

In it together: managing cross-institutional research misconduct investigations

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Overview

- Russell Group Research Integrity Forum
- Investigating Research Misconduct
- Types of Cross-institutional investigations
- Challenges of cross-institutional investigations
- A potential approach: The RG 'Statement of Cooperation in respect of cross-institutional research misconduct allegations'
- Discussion and next steps.

Russell Group Research Integrity Forum

- Good practice sharing group meeting twice annually for RG staff who deal with:
 - Research Ethics
 - Research Integrity
 - Research Governance
 - Research Misconduct
- Designed to increase collaboration across the group, share good practice and discuss challenges and opportunities.
- Also aims to build better links between research integrity professionals and other stakeholders (e.g. RCUK, Wellcome Trust, COPE).

Investigating Research Misconduct

- Employers of researchers are expected to :
 - Have “clear, well-articulated and confidential mechanisms for reporting allegations of research misconduct”
 - Have “robust, transparent and fair processes for dealing with allegations of research misconduct that reflect best practice”
 - “Ensure that any person involved in investigating such allegations has the appropriate knowledge, skills, experience and authority to do so”
 - Take “appropriate steps to remedy any situations arising from an investigation”.

(UUK Concordat to Support Research Integrity, 2012)

Investigating Research Misconduct

- A number of models exist for investigating research misconduct e.g.:
 - UKRIO Procedure for the Investigation of Misconduct in Research (August 2008)
 - UKRI Policy and Guidelines on Governance of Good Research Conduct (April 2017)
- Usually:
 - Separate to, but feeding into and aligned with, institutional disciplinary procedures.
 - Two stage process to allow allegations to be handled proportionately.
 - Operates under strict confidentiality, but allows appropriate reporting to stakeholders as required.

Investigations in a mobile world

- Research is already highly collaborative and is likely to become more so.
- Researchers are increasingly mobile and encouraged to be so.
- Allegations of research misconduct are therefore increasingly likely to relate to work carried out at multiple institutions.
- Research misconduct investigation procedures have been designed primarily to handle internal matters and not complicated cross-institutional issues.

Types of cross-institutional cases



Core questions

- Who should investigate?
- Should they be investigated separately or jointly?
- What, when and how should we inform other institutions?
- What happens when these relate to overseas institutions?



Case Study 1: The case from the past

- Dr Smith joined University 1 two years ago as a senior lecturer. She was previously employed by University 2, a UK university where she had been a lecturer for ten years.
- You receive an allegation from a whistleblower that Dr Smith fabricated data in two articles on which she was lead author, both published seven years ago.
- The research reported in both articles was carried out while Dr Smith was employed by University 2. All the co-authors on the papers are current or ex-employees of University 2 and the research data remains at University 2.

Case Study 1: The case from the past

How might the following complicating factors influence the situation?

- University 2 tells you that they have received multiple allegations from this whistleblower and have rejected them as vexatious. They advise University 1 to do the same.
- University 2 insist that as the research was carried out at their institution, it should be investigated under their misconduct policy, without the involvement of University 1.
- The allegation is received by University 2, rather than University 1.

Case Study 2: Jointly responsible?

- You receive an anonymous allegation that a recently published article plagiarises ideas from an article published ten years ago in a minor journal. The article was published jointly by Professor Grant, from University 1, and Professor Wilkins, from University 2.
- The complainant provides copies of emails in which Professor Grant and Professor Wilkins both deny the allegation. The article does not contain an author contribution statement. You do not know whether University 2 has been informed of the allegation.

Case Study 2: Jointly responsible?

How might the following complicating factors influence the situation?

- Both institutions launch independent investigations. University 1 completes its investigation, which clears Professor Grant and suggests that Professor Wilkins was probably responsible. University 2's investigation is ongoing.
- It transpires that University 2 have already carried out an investigation into the allegation (which they received six months ago). They did not inform University 1 of the allegation, which they felt should be kept confidential. The investigation focussed solely on Professor Wilkins and concluded that she had no case to answer.

Potential challenges

- Lack of cooperation/disagreement between institutions hinders investigation.
- 'Double jeopardy' and conflicting conclusions.
- Conflict or confusion between institutional procedures.
- Slow or inefficient investigative processes.
- Failure to share information and/or sharing information inappropriately.
- Lack of confidence in the systems used by other institutions.
- 'Double-counting' in reporting to funders.

Is there any existing guidance?

OECD Global Science Forum, Investigating Research Misconduct Allegations in International Collaboration Research Projects: A Practical Guide (April 2009)

- Suggests that a written agreement to use a single institution's misconduct policy should be made as part of collaborations.
- The agreement appoints a lead institution (or other body) and all parties agree to support the single investigation.
- Investigation committees to include representatives from other parties (where needed) and information on investigation shared with all relevant parties.
- Recommended by UKRI.

