of the infringement of the abovementioned ethical rules under external

duress and the threat of reprisal against the whistleblower shall also be qualified as personal influence. This circle also involves the attempt of raising the number of references through personal pressure.

Hungarian scientific public opinion strongly condemns misconducts of personal influence, including favouritism in kind, and prohibits them in normative regulations.

5.2. Other morally objectionable forms of behaviour and practice

Beside grievous ethical misconducts, numerous morally objectionable forms of behaviour and research practices are also worth considering. These can also undermine people's trust in science. Hereinafter, without striving for completeness, the following can be stressed:

5.2.1. Infringement of social consensus or the laws

In this context research activity harmful to the environment can be mentioned as an example. The violation of effective laws and other legal regulations regarding research (e.g. those relating to examinations carried out on human beings or animal tests) is ethically unacceptable.

5.2.2. Infringement of personality rights

Here one can mention the violation of dignity and freedom of persons involved in scientific examination as experimental objects, the omission of information on experimental risks, imperfect information, or the breach of secrecy.

5.2.3. Inappropriate management of data

Denial of handover of data to other researchers causing failure of the reconstruction of experimental results can be mentioned here. Improper storage of original data, alteration of data, neglecting data disturbing the outcome desired, distortion of data, and ignoring unexpected results can also be reckoned with here.

5.2.4. Misconducts regarding publication

It is an ethical misconduct to deny deserved authorship, insist on or grant undeserved authorships, and in general to indicate merits relating to authorship in a false way. A misconduct of this kind is a form of falsification.

In the field of the natural sciences during the publication of results (discoveries) a clear requirement is the exclusion of multiple publications, while in the case of the social sciences clear indication of after-publication is required.

Incomplete indication of the supporters of the research is also objectionable.

5.2.5. Misconducts regarding proofreading, publishing, and critical procedures

On the part of proofreaders of scientific communications and editors of publications the toleration of incompatibility in the critical procedure shall be regarded as an ethical misconduct. Both on the part of the editor and the reviewer it shall be an ethical misconduct to give preference to certain authors during the publishing procedure or conversely, to hinder the publication of an article for personal reasons. In the

same way, fundamental ethical principles may be infringed during the consideration of research tenders.

5.2.6. Publication of false or deceptive data relating to scientific work, publications, or awards

It shall qualify as an ethical misconduct if someone publishes false or deceptive data regarding his or her scientific work, or in relation to the science metric data relating to his or her publications, research, scientific awards.

The evaluation of the above behavioural and research practices can at least partially depend on the given cultural environment, local traditions, or the local legal system. It is desirable to formulate and continuously evaluate the norms in accordance with the local, in this case Hungarian, cultural traditions, values and public opinion drawing on the support of the international literature and the experiences obtained from cases considered by ethics committees.

6. Procedure in the case of suspected infringements of ethical rules

6.1. The body carrying out the ethical examination

In the case of a suspicion of misconduct infringing scientific ethical standards starting and carrying out the procedure shall always be the obligation of the institution (university, research or other institution), where the researcher suspected of committing such misconduct is working. Ethical misconducts occurring during the doctoral procedure of HAS shall constitute

an exception, as the investigation thereof and the conducting of the relating ethical procedure shall be conducted by the Science Ethics Committee of HAS.

As stipulated in paragraph 1, the Science Ethics Committee of HAS may also proceed in other particular cases provided both the demandant and the respondent undertake in writing to subject themselves to the procedure. A public body member of HAS, applying for the title Doctor of HAS and contributing to the corresponding doctoral procedure in any form shall be obliged to subject him- or herself to the procedure by all means. In the case of decisions of the Science Ethics Committee adopted at the first instance, the Presidency of the HAS shall act as the forum of appeal.

It is desirable for the institutions conducting ethical procedures to have an ethics committee for the conducting of their investigations, or in the absence thereof to set up ad hoc committees in the case of a suspicion of ethical misconduct.

