

# Topic: Addressing Research Misconduct

December 2023

## When: Wednesday 12/12/23, 10-11 AM

During the round table, the participants set out to discuss three aspects of addressing research misconduct raised during the sharing best practice forum at the subscriber day in May 2023 and via UKRIO's advisory service, as described below:

1. How proactive are organisations in following up 'noise' [external to the institution] that might lead to an allegation being made but one that has not yet been made?
2. Discussion: Processes for logging potential research misconduct issues that have been resolved informally and how they may be linked to training needs.
3. Confidentiality: Issues of keeping a complainant's identity confidential.

This article summarises the key themes and discussion points as well as resources that were shared in the chat. Although the above questions were used as a starting point for the conversation other topics were also discussed, namely whistleblower concerns and information sharing after completing an investigation.

### How proactive are organisations in following up 'noise' [external to the institution] that might lead to an allegation being made but one that has not yet been made?

Colleagues noted that in most instances there needs to be an allegation for an investigation to take place, but this was dependent on what was written in their procedure to investigate research misconduct. Those raising concerns need to state their concerns clearly and provide evidence. Colleagues were cautious with online 'noise' and wary that it often may not be serious research misconduct – it can be poor practice or academic dispute, with little evidence to back up concerns. Things can also swiftly become adversarial.

There can be barriers to raising matters formally and people can be reluctant to do this unless they consider the matter very serious. If matters are picked up this way, people's hopes can be raised unrealistically when the matter either doesn't meet the threshold for research misconduct or there isn't sufficient evidence.

## Impact on respondent

It was noted that any investigation can have a significant impact on the respondent, and it is important to consider all angles before proceeding – for example is it an academic dispute? It was agreed that these can blow out of proportion and end in accusations and that more is needed to investigate an allegation.

UKRIO's model procedure recommends that HEIs have the facility to investigate matters that are not formally raised with them. Whilst they can be dealt with cautiously and using judgement, it does provide the opportunity to investigate a matter that is causing concern, but which has not been raised formally.

## Key points and information from the chat:

- Whether to progress with an investigation or to ignore 'noise' should not be one person's decision. Each matter needs to be considered individually without making assumptions based on previous experience.
- Every matter can be a learning curve with different issues emerging requiring judgement calls and this also applies to matters that are not raised formally.
- UKRIO's model procedure recommends that HEIs have the facility to investigate matters that are not formally raised with them. Whilst they can be dealt with cautiously and using judgement, it does provide the opportunity to investigate a matter that is causing concern, but which has not been raised formally.

## Discussion: Whistleblower concerns.

There can be a confrontational aspect to research misconduct that can deter potential whistleblowers. If people know they can raise a concern or flag up a potential breach rather than submit an allegation, this may encourage people to come forward or at least deter them less. Sometimes it is inevitable that matters may become confrontational, but there can be ways of reducing it.

It was discussed that people fear the consequences of raising allegations formally and are reluctant to put their heads above the parapet as they may feel they have a lot to lose.

Attendees noted that people may be particularly reluctant to raise concerns about people who potentially have influence over their careers. This can impact people at all career stages. Whilst the fear may be of the unconscious biases of the individual rather than deliberate retaliation, the fear is nonetheless real and can deter people

from raising concerns, also that one may get a reputation as a troublemaker. This is difficult to mitigate against, as the perception may be there even if it is not the case. Attendees provided examples of where this had occurred and noted that different cultural backgrounds may also have an impact. Institutions need to be sensitive to that. might not get that – they might think well it is your responsibility to report it.

Attendees described the relation to research culture not just at a specific institution but generally within the sector, and the confidence that people have in those investigating and leading on the matters. There appears to be widespread fears of retaliation, the risk of detriment, also that the process can be long and time-consuming.

It may be possible to take a matter forward on a complainant's behalf – this depends on the nature of the case raised, the evidence base and the information available.

People may be discouraged by colleagues or friends – potential whistleblowers often have a stronger fear of repercussions than the institution or RIOs.

### Key points and information from the chat:

- Dr Daniel Barr, Principal Research Integrity Advisor, RMIT University, Australia presentation on [Supporting responsible authorship](#).
- Reference to [Breaches in Research Integrity](#) article.
- ENRIO's [Handbook on Whistleblower Protection in Research](#)
- Matters aren't always raised as fully formed complaints and due diligence is needed to determine if it should be taken forward.
- Sometimes people will have a case but are not willing to take it forward, and then on occasion, it will not be possible to proceed.

## Confidentiality: Information sharing after completing an investigation and keeping a complainant's identity confidential.

Colleagues discussed the complexities involved in information sharing after an investigation had been completed. There can be concerns that any publicity can lead to actions for defamation being made and data protection complaints being made either to the institution or the Information Commissioners Office (ICO).

Regarding defamation, James Parry at UKRIO noted, that he was waiting on a meeting with the Wellcome Trust and ICO to get a view on data sharing and bullying and harassment cases, which have strong parallels with data sharing in research misconduct. He also noted that UKRIO's [Research Misconduct Review](#) that was underway was seeking to obtain a legal view from a KC on defamation and research misconduct. These will inform our ongoing work in this area and all the other many connected areas that have been brought up both in this session and elsewhere. James thanked colleagues for sharing their experiences openly and encouraged people to put examples of good practice and resources in the new [UKRIO subscriber portal](#).

### Resources from UKRIO on Research Misconduct:

- [Tips and ideas for those managing research misconduct investigations](#). This document contains ideas to help the process run more smoothly and reassure both the complainant and respondent.
- [Maintaining the anonymity of a complainant](#).
- [Advice on assessing vexatious, malicious, and frivolous complaints](#).
- [Video](#) of James Parry at UKRIO, talking through our revised model procedure to investigate research misconduct and discuss the challenges in addressing research misconduct.
- [Advice on the recruitment of research misconduct panel members](#).
- [Advice to unhappy complainants in research misconduct investigations](#).
- [Advice for respondents](#). Information and resources for those who are subject to allegations of research misconduct.



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