



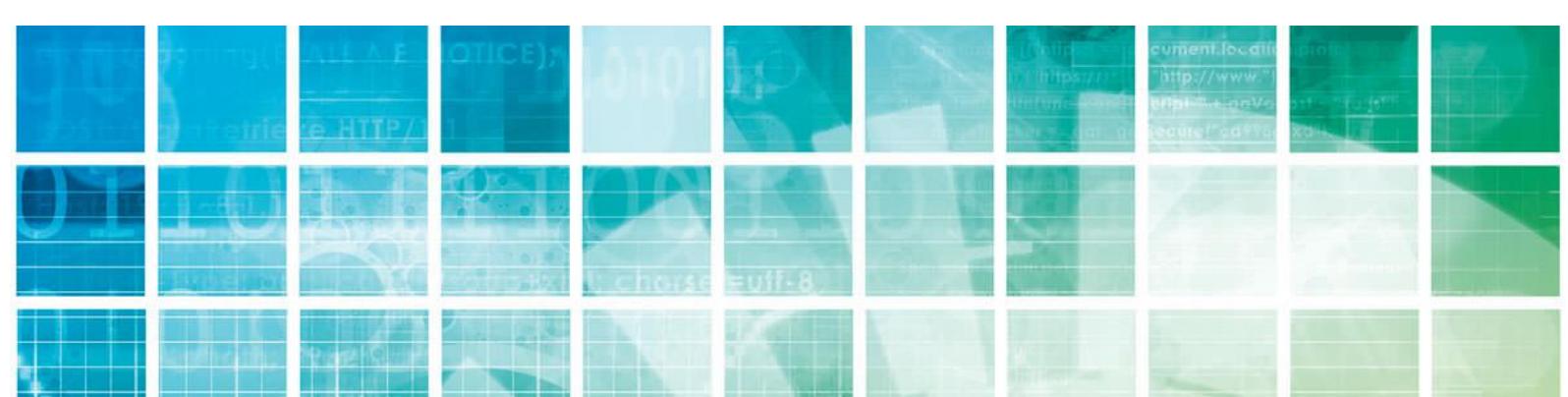
Case study pack No. 1

A core function of the UK Research Integrity Office is to provide independent, expert and confidential advice on the conduct of research, from promoting good practice to addressing allegations of misconduct. Since 2006, we have advised on a broad spectrum of issues, covering all subject areas. In 2013 alone we received more than 80 formal requests for assistance and many additional informal enquiries.

Each request for assistance received by UKRIO increases our body of knowledge. These 'lessons learned' not only inform our response to subsequent enquiries but also underpin our other activities, especially UKRIO's education and training work. We have found that illustrative case studies are an excellent way to raise awareness of research integrity and to illustrate the complexities and 'grey areas' which can occur.

The case studies in this pack are not literal accounts of any particular enquiry to UKRIO. Instead they are scenarios, based on real-life situations, which illustrate recurring or notable issues and problems which have been brought to our attention. This pack is suitable for any audience (e.g. case study 2) but may be of particular interest to managers, researchers and administrators involved in responding to allegations of research misconduct. While some case studies may mention a particular discipline, they contain themes that cut across all subjects.

Each case study is accompanied by some suggested points for discussion. These are intended as a starting point for debate and reflection, drawing on the major themes of the case study. Certain approaches are proposed but discussion of the cases may well suggest others – there is often no single 'right' answer.



Case study 1

You are the Pro-Vice-Chancellor (Research) of a university. A formal complaint has been made to you by Dr Y, a lecturer in the School of Music.

Dr Y joined the university six years ago, just after being awarded his PhD, to carry out teaching and research duties. Initially employed on a three-year temporary contract, he performed well in the role and was retained on a second three-year contract. That second contract is about to end and Dr Y has recently been informed that his employment will not be renewed. The decision was made by a small panel of senior staff from the School of Music. Dr Y claims that the panel chair, Professor B, is biased against him and that the panel's decision must be overturned.

Professor B and Dr Y carried out a small joint research project three years ago. The project, which was externally funded, has been completed and a paper was published in a peer-reviewed journal last year. Professor B and Dr Y are listed as the joint authors of the paper but Dr Y tells you that he had to fight for this.