6.2. Fundamental principles of an ethical investigation

6.2.1. Ascertaining the seriousness of the misconduct

In case of an ethical misconduct the proper steps shall depend on the seriousness of the act. In this respect the level of demonstrable deliberateness and the weight of consequences shall be considered. Any person subject to the investigation can only be reprimanded in case it can be demonstrated that he or she committed the ethical misconduct deliberately and knowingly. As a standard of considering evidence the principle of “strong body of evidences” shall be applied.

6.2.2. Ensuring the internal integrity and legal regularity of the procedure

The investigation conducted shall be fully comprehensive, regulated, and balanced; it shall be based on exact exploration, objectivity, and completeness.

It shall be ensured that the persons participating in the investigation process are not affected or involved and cannot be accused with partiality.

Detailed, written and duly signed documents handled with confidence shall be prepared of the procedure.

6.2.3. Uniformity

Procedures shall in all cases be conducted in a way comparable to one another, according to the same principles and practices and shall be transparent in their every detail.

6.2.4. Balance

The investigation shall be carried out in full respect of the valid interests of all parties concerned and be in line with the relevant laws and regulations.

Persons accused of ethical misconduct shall be given full details of the ethical misconduct attributed to them and given the possibility for responding to allegations in writing, asking questions, presenting evidence, calling witnesses, and providing responses to the information presented.

Witnesses shall have the necessary information on the procedure, and they must be allowed to seek advice and assistance if they so wish.

Persons found to have committed a research misconduct shall be sanctioned proportionately.

Decisions made shall be subject to appeal and there shall be a body or person receiving the appeal.

No person shall suffer any damage or penalty for making an allegation of ethical misconduct, but action shall be taken against persons found to have made allegations in bad faith.

6.2.5. Closeness of the management of the procedure and the information handled

The procedure shall be conducted as confidentially as possible in order to protect those involved in the investigation from unfounded accusations. Such confidentiality shall be maintained provided this does not harm the completeness of investigation, or the health and safety of participants in research.

Information arising during the investigation may only be handed over to a third party with a written statement of confidentiality.

If the organisation conducting the investigation has legal obligations to inform any other organisation regarding the content or findings of the investigation, those obligations must be fulfilled at the appropriate time by the appropriate means.

6.2.6. Presumption of innocence

Persons accused of having committed an ethical misconduct shall be presumed innocent until proven guilty.

No person should suffer any penalty until the allegation of his or her having committed an ethical misconduct is fully proven.

6.2.7. Publicity of the resolution of the Science Ethics Committee

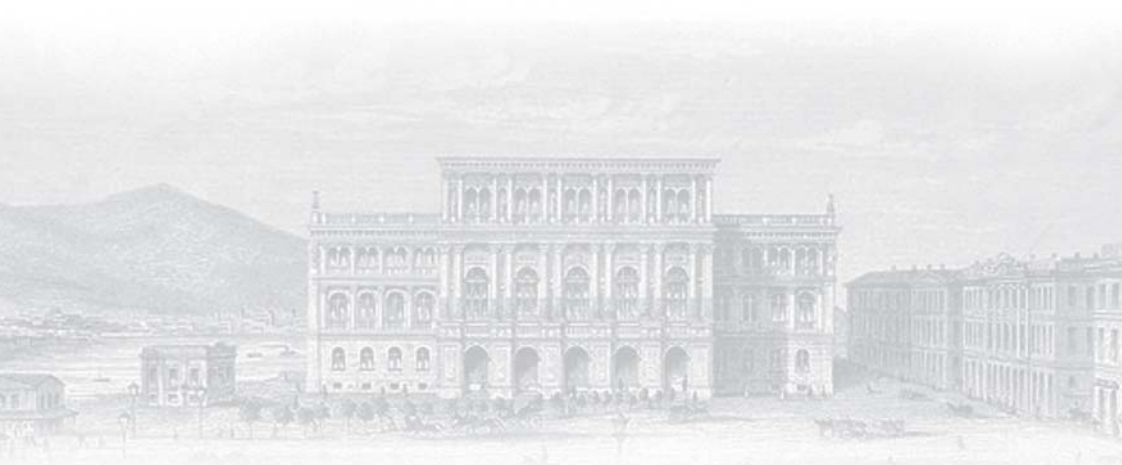
The fact of a researcher having committed an ethic misconduct shall be made public. The resolutions are basically public, deviation is possible in case the publication infringes the personality rights of a person not reprimanded.

