

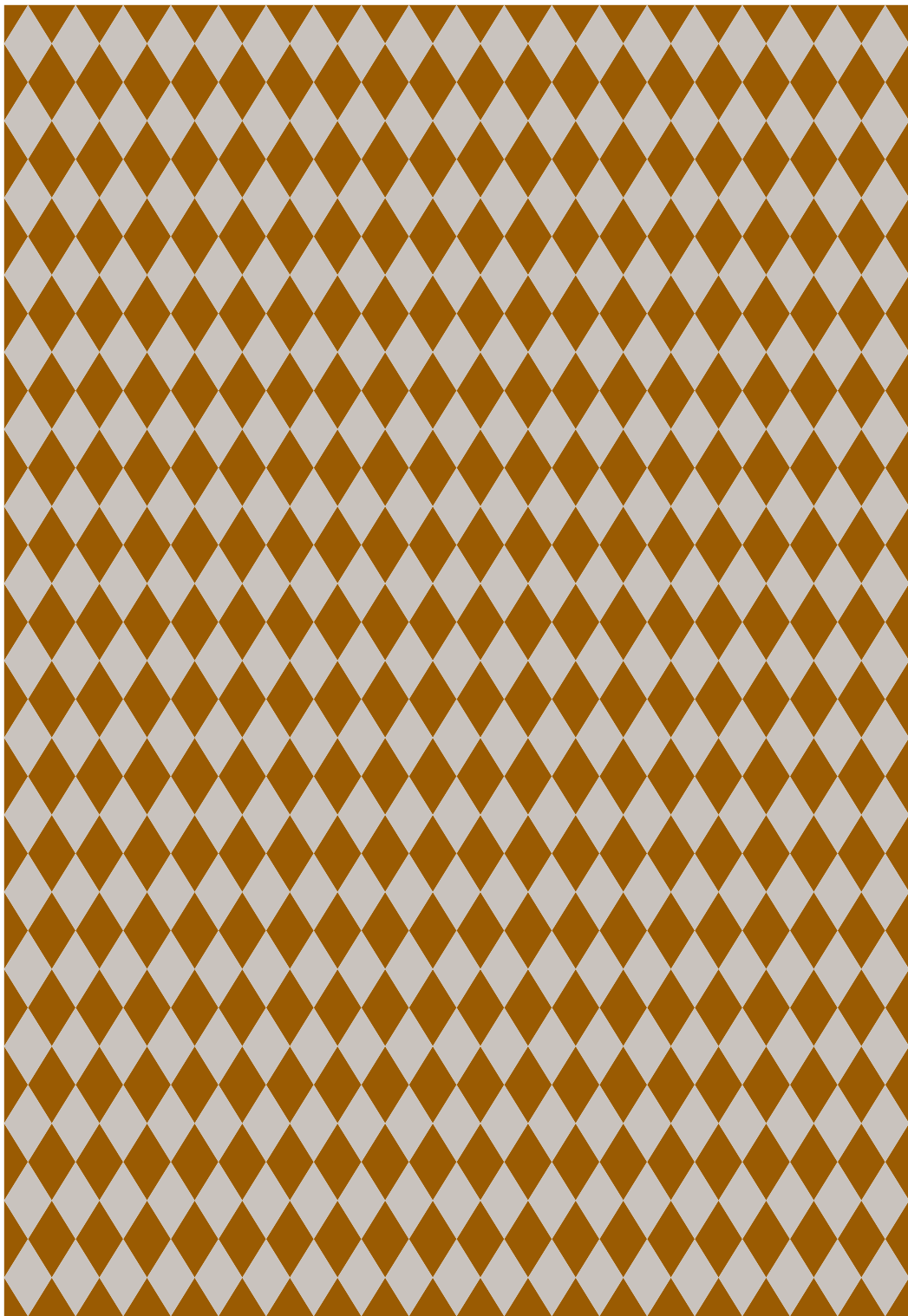
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Ethical aspects 5 Cases

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Ethical aspects

5 cases

The Lund University Ethics Council works to increase understanding of the importance of an ethical approach to the University's activities, stimulate discussion and debate on ethical issues, as well as promote the development of knowledge in the area of ethics.

