

National Forum on Research Integrity

Guidelines for the Investigation of Misconduct in Research

The National Policy Statement on Ensuring Research Integrity in Ireland,¹ (“the Statement”) published in 2014, aimed to “*commit the main organisations in Irish research to the highest standards of integrity in carrying out their research, so that partners and other stakeholders, and the international research community may have full confidence in the Irish research system.*” Although the research performing organisations strive to cultivate an environment where responsible conduct of research can flourish, it is inevitable, although regrettable, that some allegations of misconduct will be received by the organisation. When they do, there must be an appropriate and robust procedure for investigation. This document, whilst not mandating the adoption of a standardised procedure for all research performers, lays down some general **guidelines for the investigation of misconduct in research**, considering the principles for investigations as specified in the Statement,¹ themselves substantively based on the European Code of Conduct for Research Integrity.²

Definitions

Respondent

The Respondent is the person against whom allegations of misconduct in research have been made.

Complainant

The Complainant is a person making allegations of misconduct of research against one or more Respondents.

Research Misconduct

For the purposes of this document, research misconduct is as defined in the National Policy Statement on Ensuring Research Integrity in Ireland.

Research Integrity Officer

The Research Integrity Officer (RIO) is the person nominated by an organisation to receive allegations of misconduct in research.³

¹ <http://www.iua.ie/wp-content/uploads/2014/06/National-Policy-Statement-on-Ensuring-Research-Integrity-in-Ireland-2014.pdf>

² http://www.esf.org/fileadmin/Public_documents/Publications/Code_Conduct_ResearchIntegrity.pdf

³ Details of the Research Integrity Officer role have been outlined in the National Forum’s Position Paper on Research Integrity Officer Role & Reporting, published on the IUA Extranet work space for Research Integrity. A key point in this paper is the statement that while the RIO will initiate and supervise and, depending on the policy in place at the organisation, coordinate the investigation procedure, they shall not personally participate in any investigation panels nor seek to influence the work or findings of said panels.

Guidelines

Submission and handling of initial complaints

- Allegations of research misconduct should be made in writing to the RIO or their alternate (in the case of the allegations raising a conflict of interest with respect to the RIO).
- An initial approach to the RIO may be anonymous, but to take forward a formal complaint, normally the Complainant must make a formal written submission and ideally provide any available evidence.
- When allegations are first received, the RIO (assisted in confidence by internal experts if required) will check that the allegations fall within the definition of research misconduct as outlined in the Statement. If they do, then the matter should be addressed via the organisation's investigation procedure (see below). If they do not, the investigation should conclude at this point and the Complainant should be informed of any alternative organisation policy or procedure through which their complaint could be pursued, making it clear that the RIO's responsibilities with respect to processing the allegations have concluded at this point.

Investigation Procedure

- The investigation procedure will generally comprise the following:
 1. A preliminary review (and where necessary)
 2. A formal investigation.
- The organisation should take all reasonable steps to conclude the investigation procedure in the shortest time possible.
- Any disciplinary action following an investigation will be taken under the disciplinary process as defined in the relevant statutes of the organisation. In that context, organisations may conduct the RI investigation *entirely* within the disciplinary process (having regard to the respondent's status as either student or staff) with both the preliminary and full investigation undertaken as defined in the statute. Alternatively, they may choose to undertake a separate process for investigation of misconduct, and refer the matter to the disciplinary process if required.

Panels

- An expert panel may be convened at either one or both stages of the investigation procedure.
- The panel may be comprised of persons internal and external to the organisation and should include all necessary expertise pertinent to the complaint being examined.
- Care should be taken to ensure that no conflict of interest⁴ exists among the panel members with respect to the Respondent or Complainant.
- Panels should report back only to the RIO.

Preliminary Review

- The work of the preliminary review will normally make a determination of the following:

⁴ As outlined in the Horizon 2020 Contract for Experts, a conflict of interest exists if the person has any vested interests in relation to the questions upon which s/he is asked to give advice; or their organisation stands to benefit directly or indirectly, or be disadvantaged, as a direct result of the work carried out; is in any other situation that compromises their ability to carry out their work impartially.

- Whether the allegations that are mistaken, frivolous, vexatious and/or malicious, in which case they should be dismissed at this stage of the procedure. The organisation may then decide to take action against the Complainant under the appropriate organisation disciplinary process. It is noted that those who made allegations in good faith should not be penalised and may need additional support.
- Whether the allegations in fact constitute research misconduct. Allegations that, upon examination at this stage, do not align with the definition of research misconduct as outlined in the Statement may be addressed under another applicable organisation policy or procedure.
- If the preliminary review concludes that the allegations are sufficiently serious and have sufficient substance to justify a formal investigation, the organisation should initiate a formal investigation.
- It should be noted that the preliminary review may also determine that an allegation has substance but that, prima facie, the misconduct is insufficiently grave to warrant a full investigation. In such cases of a minor nature of where there it is established that the conduct was unintentional, it may be decided to address the issue through education and training, in consultation with the Respondent's line manager if they are a staff member or equivalent if they are a student.

Formal Investigation

- The formal investigation will determine whether the allegations are:
 - Upheld in full;
 - Upheld in part; or
 - Not upheld
- Where the allegations have not been upheld (in part or full) the organisation should take steps proportionate to the seriousness of the dismissed allegations to support the reputation of the Respondent and the research project.
- If the allegations are found to be mistaken, frivolous, vexatious and/or malicious, the organisation may decide to take action against the Complainant under the appropriate organisation disciplinary process. Again, it is noted that those who made allegations in good faith should not be penalised and may need additional support.
- Where the allegations are upheld and the formal investigation has been performed via a separate process for investigating research misconduct⁵, the organisation should then decide whether the matter should be referred to the disciplinary process or for other formal actions.