In its resolution the Science Ethics Committee makes a proposal for the form its stand should become public.

6.2.8. Sanctioning ethical misconduct

In the case of an ethical misconduct the proper measures and sanctions depend on the seriousness of the act. Following the ascertaining of the misconduct and beyond the publication thereof, the Science Ethics Committee, if it deems it necessary, informs the institution or organisation of the offender on the misconduct separately.

PROCEDURES OF THE
SCIENCE ETHICS
COMMITTEE OF THE
HUNGARIAN ACADEMY OF
SCIENCES



1. Legal Status of the Science Ethics Committee

The Science Ethics Committee (SEC) of the Hungarian Academy of Sciences (HAS) is, according to point h) of paragraph (2) of article 9 of the Act XL of 1994 on the Hungarian Academy of Sciences (HASL) and paragraph (2) of article 32 of the Statutes (STAT) is a standing committee of the General Assembly of HAS, the members of which are elected by the General Assembly. SEC shall fulfil its role independently, in exclusive subordination to the General Assembly and on the basis of the relevant effective laws, further it shall report on its activity to the General Assembly annually.

2. Scope of duties and competence of SEC

The duties of SEC are determined by the HASL, the STAT, the Procedures of HAS, the Code of Conduct (Code) and Memorandum (hereinafter collectively referred to as: Code of Conduct). (*par. (13) of art. 24 of STAT*)

2.1. SEC

2.1.1. takes a stand on the protection of the freedom of scientific research and the integrity of scientific public life in principal questions of science ethics (*point g) of par. (1) of art. 3 of HASL., par (1) of art. 32 of STAT*)

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2.1.2. upon request, it proceeds in all cases that endanger the ethical principles of scientific research, or whenever the suspicion of science ethic misconduct arises; (*par. (2) of art. 32 of STAT and Memorandum*)

2.1.3. examines petitions submitted on ethical misconduct occurring during doctoral procedures; (*point 6.1. of Code*)

2.1.4. based on the motion of the scientific section of HAS in charge of the particular field of science it makes decisions on the suspension of public body membership; (*par. (2) of art. 21 of STAT*)

2.1.5. proceeds at first instance in the cases determined in points 2.1.2-2.1.4, and also at second instance as an appellate forum upon request in case of decisions adopted by the science ethic committees of research institutes, higher education and other institutions and organizations; (*Memorandum*)

2.1.6. may, for the utilization of the experiences acquired during its proceeding, make a proposal for the amendment of the Code of Conduct towards the General Assembly; (*Memorandum*)

2.1.7. reports on its activity yearly to the General Assembly. (*par. (9) of art. 27 of STAT*)

2.2. The competence of SEC shall cover:

2.2.1. the public body members of HAS, the procedure for obtaining the scientific title Doctor of HAS and all persons participating therein, and the scientific researchers mentioned in point 1 of the Code of Conduct of HAS; (*point 1 of Code*)

2.2.2. the science ethic cases in which both the demandant and the respondent announce in writing that they subject themselves to the procedure. (*par. (3) of art. 32 of STAT, point 6.1. of Code*) In the case of those listed under point 2.2.1 the conducting of the procedure does not need a statement of subjection from either the demandant or the respondent.