Since the council was established in 2016, it has considered ethical aspects on a number of themes relating to the University's activities: on education, research and external engagement. Certain themes became the subject of ethics seminars and some have generated pamphlets in the Ethics Council's pamphlet series.

This issue in the pamphlet series presents five cases, which reflect the breadth of issues that the Ethics Council has discussed. The aim in presenting these five cases is to provide examples of the characteristic issues at the University, often everyday but difficult matters, in which ethical aspects can be applied, as well as to provide the council's reflections.

The five cases presented are fictitious examples. They do, however, have certain connections to real events, but names and other circumstances have been rewritten and, in some cases, made up.

This pamphlet can be seen as a conclusion and a continuation. As of 1 January 2020, the council has a partially new composition and the pamphlet can in this light be considered to summarise the council's first term of office and be used as a starting point for the next one.

1

WHAT IS THE RESEARCHER'S ROLE AND RESPONSIBILITY IN PUBLIC DEBATE?

An article in a major daily newspaper describes how a new technical system has been installed in student housing in Lund. The system is expected to deliver considerable environmental and economic benefits. The company that installed the system is given a lot of attention in the article and a spokesman for the company describes in vague terms how the system works. This description contains a number of statements that contradict established knowledge in the field and certain statements border on pseudoscience. The area had been thoroughly researched; over one million articles have been published covering the field in general terms and 5 872 that cover this particular area. None of these articles describe the phenomenon on which the company bases its business.

Several researchers in this field object to the fact that the company's statement goes unchallenged. A closer investigation reveals that the company in question has received a large grant from a public authority with responsibility for environmental matters to develop and market the product.

A group of researchers therefore write a letter to the public authority in which they question how the decision about the grant was made. They also write an opinion piece that criticises the company. The opinion piece attracts a lot of attention and for a few days the researchers are interviewed in various media channels.

The company responds by saying that they may suffer major financial losses due to the researchers' scepticism and claim the researchers are narrow-minded and find it difficult to accept new discoveries. The public authority responds in a similar way and in a statement in a Swedish daily newspaper says that "knowledge should not be allowed to stand in the way of innovation".

The case raises the following questions:

- What responsibility do researchers at Lund University have to respond in cases where there may be a suspicion of fraud or dubious marketing ostensibly based on science? Can we refrain from responding?
- Should the assessment be influenced by the fact that there is a risk of an adverse financial impact on the company in question?
- What type of communication and response is reasonable in similar cases? Interviews in the media, opinion pieces, filing a police report?

The Ethics Council's reflections:

As a researcher at Lund University you have no formal obligation to act when scientifically dubious findings or so-called innovations are presented in the media. On the other hand, Lund University in its Strategic Plan for 2017–2026 stated an ambition to be an influential voice in public debate and take a greater social responsibility. It could also be claimed that researchers have a moral obligation to spread their knowledge.

If the researcher considers that on scientific grounds there is good reason to question inaccurate claims in the media, this should not be altered by the fact that the company could suffer negative financial consequences.

If the researcher suspects that the company's actions are not only misleading, but also criminal, it is justified to file a police report. In other cases, opinion pieces and interviews in the media are appropriate communication channels, as the researcher then makes a big impact and thereby creates possibilities to affect the continued course of events. However, the researcher incurs the risk of making themselves vulnerable to being called into question, which may involve psychological, time-consuming and possibly financial demands on an individual staff member. It therefore makes the situation easier if the head of department or the department supports the actions in different ways and it is wise to make sure of this support beforehand.

2

HOW IS AN INDIVIDUAL MEMBER OF STAFF TO DEAL WITH SUSPECTED DEVIATIONS FROM GOOD RESEARCH PRACTICE?

When a director of studies tries to get an impression of a substitute senior lecturer's experience of supervising academic papers, she discovers something that arouses her suspicion. One of the academic papers that the senior lecturer has supervised at another higher education institution seems to have considerable similarities with a research article in an international journal for which the senior lecturer is stated as sole author. Neither the student's name nor academic paper are mentioned in the article. The director of studies thinks the entire situation is disquieting and considers how she should act so that she does not risk accusing a colleague on incorrect grounds.