Is there any existing guidance?

Problems with the OECD approach:

- Requires all collaborations to prepare a written agreement before the commencement of research (will not always happen).
- Lacks flexibility (e.g. requires a lead institution to be identified before the collaboration begins)
- Only applies to cross-institution misconduct investigations that emerge as a result of collaborations (i.e. not staff movement, joint contracts, or less formal arrangements).

Russell Group Research Integrity Forum

RGRIF - Initial discussion

- First RGRIF meeting aimed to explore the challenges for universities in handling such investigations and seek approaches to addressing the problems.
- Case studies and discussion – how would we approach cross-institutional investigations

October 2017 RGRIF

- Revisiting discussion – What practical steps could assist institutions?
- A Memorandum of Cooperation was suggested to the Forum
- Later revised into current Statement of Cooperation

Agreed by Russell Group

Published on 12 July 2018

What is the Statement of Cooperation?

- Agreement that we have a responsibility to work together towards an efficient conclusion of cross-institutional research misconduct investigations, whilst ensuring the integrity of the investigation.
- Set of principles regarding the approach to *managing the review* of cross-institutional research misconduct allegations.
- It does not direct how the review process itself is conducted.
- 'Investigation' used in its broadest sense.

Statement of Cooperation

- Designed to be an agreement for cooperation between Russell Group Institutions for cross-institutional investigations
- Use as a model for cross-institutional investigations with other institutions
- Principles include:
 - Respectful cooperation
 - Transparency while ensuring that legal obligations and duty of care to staff are maintained
 - Avoiding duplication
 - Full, fair and proportionate investigations

Statement of Cooperation - Objectives

- Endeavour to ensure that allegations are considered fully, proportionately and fairly;
- Maintain respectful cooperation and communication between all institutions involved;
- Be open and transparent while ensuring that legal obligations and duty of care to staff are maintained;
- Avoid unnecessary duplication;
- Be supportive to enable each institution to meet their responsibilities in respect of reviewing misconduct allegations, as well as the responsibilities they bear as an employer of any individual against whom allegations are being considered;
- Ensure that all individuals involved, affected institutions and relevant research funders are kept apprised of progress, as required.

To support the objectives...

- Contact the party institution(s);
- Agree from the outset whether it would be most appropriate for a single institutional process, separate processes, or a combination of processes to be followed.
- Where a single institutional process is to be followed, agree what involvement the other institutions will have in the process (for example, providing observers or panel members, approving Terms of Reference of any formal investigation panel);
- Where appropriate, agree a lead institution, with clear lines of responsibility for and within each institution, including contact points;
- Contact relevant funders (at the stage required by the funder) and other third parties who may need to be notified (e.g. regulators, hospital trusts) to inform them of an allegation/investigation;

To support the objectives...

- Agree clear lines of communication between the institutions for both during and after the review process, including contact points and agreements on relevant data sharing;
- Agree clear lines and points of communication during and after the review process, both to those involved in the process, as well as those affected, such as funders (in accordance with funders' policies), journals and other third parties as necessary. This would include agreeing what information is shared, as well as with and by whom it is shared, prior to any information sharing (with due regard for responsibilities under relevant data protection and employment legislation and any contractual agreements).
- Agree timescales regarding the investigation process as well as agreed points of communication as stated above, including informing the relevant institutions and individuals of any need to extend timelines.

Next steps

- Reviewing practical steps to assist in the daily management of cross-institutional investigations
- What is most helpful in managing these cases?
 - *Template for agreeing external notifications?*
 - *Summary sheet of relevant institutions?*
 - Institution A; receiving institution, sponsor of research; employer of complainant B at time of allegation.
 - Institution B, notified institution, collaborating institution on research, employer of respondent A at time of allegation.
 - Institution C, notified institution, current employer of respondents A & B.
- Welcome collaboration & feedback – what would be most useful?

Case study 3: The nightmare scenario

- Your institution has been part of a major biomedical research collaboration based in the UK for the last ten years. The collaboration is made up of four research groups, one from your institution and the others from Universities A, B and C. The collaboration has been extremely productive and a large number of multi-author papers have been published. Research has been carried out at all four institutions and the research data remains with the university in which it was generated.
- A member of staff contacts all four institutions to allege that there has been image manipulation in fifteen of the papers published by the collaborators. The papers are authored by individuals from across the participating universities. The complainant does not accuse an individual, but argues that the techniques used to manipulate the images are consistent across the papers, suggesting action by the same person or persons.

Case study 3: The nightmare scenario

How might the following complicating factors influence the situation?

- Institutions A, B and C are based overseas.
- A second allegation is received which claims that the methodology used by the collaboration exposed research participants to unnecessary risk. The methodology was designed by a researcher at University 1, but used at all four institutions.

**Thank you for
listening!**

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