3. *Members and officers of SEC*

3.1. SEC has twenty-two members elected by the General Assembly in a secret ballot for 3 years (one academic period). The members may be elected for an additional academic period at the longest. The members of the Science Ethics Committee are nominated by the scientific sections of HAS, one person per section of the full and corresponding members of the Academy and one person from among doctor members of the public body. In case a member of the committee is permanently hampered (for a period exceeding 6 months) in the fulfilment of his/her committee duties, or his or her membership ceases for any reason, on base of the nomination from the section concerned the Nominating Committee makes a proposal to the General Assembly for the election of a new member. (*point h) of par. (2) of art. 9 of HASL and par. (2) of art. 32 of STAT*)

3.2. The President of HAS shall provide for the calling of the first sitting of SEC following its election. The members of SEC shall elect the chairperson chairing the first sitting and the president of SEC out of their own circle. It is the duty of the chairperson to conduct the election of a president. Prior to the election of a

president any member of the committee can make a proposal on the person of the president. The chairperson can also be elected to serve as president of SEC. The member of SEC who has been president of SEC for only one period can be elected for a second period. *par. (6) of art. 27 of STAT)*

3.3. The committee elects the president of SEC with a simple majority secret ballot. With the election of the president of SEC the duty of the chairperson shall cease. The mandate of the president of SEC shall last for the period of the mandate of SEC. The work of SEC is governed by the president of the committee. In case the president is permanently hampered (for a period exceeding 6 months) in the fulfilment of his/her committee duties, or his or her committee membership ceases for any reason, SEC shall elect a new president *(point d) of par. (1) of art. 58. of STAT)*

3.4. The secretariat duties of SEC shall be fulfilled by the Legal and Administrative Department of the HAS Secretariat. The secretary of SEC is a lawyer nominated from among the civil servants of the department by the head of department and charged with the fulfilment of the duty by the president of SEC. The secretary shall be mandated with the handover of a written, filed letter of commission. The president of SEC may cease the mandate of the secretary and call the head of department upon the nomination of a new secretary. The secretary participates at the sittings of SEC with consultation right but with no right of vote.

4. Operation of SEC

4.1. SEC proceeds as a body and exercises its competences at the committee sitting, its members have voting rights. It formulates a position, or it may do so in cases or in relation to activities determined in points 2.1.1, 2.1.6 and 2.1.7 and it adopts a resolution in cases determined in points 2.1.2, 2.1.3, 2.1.4 and 2.1.5.

4.2. Voting on the position or resolution (hereinafter collectively referred to as: decision) of the committee can only be executed personally. An absent member can only submit an opinion or proposal in writing (electronically, via e-mail, facsimile, etc.). In exceptional and reasoned cases when the members of SEC are acquainted with all relevant details of a certain case, the president of SEC can call upon the members to vote electronically or in writing at a later date.

4.3. SEC shall sit as often as the need arises, but at least three times a year. The president shall convene SEC at least 8 days prior to the sitting by indicating the agenda, venue and date in writing (via mail, fax or e-mail). In extraordinary cases the sitting may be convened within 8 days as well.

4.4. The sitting of SEC shall be prepared by the secretary of the committee according to the directions of the president and they shall jointly provide for the execution of the decisions of SEC.

4.5. The sitting is presided by the president. In the case of the incapacitation of the president the present members shall elect a chair from among themselves.

4.6. The sitting is in quorum when at least 12 members of SEC are present. SEC adopts its resolutions with a simple majority of open votes, in the case of a tie, however, the vote of the president shall decide the outcome. Moreover, terms of point II of the annex of STAT shall also apply to voting.

4.7. At least one third of the committee members may propose in writing that the president convene SEC, with an indication of the agenda suggested. In case the president fails to grant the proposal within 15 days, the originators themselves are also entitled to convene SEC. The committee convened in this way shall elect a chair at the extraordinary meeting with a simple majority secret ballot. Moreover, the committee shall hold the extraordinary sitting and adopt its decision according to the general rules.

4.8. Minutes shall be drawn up of the sittings of SEC containing the venue and date of the sitting, the agenda discussed, the proposals made, the outcome of the voting and all data or facts the recording of which is asked for by any committee member, so especially a minority report of the committee members regarding the resolution or its reasoning. The secretary of SEC shall compile the minutes within 5 working days after the sitting and send it to the president of SEC for approval. Following approval by the president the secretary shall send the minutes to members of SEC without delay. In case any of the members of SEC finds that the minutes do not faithfully record things said at the sitting or any data, fact or circumstance, such a member may propose it to be amended. The amend-

ment shall be decided on by the president. The minutes shall be approved by SEC at its next sitting.