He claims that when Professor B submitted the draft paper for publication, he removed Dr Y as an author and added a friend as the other author instead. Dr Y says he complained to his Head of School, who looked into the matter informally. According to Dr Y, Professor B was ordered to write a letter of apology to him. In this letter, the Professor admitted to the improper changes to the paper's authorship and said that he would not act in such a manner again.

Dr Y says it is clear that his contract 'has not been renewed because Professor B is out to get me' and demands that you take action. He also says that the university did not act properly when it looked into the authorship complaint; he has always felt that Professor B's actions deserved a more serious penalty than simply being told to write a letter.

- **How would you respond to Dr Y?**
- **Could anything have been done to prevent this situation from occurring in the first place?**
- **Are there any wider issues to consider?**

Case study 1 – discussion points

- **How would you respond to Dr Y?** The university obviously needs to investigate Dr Y's concerns. Due to the serious nature of the allegations, it would be sensible to investigate using a formal university process. Also, given Dr Y's claim that an earlier informal inquiry into some of his concerns was flawed, carrying out a second informal inquiry might compound any previous mistakes, as well as giving the impression that the university does not take Dr Y's concerns seriously.

The university will need to decide what formal process it should use. Dr Y has not only made an allegation of research misconduct, but also raised concerns about how the university has previously responded to that allegation and claimed that these two factors have led to his contract being terminated unfairly. You would need to seek advice from Human Resources at a very early stage to decide what approach to adopt. Some institutions might use their staff grievance procedure, others their research misconduct procedure. A hybrid approach may well be necessary: grievance procedures can often be ill-equipped to explore the complexities of an authorship dispute, but equally a research misconduct process is not designed to rule on matters of employment contracts.

- **Could anything have been done to prevent this situation from occurring in the first place?** Sometimes it can be very appropriate to address concerns about research conduct through informal means. Situations can arise which present as misconduct but are the result of either a misunderstanding or a dispute between individuals. It may be possible to mediate or resolve such differences at the individual or local level. However, initiating a formal investigation is advised for allegations of a serious nature.

Perhaps more importantly, informal approaches only work if all parties are satisfied that they are an appropriate method to resolve the situation. They can sometimes be seen as attempts to carry out a 'witch hunt' or a 'cover up' at the local level – as Dr Y appears to believe in this case. Also, when informal processes are used, it is essential that senior staff make sure that agreed actions are taken, outcomes monitored and proper records kept. For example, if the university had possessed a proper record of Dr Y's previous complaint against Professor B, it could have made sure that the Professor was not involved in Dr Y's contract renewal.

- **Are there any wider issues to consider?** Dr Y has been employed by the university for six years, on two successive three-year temporary contracts. This may be a cause for concern, regardless of whether the allegations of research misconduct and a flawed contract renewal process are upheld or not.

Normally, any employee on fixed-term contracts for four or more years will automatically become a permanent employee. Exceptions are: unless the employer can show there is a good business reason not

to do so; or if the employer and unions (or a staff association) have made a collective agreement that removes the automatic right to become a permanent employee in these circumstances.

Unless either of these exceptions applies, the university may be in breach of employment law. From Dr Y's account, it seems he has been employed on temporary contracts for six years, more than the four year limit. You should get advice from Human Resources urgently.

Case study 2

You are a postdoctoral researcher at a university, employed on a fixed-term contract that is just coming up for renewal. You are a member of a research team involving university staff and several PhD students. Your Department is rapidly gaining a reputation as an exceptional place to work, not least because of the research of a colleague, 'X'. The protégé of the Head of Department, X has published a series of papers in high profile journals which have been described as ground-breaking research, attracting a great deal of interest from the research community and beyond.

The decision on your contract extension will be made by a panel of senior colleagues, including your Head of Department. You think that it is very likely that your contract will be extended for several more years: your research has been well-received, as have a number of articles you have published; you get on with your colleagues and managers; and you have been able to attract the interest of additional funding bodies.