Complainant

- The Complainant should receive a written response from the RIO within a short period of submitting the allegations.
- The Complainant should also be informed of the outcome of the investigation procedure after each stage has been completed. If deemed appropriate by the organisation, the Complainant ideally should be given the right to reply to any reports arising from the investigation, on matters of fact only, before they are finalised.
- The organisation should take all reasonable steps to protect the identity of the Complainant and prevent any detriment to them.

⁵ i.e., separate from the organisation's disciplinary process

Respondent

- The organisation should inform the Respondent in confidence, either in writing or in person, that allegations of misconduct in research have been received which involve him/her. It is the responsibility of each organisation to specify in their published investigation process the point at which they will inform a Respondent of the allegations.
- The Respondent should also be informed of the outcome of the investigation procedure after each stage has been completed. If deemed appropriate by the organisation, the Respondent may be given the right to reply to any reports arising from the investigation, on matters of fact only, before they are finalised.

Organisation and Organisation Management Team

- The organisation's senior management personnel (including the President/Provost/Director, and the Heads of HR, Finance & Research) should, as set out in the organisation's investigation procedure, be kept informed at various points in the investigation. Typically, these points would include:
 - Upon receipt of the initial written allegations;
 - After the preliminary investigation has been completed;
 - After any formal investigation has been completed.

In general, it will be the responsibility of the RIO to inform senior management.

- Depending on the nature of the allegations, the organisation may need to (either before, during or after an investigation) inform legal or regulatory authorities, or take appropriate action to ensure that any potential risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice) is prevented/eliminated.
- The organisation should inform research funders and sponsors at appropriate points in the procedure, on a strictly confidential basis. Normally this would be after the formal investigation has concluded and only if the allegations have been upheld in full or in part. However, depending on the nature and severity of the allegations, the organisation may wish to send an initial communication in confidence to funders/sponsors after the preliminary review has concluded, clearly stating that the investigation is still in progress. In this regard, the organisation should be cognisant of contractual commitments to funders/sponsors.
- In the case where the allegations have been upheld in full or in part and the research is being performed with collaborators external to the organisation, the organisation should internally address the need to potentially inform those collaborators.
- In the case where the allegations have been upheld in full or in part and the respondent has left the organisation which has investigated the allegation of misconduct, the organisation should internally address the need to potentially inform any new employer.

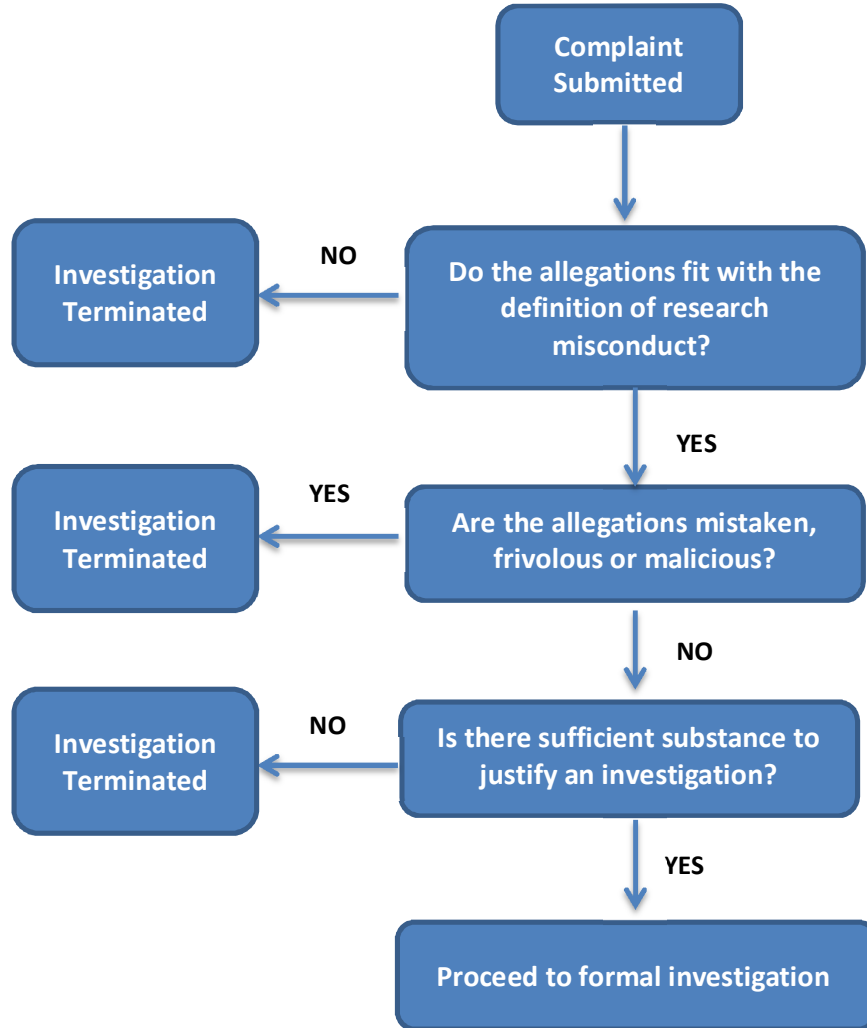
Confidentiality

- The organisation should take all reasonable steps to ensure that the entire process is carried out with appropriate confidentiality, in order to adhere to the principle of no detriment as outlined in the Statement.

Version 5, 17th August 2016, National Forum on Research Integrity. The Forum commits to reviewing this document at most two years' from this date.

APPENDIX 1 - DECISION TREE

PRELIMINARY INVESTIGATION



FORMAL INVESTIGATION