4.9. The president of SEC shall primarily keep contact with the members of SEC via e-mail, while the materials of the sittings shall also be sent via e-mail by the secretary upon the authorization and mandate by the president of SEC.

4.10. In its annual report to the General Assembly SEC shall give a short report on the affairs it has handled or is in the process of handling.

5. Procedure in individual cases

5.1. A submission addressed to SEC shall be filed by the secretary of SEC and immediately sent to the president of SEC. If it is the president who receives the submission directly, he or she shall send it to the secretary for filing. A submission sent electronically is only examined in merit if it arrives from an identifiable person or organisation. In individual cases the president shall examine whether SEC has competence and jurisdiction to proceed in the case and decides on the secrecy classification request relating to the notifying person. The notifier shall, in case his or her classification request is denied by the president of SEC or SEC, be called upon for a statement by setting a deadline on whether he or she maintains the request or seeks remedy according to the following.

According to the main rule, the person of the notifier shall be public for the respondent person, members of SEC, and in the second instance procedure for

the members of the Presidency and the secretary of SEC. However, at the time of the notification, in especially reasoned cases the notifier can ask the encryption of his or her data vis a vis the persons participating in the procedure (including the respondent as well), or a part thereof. The confidential management of data shall be decided on by the president of SEC. In case the president of SEC denies the request on the encryption of the data, the notifier may, with the exception of the request on encryption also affecting the members of SEC and within 15 days from the receipt of the decision on denial, request SEC to order the confidential management of data. Against a decision of SEC on encryption there shall be no further remedy. In the case of the denial of the request on the encryption relating to the members of SEC by the president of SEC there shall be no remedy; in this case the notifier shall be called upon for a statement as above.

In an electronic way (via mail for member of SEC with no electronic mailing system) simultaneously with the sending of the submission, the president of SEC shall make a reasoned proposal for the members of SEC to reject the submission, if

- the notification is evidently frivolous, unfounded or anonymous,
- the notification is related to the verification of a final resolution adopted by SEC or in a second instance procedure by the Presidency, except if
 - the notification contains new data or information not known for the decision maker at the acceptance of the first or second instance science ethic resolution, or
 - following the science ethic procedure, the court

has, between the same parties and with the same statements of facts, come to a decision being contrary to the decision of SEC or the Presidency,

- the notification contains a petition contrary to a decision adopted in a case finally adjudged by a court of law,
- the submission calls the competence of a court or other authority into question,
- the complaint objects to a decision of an academic body (committee, scientific section, Presidency, etc.) adopted in a professional scientific question, or otherwise the complaint asks for a position in a scientific question,
- according to his or her consideration the handling of the complaint belongs to the competence of a different public body, social or labour organisation (e.g. bar or medical association).

Within 15 days the members of SEC shall inform the president of SEC on their position on the proposal with a “yes” or “no” vote. In the case of a tie among the members of SEC the vote of the president of SEC shall decide. The president of SEC shall adopt his or her decision on the acceptance or rejection of the submission according to the result of the voting.

5.2. In case the initiation of the case is reasoned to fall within the regulations relating to the activity of SEC and the competence and jurisdiction of SEC can be clearly ascertained, the president of SEC shall present the case to SEC for examination.

5.3. The demandant shall be informed by the secretary in writing on the decision of the president of SEC on the submission (on the acceptance of the submission or on the rejection thereof in default of the competence and jurisdiction of SEC) within 30 days from the receipt of the submission. The information shall include:

5.3.1. which sitting is expected to examine the case;

5.3.2. who will proceed in the case as a member of SEC;

5.3.3. that during the procedure the demandant can ask questions and explain his or her reasons, present evidence, call witnesses and get acquainted with the documents of the case;

5.3.4. that the demandant can submit an objection of incompatibility against the persons participating in the procedure;

5.3.5. the president of SEC shall inform the demandant on a substantial decision (adopted in a procedural question) of the committee within 15 days after the acceptance of such a decision.

