



Helsinki 25 February 2015
Dnr 13/58/2014
Ref. Request by Prof. Matej Orešič and Dr. Tuulia Hyötyläinen dated 14 February 2014 to investigate scientific misconduct in the evaluation process organized by the University of Helsinki and FIMM

DECISION ON A NOTIFICATION (DATED 14 FEBRUARY 2014) OF AN ALLEGED VIOLATION OF GOOD SCIENTIFIC PRACTICE

On 14 February 2014, Professor Matej Orešič and Dr. Tuulia Hyötyläinen submitted a notification concerning an alleged violation of good scientific practice to the Chancellor of the University of Helsinki.

On 4 March 2014, the Chancellor requested the subject of the allegations, Professor Kai Simons, to respond to Prof. Orešič's and Dr. Hyötyläinen's notification. The response of Prof. Simons arrived at the Chancellor's Office on 23 April 2014. The Chancellor asked Prof. Orešič and Dr. Hyötyläinen to submit their response, which duly arrived at the Chancellor's Office on 16 May 2014.

This RCR process (the process of handling alleged violations of the responsible conduct of research, hereinafter: RCR process) at the University of Helsinki was kept on hold because another RCR process that conceivably had a connection to this RCR process was pending at Finnish Advisory Board of Research Integrity (TENK). TENK delivered its statement in that matter on 7 October 2014.

After TENK delivered its statement, the chancellor decided that there was a need to examine whether the alleged scientific misconduct is well-founded. Based on the above-mentioned documents, the Chancellor decided on 30 October 2014 to launch a preliminary inquiry, as recommended in the guidelines of the National Advisory Board on Research Ethics entitled *Responsible conduct of research and procedures for handling allegations of misconduct in Finland – RCR guidelines* (2012). Chancellor Emeritus Kari Raivio carried out the inquiry.

Chancellor Emeritus Raivio submitted the report of the preliminary inquiry on 19 December 2014. Professor Orešič and Dr. Hyötyläinen and Professor Simons were provided the opportunity to submit a statement on the report of the inquiry. Prof. Simons informed on 21 January 2015 that the conclusions made in the report of preliminary inquiry are clear and that he has no need to make further statements. Prof. Orešič's and Dr. Hyötyläinen's statement arrived at the Chancellor's Office on 20 January 2015.

The matter concerns alleged violations of responsible conduct of research in the context of the evaluation of the Quantitative Biology and Bioinformatics Group (QBIX). Prof. Orešič has been the principal investigator of the group in VTT Technical Research Centre of Finland (hereinafter VTT). In 2013 there were discussions on whether the QBIX group would be merged with the Finnish Institute of Molecular Medicine (FIMM). In connection to these discussions the QBIX group was evaluated and Professor Simons was acting as a chair of the Evaluation Committee of QBIX.

Prof. Orešič's and Dr. Hyötyläinen's claims directed to Prof. Simons and concerning the evaluation process can be summarized – like also summarized in the report of preliminary inquiry – into the following three claims:

1. Prof. Orešič and Dr. Hyötyläinen claim that Prof. Simons has not been an impartial evaluator during the evaluation process.
2. Prof. Orešič and Dr. Hyötyläinen claim that the ethical guidelines have not been followed during the evaluation process.
3. Prof. Orešič and Dr. Hyötyläinen claim that the attitude of Prof. Simons toward the group has negatively affected the opinions of the other evaluators and thus jeopardized the objectivity of the evaluation process.

Chancellor Emeritus Raivio, who conducted the preliminary inquiry (Appendix 1), found in his report that the request of Prof. Orešič and Dr. Hyötyläinen to investigate scientific misconduct by Prof. Simons based upon the above-mentioned three allegations is unfounded. Chancellor Emeritus Raivio stated in his report that a more complete inquiry is unwarranted.

According to the Regulations of the University of Helsinki, Section 24, the Chancellor is in charge of inquiries concerning alleged violations of the responsible conduct of research.

Grounds for the decision

According to the RCR guidelines (2012) by National Advisory Board on Research Ethics researchers must refrain from all research-related evaluation and decision-making situations, when there is reason to suspect a conflict of interest. It is also worth mentioning that according to the University Act (558/2009), Section 30, the Administrative Judicial Procedure Act's provisions on disqualification are applicable in universities.

Prof. Orešič and Dr. Hyötyläinen claim that the evaluation process has not been objective and that Prof. Simons has not been impartial in his capacity as the chair of the evaluation committee. The first claim relates to a discussion at FIMM cafeteria in spring 2013. Prof. Orešič and Dr. Hyötyläinen claim that Prof. Simons publicly made hostile statements on Prof. Orešič in a discussion between Prof. Simons and Professor Elina Ikonen and docent Vesa Olkkonen. The second claim made by Prof. Orešič and Dr. Hyötyläinen is based on several claims that express Orešič's and Hyötyläinen's dissatisfaction with the evaluation. The third claim is based

on the assumption that Prof. Simons has negatively affected the opinions of the other evaluators and thus jeopardized the objectivity of the evaluation process.