- Must she first shed greater light on the matter before any report is filed and should she also hear what the senior lecturer has to say on the matter?
- Should she instead file a report with the Deviations from Good Research Practice Review Board at Lund University? Then the matter would be handled professionally by experienced people. However, if it is shown that there has been no wrongdoing, the director of studies will be culpable of wrongfully accusing the senior lecturer.
- Can she contact the faculty's research representative¹ for advice on how she should proceed?

The Ethics Council's reflections:

The suspicion in this case concerns the senior lecturer publishing as sole author an article based on another person's work and that the person should rightly have been listed as co-author. The unwarranted exclusion of someone from being named as the co-author of a publication is a deviation from good research practice. If there is reason to suspect that a colleague is guilty of such a deviation from good research practice, this is to be reported immediately. How and where this is to be reported is outlined in Guidelines for the processing of matters relating to suspected deviation from good research practice at Lund University. www.medarbetarwebben.lu.se/avvikelse-god-forskningssed.

Therefore, this is not a case in which you are to first find out more about what has happened or hear what the senior lecturer has to say about it. On the contrary, it may be important not to do that. The point of having a board for such matters is that they are investigated best at a proper distance from the environment concerned and by people who have no collegial links with those involved.

There are established ethical principles regarding co-authorship. Lund University's Ethics Council has published a pamphlet about this called Ethical aspects relating to co-authorship, which is available on this website: www.etikradet.blogg.lu.se/.

In matters relating to suspected research misconduct or deviation from good research practice, the faculty's research representative is to refer the case to the national or local board, in accordance with the guidelines mentioned above. On the other hand, the research representative can offer support with advice on co-authorship issues before a manuscript is submitted for possible publication.

¹ In Swedish: Vetenskapligt ombud.

3

WHO CAN RECEIVE A PRIZE IN THE UNIVERSITY'S NAME?

The board of a foundation with which the University has close contacts annually names a prize-winner for outstanding scientific achievements and organises an awards ceremony that attracts considerable media coverage. The awards ceremony is organised in cooperation with the University and held at the University's premises. The invitations for this awards ceremony are sent out in the vice-chancellor's name.

In the case in question, the vice-chancellor becomes aware one month before the awards ceremony that the prize-winner, selected and consequently officially invited by the vice-chancellor, has been called into question in academic circles in the USA and the UK due to repeated extreme right-wing statements and denial of the Holocaust. He has been excluded from some science associations and become a "persona non grata" at several universities.

The vice-chancellor contacts the foundation board, which does not understand the objections at all; the prize-winner is selected due to unequivocal scientific qualifications and there has been no consideration of the criticism directed against the prize-winner.

This situation raises the question: Is the awards ceremony to go ahead as planned or should it be cancelled?

The Ethics Council's reflections:

In this case one has to think through the issues and interests involved. Is the determining factor primarily about the University's good name and reputation or about ethical values and moral conduct? Issues concerning the University's reputation and ethically correct conduct should be kept separate. Regarding the University's reputation, there is a risk that it may be damaged regardless of the chosen option. If the ceremony is cancelled, the University may be criticised for not being open-minded and for banning people with controversial opinions. If, on the other hand, the ceremony goes ahead as planned, the judgement of the vice-chancellor and the University may be called into question. A third option is that the University issues a statement prior to the awards ceremony saying that LU is aware of the criticism against the researcher, but that the prize has been awarded according to scholarly criteria. At the same time, a discussion is

welcomed in connection with the awards ceremony, for example in the form of questions put to the prize-winner. It is possible that this may save the University's reputation, but it hardly resolves the ethical issue.

The ethical issue has no evident answer and is complicated by the norms and values on which the University is based not being clear and in some cases contradicting each other. The core values of Lund University (see Strategic Plan 2017–2026) state that it is rooted in Swedish law and that activities are to safeguard values such as democracy, free formation of opinion and respect for the equal value of all individuals. Freedom of speech is prescribed in the constitution, while a higher education institution as a public authority according to the Instrument of Government has a special responsibility to "observe objectivity and impartiality". Agitation against an ethnic group is forbidden by law, but denying the Holocaust is not an offence in itself in Sweden (compared with, for example, Germany and France). Grey areas and contradictory principles do not make the decision any easier, but do at the same time allow scope for ethical deliberation. Does Lund University want to contribute to a Holocaust denier being rewarded with a research prize?