Emily, a PhD student who is part of the same research team as you, brings to you three papers written by X, all published in peer reviewed, high profile journals. She shows you digital images in the three papers. The images are identical. However, X has described them as denoting the results of a different piece of work in each paper.

You have thoroughly gone over the figures and the data that supports them. Perhaps X, the protégé of your Head of Department, has made a serious mistake in his work? Or has he deliberately falsified information in one or more of the articles?

- **What do you do?**
- **What do you advise Emily to do?**
- **How might the matter be resolved?**

Case study 2 – discussion points

- **What do you do?** As a researcher - whether a member of staff or a research student – it is not your responsibility to investigate any concerns you may have about the conduct of research. Your research organisation does not expect you to be a detective and find out what has happened. However, it is your responsibility to raise your concerns with your institution, providing as much information as you can, so it can then investigate the matter.

Your institution will have a formal process for investigating allegations of research misconduct, including who to contact if you have any concerns about research. Some institutions have a single person, normally a senior manager; others have multiple points of contact, for example at the College, Faculty or School level. Recognising that raising concerns with a senior member of staff can be rather intimidating, some institutions allow you to be supported by a supervisor, colleague or union representative, or to report your concerns via an intermediary. Your institution's research misconduct policy and contact point(s) should be on its intranet or (ideally) its external website.

Once you have reported the matter, the university will then begin an initial investigation. If you have trouble finding your institution's research misconduct policy or to whom you should report your concerns, you could contact your university's research integrity officer or the chair of the research ethics committee for advice. UKRIO can also help you identify your institution's point of contact if you get stuck.

- **What do you advise Emily to do?** This question can be the subject of considerable debate when this case study is used in UKRIO training sessions. Some suggest that, as it was Emily who discovered the alleged misconduct, you should tell her to report the matter and do nothing yourself. Most delegates feel this is unethical and ignores your own professional responsibility as a researcher to report concerns about possible misconduct, as well as the pastoral responsibilities a member of the university has to a student.

You and Emily could raise your concerns jointly with the university, though you should also encourage her to seek support from her PhD supervisor(s) or the Students' Union. An alternative might be that you raise the concerns on behalf of Emily and yourself, telling the university what you know and suggesting that it interviews Emily as part of any investigation.

- **How might the matter be resolved?** There is no way of knowing at this stage whether the allegation concerning X is true or not. You and Emily may be mistaken; you may be right and X has made an honest error in their work; or they could have committed research misconduct. A full investigation of the matter is necessary to determine whether the allegation is upheld or not, and what actions might

need to be taken. Given that the respondent is the protégé of the Head of Department, who has considerable authority over the complainants, the initial investigation should be conducted by someone outside of the Department or by a small panel including people from elsewhere in the university. Regardless, the Head of Department should play no part in investigating the allegation (though they may well be called as a witness) or in deciding whether the allegation is upheld or dismissed.

Meanwhile, the university must take steps to ensure that you and Emily do not suffer any detriment because you have raised concerns about a colleague, particularly one associated with the Head of Department. Similarly, X should not suffer any detriment because of an unproven allegation. Human Resources and Student Services should provide advice on how best to ensure all of this, for example in relation to your contract renewal

One approach could be to recuse the Head of Department from any involvement in the upcoming contract renewal, to avoid any allegations of bias in the panel's decision. If this is done, it should be made clear to all concerned that this does not constitute any disciplinary action or other sanction against the Head of Department. Equally, it does not mean that the university believes that the allegations concerning X are true. Instead, it should be stressed that this action is essential to ensure that the allegations of misconduct can be properly investigated.

Alternatively, the renewal could be delayed until after the investigation has concluded, with the Head of Department participating only if the allegation is not upheld. However, this could still leave the university open to allegations of bias if the contract is not renewed – 'I raised concerns in good faith, but the Head of Department's protégé was exonerated and now the Head is out to get me.' Human Resources will have encountered this type of situation before and can give advice on how to address it.

Case study 3

You are the person in your university responsible for receiving allegations of research misconduct and any other concerns about research conducted under the auspices of the university.