The preliminary inquiry conducted in this matter is thorough and the report indicates that an oral hearing of the complainants had also been held during the inquiry. In addition, the complainants and Prof. Simons have been given wide possibilities to deliver statements on each other's claims and statements during the process.

After a thorough preliminary inquiry, which included oral hearings of the complainants, Chancellor Emeritus Raivio found that there is no evidence supporting the claims made by Prof. Orešič and Dr. Hyötyläinen. According to the documents presented in this matter and according to the report of the preliminary inquiry, the evaluation process of QBIX carried out in FIMM clearly seems to be in line with the ethical guidelines and good scientific practice. It must also be noted that an impartial evaluation process inevitably needs to raise problematic issues concerning the subject of the evaluation. It is evident that the evaluation process and the outcome of the process is based on an overall deliberation of all relevant facts whether they are positive or negative with regard to the subject of the evaluation. If during the evaluation process certain possible problems relating to good scientific practice are raised, the evaluation committee necessarily needs to take these into account.

The QBIX evaluation committee has in its report (in the attachment of the report) recommended that VTT has to start an external investigation on the scientific practices of Prof. Orešič. After the report, such an RCR process has been carried out in VTT. If the evaluation committee had been silent on possible problems related to good scientific practice, it had not followed good scientific practice. By raising the issue, it did so.

In the report of the preliminary inquiry, Chancellor Emeritus Raivio has thoroughly assessed the matter from the point of view of the written materials submitted to him, the oral hearings conducted by him as well as from the point of view of the relevant guidelines. The responses to the preliminary inquiry reveal no fundamentally new information that would give cause to assess the matter differently than Chancellor Emeritus Raivio has already done in his report. Consequently, on the basis of the report of the preliminary inquiry, I find that there is no evidence showing that the Professor Simons has not followed good scientific practice with regard to the three sets of claims on which the inquiry was based. In this respect there is no need to further investigate the matter.

However, at the end of the inquiry procedure, Prof. Orešič raised a new issue. On 16 December 2014 Prof. Orešič sent an email to Chancellor Emeritus Raivio stating that there is a possible commercial conflict of interest between Orešič and Simons since Prof. Simons is the CEO of Lipotype GMBH, which is a competitor of Zora Biosciences Oy, a company which Prof. Orešič has founded in 2006. Orešič states that he was a shareholder of this company until November 2013. Chancellor Emeritus Raivio stated in the addendum of his report that this new information may be relevant from the point of view of undeclared commercial conflict of interests. According to the email of Prof. Orešič, the two companies should be seen as scientific and commercial competitors.

This new claim was raised two days before the time set for the preliminary inquiry. It does not seem plausible, however, that this fact came into the knowledge of Prof. Orešič only in December 2014. The email of Prof. Orešič to Chancellor Emeritus Raivio also reveals that Lipotype GMBH is founded before mid 2013, that is before the QBIX evaluation process.

This means that if Prof. Orešič was active in Zora Biosciences Oy, he would surely have known if a serious competitor had appeared to the market. He would also had a possibility to make a statement regarding this possible commercial conflict of interest when the evaluation process was started or during the evaluation process. In addition, the addendum of the report of the preliminary inquiry shows, based on the interviews of Prof. Simons and Reini Hurme, the current CEO of Zora Biosciences, that the relationship between Prof. Simons and Zora Biosciences is rather collaboration than competition.

Taking the above-mentioned into account, there are not sufficient grounds for starting a new preliminary inquiry based on the new claim.

Decision

Based on the grounds discussed above and the report of the preliminary inquiry conducted on this matter (Appendix 1), I find that there is no violation of good scientific practice regarding the action of Professor Kai Simons as a chair of the evaluation committee of QBIX. There is no need for further actions in this process.

Appeal: This decision is not subject to appeal (Section 5 of the Administrative Judicial Procedure Act).

The person alleged of misconduct or the instigator of the allegation can, however, request a statement from The Finnish Advisory Board on Research Integrity if the said party is dissatisfied with the Chancellor's decision, the procedures adopted in the preliminary inquiry, with the investigation proper, or with the conclusions of the final report. This request must be justified and it must address the specific questions that are the basis for the statement requested. The RCR process needs to be completed before any requests can be submitted to the Finnish Advisory Board on Research Integrity. No statements will be issued during the interim stages. The request for a statement must be submitted within six months of the decision.

Further information: Sakari Melander, Legal Secretary to the Chancellor,
tel. +358 2941 21781

Chancellor



Thomas Wilhelmsson

Legal Secretary to the Chancellor



Sakari Melander