



How not to investigate research misconduct

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‘HR once told me and the PVC Research that they’d just **concluded** a two-month investigation into “what I think you call research misconduct.”

We have a policy but they either ignored it or didn’t know about it. We had no idea what they’ve concluded, why, or what actions they’d taken – and what they’d missed.’

‘Research misconduct and disciplinary procedures examine the conduct of members of staff. The outcomes of such processes must remain confidential within our organisation. So we will not be informing the journals about the proven misconduct.’

- The essential foundation
- Too short/ general = lack of consistency, heavy dependence on whoever's operating it, things can be missed
- Overly-detailed = can be hard to follow, things can also be missed
- Be consistent with your other research integrity processes

‘We just found out that our research integrity policy and research misconduct procedure have different definitions of research misconduct. Should we change them?’

- Aim: thorough, fair and timely investigation of **any research conducted under your auspices, by anyone, ever.**
- Be prepared for odd stuff

University receives an allegation concerning one of its staff. They check, find that the research in question has been done in a private capacity (i.e. was not under the auspices of the university).

They understandably tell the complainant they cannot investigate the matter.

But it turned out that the researcher had always used their university email address and stationery for this research.

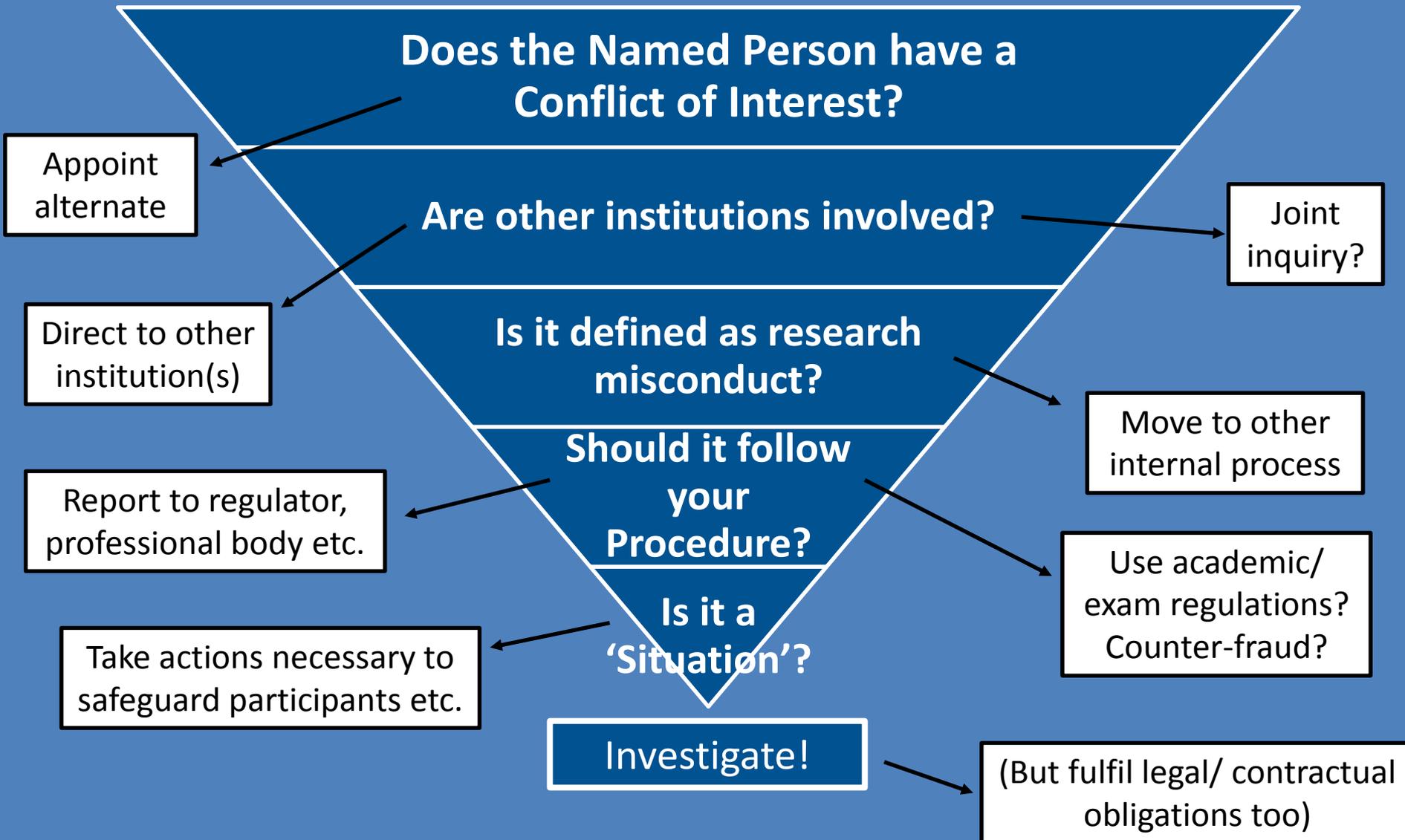
- Don't pull up the drawbridge at the first sign of trouble...

'With regards to your complaint, I have spoken with the researcher concerned and she has assured me that correct practice was followed. We therefore consider the matter to be closed.'

- Be accessible – better that you hear concerns early on! E.g. publicly-accessible contact point on your website, and on list on UKRIO website.