5.4. The secretary of SEC shall inform the person affected by the submission (the respondent) on the fact that a science ethic procedure was initiated against him or her and shall give the information detailed in points 5.3.1-5.3.5 to him/her, as well as on the understanding that the respondent is entitled to get acquainted with the complaint submitted against him or her in its entirety.

5.5. The submission shall be examined on its receipt, preferably at the first sitting of SEC, on the basis of the available documents. The case shall be settled within six months of the receipt of the submission at the latest. If SEC finds that the case cannot be settled within six months, it shall set an additional deadline of three months at the longest with a resolution. The procedural deadline shall not include the term of the procedure of other organisations/persons contacted by SEC for the ascertaining of the statement of facts or the adoption of the decision. The SEC resolution signed by the president of SEC shall be sent to the demandant and the respondent by the secretary.

5.6. If the president makes a proposal to SEC for the examination of the case, SEC shall decide on the basis of the available documents after the debate held at its sitting, or shall determine the procedural actions the execution of which can be expected to take place at its next sitting at the latest.

5.7. In more complicated cases the president of SEC shall

- a) call a rapporteur out of the members of SEC to carry out a presentation of the case and the submission of proposal for resolution;
- b) call upon an ad hoc committee of the members of SEC. The members of the ad hoc committee shall elect a president from among themselves. The ad hoc committee shall, with majority, prepare a proposal for resolution and submits it to SEC for discussion.

The investigation can be led by the president him/herself who can involve at his or her own discretion the members of SEC in the number deemed necessary by the president. In this case the president shall prepare the proposal for resolution and submit it with reasoning to SEC for discussion.

5.8. During the investigation the statement of facts shall be explored.

5.8.1. The procedure shall be conducted in the smallest possible circle.

5.8.2. Both parties (the demandant and the respondent or the representatives thereof) shall be given the possibility to explain their reasons in writing.

5.8.3. The person accused with having committed an ethical misconduct shall be given the possibility of getting acquainted with the complaint submitted against him/her to the SEC in the fullest detail, further, upon his/her request of responding in writing, asking questions, presenting evidence, calling witnesses and getting acquainted with the documents of the case. In especially reasoned cases, if the statement of facts cannot be cleared otherwise, the president of SEC can ex officio grant the possibility for the notifier or the respondent of verbally explaining his/her reasons before the ad hoc committee or the sitting of SEC.

5.8.4. SEC shall obtain documents and expert opinions as occasion requires.

5.8.5. SEC shall pay special attention to the respect of personality rights and the protection of personal data.

5.8.6. Unless it is its obligation by law, SEC can only hand over or make available information acquired during the investigation to a third person in reasoned cases and in return for the statement of confidence signed by this third person (points 6.2.4 and 6.2.5 of Code). SEC shall only be entitled to forward or make available data to third persons in cases and ways determined by the Act LXIII of 1992 on the Protection of Personal Data and the Disclosure of Information of Public Interest.

5.8.7. Minutes are drawn up of the sittings of the ad hoc committee and the hearings.

5.9. SEC shall send its resolution adopted in individual cases at first instance to the persons concerned within 15 days in writing. The resolution (its purview part containing the decision and the reasoning) shall be formulated on a separate sheet by each resolution, numbered in a yearly ascendant order and recorded in the registry of resolutions.

The resolution shall contain

5.9.1. the decision adopted by SEC in the case,

5.9.2. the reasoning of the decision,

5.9.3. information on the fact that an appeal against the resolution of SEC adopted at first instance can be submitted to the Presidency of HAS, addressed to the president of SEC within 15 days on receipt of the resolution,

5.9.4. the information that in the absence or belatedness of an appeal the resolution shall come into force,

5.9.5. the ascertaining of the fact that following the decision SEC publishes the resolution on the website of the Hungarian Academy of Sciences or chooses a different form of publication,

5.9.6. the reasoning of the fact why SEC does not inform the public (point 6.2.7 of the Code)

5.9.7. its decision whether it finds it necessary to inform the institution or organisation of the offender on the resolution separately. (point 6.2.8 of the Code)

5.10. The notifier, the respondent and the person being affected by the explicit and substantial statement of the resolution of SEC are entitled to submit an appeal against the resolution of SEC adopted at first instance. In the case of an appeal submitted against the resolution of SEC adopted at first instance, within 15 days after the receipt of the appeal, the president of SEC shall introduce the appeal, along with the simultaneous sending of the documents of the case, to the President of HAS for adjudication.