Professor Z is an academic in the Philosophy department at your institution with a high media profile, including a regular radio slot and occasional TV appearances, and who often writes articles for daily newspapers. She has just had a book published, which has appeal to the general public as well as academia.

A journalist has recently contacted your institution stating that large portions of Professor Z's most recent article, which appeared in a major national newspaper, was plagiarised substantially from a number of different sources. He has not yet publicised the matter beyond contacting your institution but there is no guarantee this will continue.

Professor Z has responded to your initial contact with her over the matter by partially refuting the allegation and has pointed out that the article was not research but journalism.

- **How do you respond to the journalist?**
- **How do you take the matter forward?**

Case study 3 – discussion points

- **How do you respond to the journalist?** You should consult with your university's press office before responding. A sensible response would be to say that the university will investigate the matter thoroughly but note that this will take some time. You could ask the journalist if he would consider holding off publication until the investigation is completed. He might be agreeable to this but equally may want to publish immediately.

You could say that Professor Z's media work is her own, private work and decline to investigate, but both the journalist and his readers are unlikely to be impressed by this. Readers of the paper would naturally assume that Professor Z wrote the article in question with the knowledge of the university. While Professor Z may have acting in a wholly private capacity when she wrote the article - i.e. the article has nothing to do with her role at the university – this would need to be confirmed by a formal investigation.

- **How do you take the matter forward?**
 - A key question is whether Professor Z is correct that the article in question is not research but journalism. Is this type of plagiarism covered by your institution's research misconduct procedure or not? The scope of these procedures can vary a great deal. Some cover only 'research', normally defined using the definition given in the REF, or in the RAE depending on the age of the procedure. Others have a wider scope, including consultancy, knowledge transfer and other work undertaken under the auspices of the university. UKRIO is aware of some procedures which do not even define what they mean by 'research', which has led to their use being challenged by respondents...

If popular journalism is not covered by your research misconduct procedure, you will need to determine which other university process can be used to investigate the concerns. You should seek advice from Human Resources at the earliest opportunity. Once the correct process has been identified, you should initiate the first stage of the investigation (for example, the screening/ initial assessment stage of your research misconduct procedure) to see if there is a case to answer.

- It will be important to keep the press office up to date on the matter, given the likelihood of further media interest. However, you should take care that no information which could prejudice the conduct of the investigation is released to the media.

There is some debate on how open institutions should be at the conclusion of investigations into staff or student conduct. Different institutions take different approaches but all need to bear in mind their legal obligations regarding appropriate confidentiality, as well as any ethical issues that might relate to the release of information from a research project.

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UKRIO's *Procedure for the Investigation of Misconduct in Research* recommends that if a case has generated media interest, the organisation should make a statement on the outcome – not least to restore the reputations of whistleblowers who have raised concerns in good faith and researchers who have been exonerated of misconduct.

Given clear trends towards greater transparency and open accountability, it can be helpful for institutions to consider whether they could go beyond basic standards and be more open in particular cases. Of course they should meet their legal obligations as employers, as well as any ethical obligations, but they should also take into account the increasing interest in issues of research practice and the need to retain the public's trust.

Regardless, institutions should also make appropriate disclosures to involved parties at the end of an investigation – for example, regulators, funders, professional bodies, partner organisations, journals and research participants (and their doctors, carers, or parents and guardians if necessary).

- There is also the issue of Professor Z's recently-published book. Might this contain plagiarised material also? What could you do? Should you do anything at this stage or wait until the inquiry into the article has concluded, or at least progressed to a formal investigation stage?

Case study 4

You are the person in your university responsible for receiving allegations of research misconduct and any other concerns about research conducted under the auspices of the university.

You are approached by the Chair of the Postgraduate Research Committee for the Department of Chemistry with regard to a research student based in one of the laboratories and whose studentship was funded by a large charitable organisation.

The student recently submitted their thesis, and prior to the oral examination, one of the nominated examiners noticed some discrepancies in the results of an experiment that was undertaken and written up in the thesis. She raised it with the supervisor, who undertook some quiet investigative work and ascertained that it was 'very likely' that the results had been altered. The supervisor raised the concerns with the student at a one-to-one meeting and has reported that the student broke down in tears and admitted that they had changed the results.