- Whether formal or informal, be objective, thorough, document everything and **follow it up**

‘If an allegation will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through formal proceedings, the Named Person will work with relevant staff to establish a programme of training and supervision in conjunction with the Respondent and his/her line manager.’



- Get advice on policy from HR/ legal – be consistent with their advice and other institutional policies.

‘This Procedure asks persons to put their name to any allegations they make.

Allegations which are anonymous or where there is no specific Complainant will only be considered **at the discretion of the Named Person**, taking into account: the seriousness of the concerns raised; the credibility of the concerns; and the likelihood of confirming the concerns from alternative and credible sources.’



Anonymous allegations

- Safety of participants etc. – always investigate.
- Fabricated, falsified or plagiarised data: investigate the published papers, and the data and records held by your institution.
- Differences of opinion over conclusions/ interpretation: harder to assess without screening for conflicts of interest, i.e. without knowing who complainant is.

- Don't shoot the messenger. Even if you think they're wrong, or a 'known troublemaker' or what they describe is so outlandish it can't be true, you **must** be objective...

A researcher checked a colleague's paper for typos before submission to a journal. She had no other involvement in the research.

She saw she had been listed as an author in the submitted paper. Repeated requests for her name to be removed went unanswered. She found the situation so bizarre, she wondered if she had acted incorrectly.

She sought advice from the chair of the ethics committee. He confirmed that she did not qualify as an author and suggested she report the matter.

The researcher raised her concerns with the Faculty. It declined to investigate, saying nothing untoward had taken place. It then said that the researcher had acted improperly by discussing a confidential matter with the ethics chair and investigated her for research misconduct...

- Reach conclusions on a case-by-case basis
- Follow the evidence, don't prejudge
- Interview everyone - equally
- Have flexibility built into your procedure, both scope (i.e. expand investigation as needed) and process:

'At the discretion of the Named Person, a Screening **Panel** may be appointed to conduct the Preliminary Investigation, rather than an individual. This may be advantageous if an allegation is complex.'

- What you do **will** be subject to external scrutiny (e.g. FOI)

- Regular communications: clear and accessible
- ‘Pastoral care’

‘It’s been nine months since I last got an update from the university’

- A Complainant

- People may leave
- People may play procedural games: so follow your (robust) procedure carefully

- No-one conducting an investigation should feel isolated/ unsupported, no-one should feel constrained from seeking advice.

‘...If required to facilitate a full and fair investigation and/or the operation of any aspect of this Procedure, the Named Person and other persons operating this Procedure shall be free to seek confidential advice from persons with relevant expertise, both within the University and outside it.

...the Research Integrity Officer or his/her designated alternate will also assist the Named Person and other persons responsible for the operation of this Procedure as necessary.’

Find ways to inform involved parties and those operating the process

...I attach with this letter the documentation that has been received in relation to this allegation, which consists of **[a letter from..... / a note of a meeting... / a summary document giving a chronology of events.... / - email communication between....]**

This constitutes an allegation of misconduct in research, which will be dealt with under the University's *Procedure for the Investigation of Misconduct in Research*. A copy of the Procedure is attached to this letter.

I have been appointed as the Investigator to conduct a Preliminary Investigation into this allegation. If you have any concerns regarding my role of Investigator, you may raise them in writing with the [Named Person] (see paragraph **XX** of the Procedure).

Find ways to inform involved parties and those operating the process

The purpose of the Preliminary Investigation is to determine whether there is sufficient evidence of research misconduct to warrant a Formal Investigation of the allegation. Please see paragraphs XX – XX of the Procedure, which outline the requirements of a Preliminary Investigation.

With regard to the **[main]** allegation[s] in the **[letter/email]** from **[name of complainant]**, I direct you to the following definition[s] of research misconduct **[insert relevant page and section numbers of the Procedure, plus example(s)]**.

You will be invited to respond to the allegation and will have the opportunity to set out your case. I will contact you again shortly, to arrange a meeting. Please note, as per paragraphs **XX – XX** of the Procedure, you may be accompanied by someone to this meeting.

- Principles inform the process, ‘illustrate the complexities’.
- Most important principle: **balance all of the other principles**

‘I reported concerns about a colleague. He made a counter-allegation, that I was harassing him by making false claims of research misconduct. The investigation has now upheld the allegation – my claims of research misconduct were **NOT** false. The hearing about my alleged harassment is about to take place. But I’m not allowed to mention the conclusions of the research misconduct investigation as they’re confidential.

So I can’t defend myself against the charge of making false claims by pointing out that the university has proved my claims were true!’

- Outcomes are about **more** than an individual's conduct.
- Variety of 'routes out' at the end of an investigation.

The purpose of the Formal Investigation is to review all the relevant evidence and:

- Conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not.
- **Make recommendations, for consideration by the appropriate University authorities, regarding any further action the Panel deems necessary to: address any misconduct it may have found; correct the record of research, and/or preserve the academic reputation of the University** (see paragraph XX, below, for possible examples).

- A letter sent with a draft screening report for comment. Are there any issues or is all well?

'In accordance with the provisions of our research misconduct process, please find attached the **draft** screening report for comment, on matters of fact only.

...I know that the process has been stressful for you but hope the fact that the allegations have not been upheld will be of some comfort to you.'