5.11. In case SEC proceeds in the cases of objection to decisions adopted in the research ethic committees of research institutes, high education and other institutions and organisations, shall apply the terms of points 5.1-5.10 implicitly. In the resolution that can be condemning, exempting, or contravening the resolution adopted at first instance, it must be stated that there shall be no further remedy against the resolution.

5.12. In the case of the proposal of a scientific of HAS section on the suspension of a public body membership the terms of point 5 shall also be applied implicitly.

5.13. SEC shall *ex officio* proceed against the person initiating a science ethic procedure if he/she is found during the investigation to have initiated the procedure maliciously.

5. 14. Incompatibility rules

The persons listed below cannot participate in the procedure of the Science Ethics Committee:

- who is a close relative of the notifier or the respondent,
- who is in a subordinate relation with the notifier or the respondent in any legal employment relationship,
- who cannot be expected to exercise an unbiased consideration of the case because of any other reason properly justifying incompatibility.

The objection of incompatibility against the members of SEC can be submitted by the notifier, the respondent and a member of SEC. The objection shall be submitted immediately on learning about incompatibility. The objection can be submitted until the end of the first hearing of SEC, irrespective of the fact whether a substantial decision was adopted in the case at the first hearing. Following the first hearing the objection of incompatibility can only lie in case if it occurred after the hearing but still prior to the adoption of the substantial decision. No appeal shall lie after the adoption of the substantial decision. The objection of incompatibility shall be decided on by the president of SEC who shall inform the petitioner of the objection on his/her decision within 15 days after receipt of the submission. The incompatibility notified relating to the president of SEC shall be decided on by SEC by voting

with the president of SEC not participating in the voting. The petitioner shall be informed on the decision of SEC within 15 days after its adoption.

6. Miscellaneous

6.1. The president of SEC is responsible for the lawful operation of SEC.

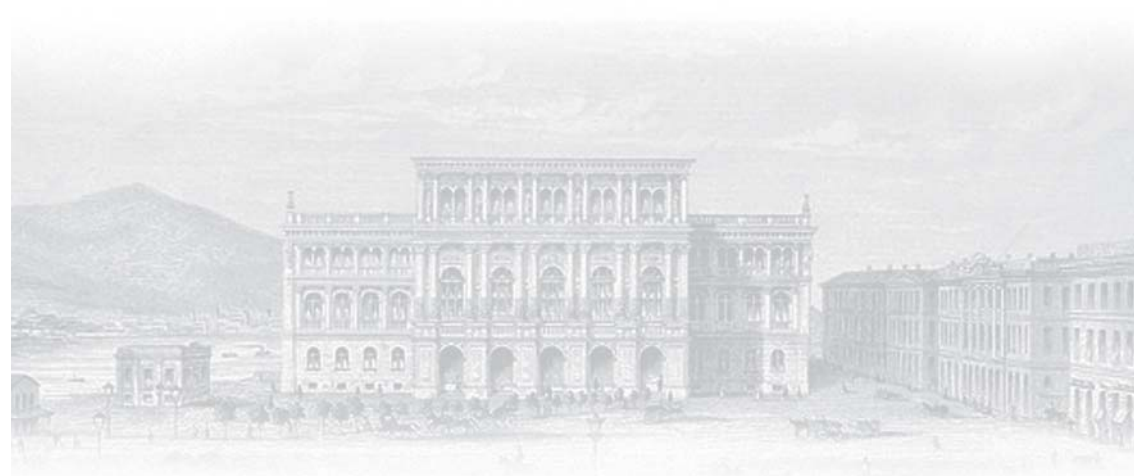
6.2. The administrative, technical conditions necessary for the operation of SEC shall be provided by the Legal and Administrative Department of the HAS. The documents of SEC shall be registered, handled and filed separately from other documents of the department.

