

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)

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 amendment 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. Members of SEC while performing their related duties must treat related data and bits of information confidential without making them accessible to unauthorised persons. They must undertake their such obligation by signing a statement of confidentiality at the onset of their membership.

4.11. 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) within 30 days of the receipt of the submission, the president of SEC shall make a reasoned proposal for the members of SEC either to reject the submission, or conduct a proper science ethics procedure.

SEC may reject the submission without substantial investigation, however, 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 organisation, authority, 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),
- the contents or circumstances of the notification are currently under consideration by a court of law, an authority or another organisation or body.

Within 30 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.

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 SEC taken on the submission (on the acceptance of the submission, or on the rejection thereof in default of the competence and jurisdiction of SEC). 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 has been 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. An accepted 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 its decision SEC is to publish the resolution by making it public at HAS' General Assembly or on the website of the Hungarian Academy of Sciences, or prints it in HAS' official bulletin Academic Journal (Akadémiai Értesítő),

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 science 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 and the formulation of an opinion being contrary to 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 section of HAS 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 above procedures of SEC shall come into force upon their approval by the Presidency of the Academy on 15 April, 2012. The procedures must also be posted on the website of HAS (par. (1) of art. 28 of STAT)