However, when an additional meeting was held to discuss this further, the student denied all wrong-doing, and indicated that they had been coerced into admitting it, had received inadequate supervision throughout their degree and that the supervisor was now 'covering his back'.

The oral examination is due to take place within two weeks. The student already has a job working in the Research and Development section of a borough council.

- **How do you proceed in these circumstances:**
 - **If your research misconduct procedure excludes research students?**
 - **If your research misconduct procedure includes research students?**
- **What other issues does this raise?**

Case study 4 – discussion points

- **How do you proceed in these circumstances if your research misconduct procedure excludes research students? How do you proceed if it includes them?** If your university's research misconduct procedure excludes research students, then you would investigate the allegation under the exam regulations for research students (some institutions might use their general student disciplinary procedure instead but this seems rare). If your research misconduct procedure does include research students, then you need to decide whether to use it or other means to conduct the investigation.

One possible threshold is that if an allegation is made after the student has submitted their thesis or sat their viva, then the exam regulations should be used. If an allegation comes to light before then, the research misconduct procedure would be initiated. However, there is no universally agreed approach; for example, some institutions always use their exam regulations to investigate allegations involving research students

In UKRIO's experience, exam regulations are generally well-suited to investigate allegations of plagiarism, fabrication and falsification. However, it can be challenging to use them to investigate issues concerning participants or patients, other ethical concerns, conflicts of interest and authorship disputes. Issues can fall through the gaps if exam regulations or student disciplinary procedures are not geared up to deal with complex cases.

The status of those involved can also complicate matters: what if a member of staff is involved in the allegation or if the student concerned is also an employee of the university? If the allegation involves issues such as these or is complex/ serious, then the research misconduct procedure may well be the best process to use.

Regardless, it is important to remember that the objective of your investigation is not just to determine what has happened and take action against anyone who has committed misconduct. Other aims - which are just as important, if not more so - include safeguarding research participants and patients, correcting the record of research and correcting wider or systemic issues.

- **What other issues does this raise?**
 - This scenario also illustrates the importance of either having more than one person involved in any meetings or for notes to be taken. The supervisor in this scenario claims that the research student admitted to him in a one-to-one meeting that they had committed the research misconduct; however the student strenuously denies the supervisor's account.

It can make allegations significantly more difficult to investigate when it is one person's word against another's. This may seem obvious, but, particularly in a supervisor-student situation, if researchers are used to having one-to-one meetings and have built up a relationship, then it may well not occur to them that this might be an issue, particularly in the heat of the moment when something has arisen.

Equally, a student or other respondent in one-to-one meeting can feel intimidated and under pressure to admit to an alleged offence. To protect all involved, it is important that involved parties are accompanied to meetings and that notes are taken.

- The studentship was funded by a large charity. You should determine what your contractual and other obligations are to the charity when an allegation concerning one of their studentships has been made. For example, you may be required to inform it when an allegation has been received or if the matter proceeds to a formal stage investigation, and also to provide it with an appropriate report on the outcome.

Some funders, particularly smaller organisations, may not have thought to set out contractual requirements for notifying them about allegations of research misconduct. If this is the case, given their role as a funder you should consider making appropriate disclosures, in confidence, regardless.

- The student has secured a job working in the Research and Development section of a borough council. What if the allegation of misconduct is upheld and they were given the job on the condition that they would be awarded their PhD? Would it be acceptable for you to inform the council of the outcome of the investigation? Does it make a difference if the council has requested a reference from the university or not?



The UK Research Integrity Office (UKRIO) is an independent charity, offering support to the public, researchers and organisations to further good practice in academic, scientific and medical research. We welcome enquiries on any issues relating to the conduct of research, whether promoting good research practice, seeking help with a particular research project or investigating cases of alleged fraud and misconduct.

Since 2006, UKRIO has provided independent, expert and confidential support across all disciplines of research, from the arts and humanities to the life sciences. We cover all research sectors: higher education, the NHS, private sector organisations and charities. No other organisation in the UK has comparable expertise in providing such support in the field of research integrity.

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