6.3. In the procedures of SEC, in questions not regulated in these procedures, the rules of HASL, STAT, the procedures of HAS, the Code of Conduct of HAS and the effective and relevant laws shall be applied implicitly.

7. Final provisions

The procedures of SEC shall come into force upon their approval by the Presidency of the Academy, on the day of their publication in the Academic Journal. On their coming into force, the procedures shall be published on the website of HAS as well. (*par. (1) of art. 28 of STAT*)

APPEALING A DECISION MADE BY THE SCIENCE ETHICS COMMITTEE



As stipulated by Point 6.1. of the Code of Conduct of the Hungarian Academy of Sciences, an appeal against a decision made at first instance by the Science Ethics Committee can be lodged with the Presidency of HAS as the forum of appeal.

1. Appeals can be submitted within 15 calendar days after the receipt of the resolution of the Science Ethics Committee.
2. The appeal shall be submitted to the Presidency of the Academy, addressed to the president of the Science Ethics Committee.
3. The president of the Science Ethics Committee shall send the appeal within 30 days after its receipt to the Presidency of the Academy, addressed to the President of the Academy. He/she shall enclose to the appeal the relevant documents of the case and his/her reasoned stance to the appeal.
4. The President of the Academy shall call upon an expert with the necessary expertise from among public body members of HAS for the preparation of the files mentioned in Point 3 for a sitting of the Presidency and for reporting thereon. The notifier and the demandant are entitled to submit an objection against the person of the expert, and request the appointment of another expert.

The document was adopted by the members of the Presidency with their resolution No. 50/2010. X. 26.

5. The expert agreed upon shall prepare his/her opinion (proposal) relating to the case within 30 days. The expert's opinion shall be sent to the notifier and the respondent who may study it for not longer than 15 days. The notifier and the respondent can submit an objection against the expert's opinion. In its second instance procedure the Presidency shall decide on the basis of all available documents.
6. On learning the expert's proposal and the objection the Presidency shall negotiate the appellate case at its next sitting pending its work schedule but only if the proposal (objection) arrives at the Presidency at least 15 days prior to the sitting. In case the proposal (objection) arrives within 15 days prior to the date of the first presidency sitting pending its work schedule, it can also be examined at the next presidency sitting. The observance of the expert's opinion (objection) shall not be obligatory for the Presidency while adopting its decision of second instance.
7. With its resolution the Presidency may
 - affirm the decision of the Science Ethics Committee, or
 - amend the decision of the Science Ethics Committee, or annul the decision of the Science Ethics Committee, and if necessary remand the Science Ethics Committee for a new procedure.
8. The Presidency shall, with regard to the position of the Science Ethics Committee stated in its resolution of first instance relating to the disclosure,

decide on the publication of its resolution on the website of the Academy or in the Academic Journal.

9. Incompatibility rules:

The persons listed below cannot participate in the decision-making procedure of the Presidency:

- who took part in the adoption of the decision of first instance,
- who contributed to the first instance procedure of the SEC as experts or were heard as witnesses,
- who is a close relative of the notifier or the respondent,
- who is in a subordinate relation with the notifier or the respondent in any employment relationship,
- of whom no unbiased consideration of the case can be expected because of any other reason of incompatibility.

Incompatibility rules relating to the members of the Presidency shall be applied to the expert called upon by the president of the Academy as well.

Objections of incompatibility against the members of the Presidency can be submitted by

- the notifier,
- the respondent,
- any member of the Presidency,
- the expert in relation to his/her own person.

The objection shall be submitted immediately after learning about the incompatibility. No objection of in-

compatibility can be submitted after the first presidency sitting negotiating the case, except when an incompatibility occurs after the hearing but still prior to the adoption of a substantial decision. The objection of incompatibility submitted shall be decided on by the President of the Academy who shall inform the petitioner of the objection on his/her decision within 15 days after the submission. Members of the Presidency should decide upon any incompatibility relating to the President by voting (the President being excluded from this votes). The petitioner shall be informed on the decision of the Presidency within 15 days after its adoption.