4

IS THERE A LIMIT TO A STAFF MEMBER'S FREEDOM OF SPEECH?

A professor at Lund University often expresses views in the media – normally in a clear and self-assured manner. However, the topics often fall outside his own area of expertise. Sometimes his assertions are unfounded and completely inaccurate. Recently, the professor has also started commenting on controversial issues on TV and in daily newspapers. For the general public, his statements are presented as having scientific credibility, partly because of his title of professor, and partly because the professor often refers to research findings. However, these references to current research are downright misleading; if this had concerned a research publication, it would have been a clear deviation from good research practice.

- Where is the limit for the researcher's freedom of speech?
- Do heads of departments and colleagues have the right to hold the colleague accountable for the public statements that have been made?
- Do they simply have an obligation to act? Who, in that case, can do it and in what way?

The Ethics Council's reflections:

Freedom of speech is a fundamental right in our constitution, and it is essential for Lund University to safeguard that this constitutional right can be exercised in practice. Neither the management nor colleagues have the right to impose sanctions or in any other way silence a person who is exercising their right to speak and publish.

On the other hand, it is a part of academic culture to debate and polemicise against what is perceived as inaccurate factual content. Therefore, people in management positions and colleagues have the right and sometimes even a moral obligation to state that they have a different stance on factual matters and that it is expected that a colleague should use well-founded assertions, regardless of where they have been published.

If a situation such as the one described arises, it is particularly important for people in superordinate positions to consistently defend employees' rights to speak and publish publicly while emphasising that it is fully permissible for colleagues to call into question presented views and arguments – in internal or public debates.

5

SEXUAL ORIENTATION LIMITS CERTAIN STUDENTS' OPPORTUNITIES REGARDING EXCHANGE STUDIES

Olle is studying for a Master of Science degree in Engineering and wants to go on exchange studies to a country in Asia. His first choice is a university in Singapore. Several LU students have been to this university previously and the courses are a good fit for Olle's programme. When Olle gets information about Singapore, he becomes aware that homosexuality is illegal. The same applies to Malaysia and Indonesia, which are also among Olle's desired destinations. The sanctions for the crime may be very severe. In South Korea, homosexuality is not illegal, but there is no legislation that protects LGBTQ individuals. Lund University has partner universities in all these countries, which are offered as study destinations.

In Sweden, Olle is involved in several non-profit associations that campaign for human rights. He is openly homosexual, which is clear from his posts on social media.

The realisation about legislation in the countries where Olle wishes to study has a

considerable effect on him. If he chooses to go there, he must suppress his sexual orientation to avoid the risk of sanctions. Quite simply, he does not have the same possibilities as his fellow students on the programme and is disappointed that the University had not provided information about the situation in the countries or about who he could contact to discuss the situation. The following questions are raised:

- What responsibility does the University have to inform its students about the conditions described above?
- Is LU responsible for the situation when students themselves choose to study in countries where their sexual orientation is prohibited?
- Should exchanges be offered at all with universities in countries that do not recognise human rights?

The Ethics Council's reflections:

The Ethics Council states the principal position that "Lund University should not maintain cooperation with universities that discriminate against students on grounds that are regulated in the Swedish Discrimination Act". In a case where a host university was to be guilty of discrimination, according to the grounds described above, LU should terminate the agreement.

In practice, it is the case that Lund University has agreements or mediates contacts with universities in countries where human rights, such as the right to your sexual orientation, are not respected. Managers responsible for exchanges should familiarise themselves with this area so that they have a possibility to provide information and discuss with prospective outgoing students what this lack of respect may entail. The Ministry for Foreign Affairs issues regular country reports about the human rights situation in different countries, which can be a basic source of information on this matter. Lund University is to be prepared to provide support and help if students are subjected to discrimination in connection with studies abroad.

Lund University Ethics Council

The council works to increase understanding of the importance of an ethical approach to the University's activities, stimulate discussion and debate on ethical issues, as well as promote the development of knowledge in the area of ethics.

The Ethics Council acts in an advisory capacity to the Vice-Chancellor and the Vice-Chancellor's Management Council on ethical issues.

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