



UNIVERSITY *of* LIMERICK

OLLSCOIL LUIMNIGH

Procedure for Managing Allegations of Misconduct in Research

Version 2.0¹

Approved by Academic Council 2 October 2019

¹ This is presented as a separate document to accompany the Research Integrity Policy. Version 1.0 was included as Appendix 1 of the Research Integrity Policy approved by Academic Council, December 2016.

1. Scope

The University of Limerick is committed to ensuring that all research carried out under its auspices meets the highest standards of integrity, and that an environment of research integrity prevails through the promotion of good research practices, together with the use of fair, effective, and transparent procedures to address suspected, potential, alleged and/or actual research misconduct.

This document outlines the procedures to be used to manage allegations of research misconduct. Typically, allegations of research misconduct are initiated by formal complaints, although the University reserves the right to take a proactive approach to Research Integrity and initiate the procedure as set in this document in cases where it considers it appropriate to do so. This procedure is used in conjunction with:

- The University of Limerick Research Integrity Policy
- The Guidelines for the Investigation of Misconduct in Research as set out by the National Forum on Research Integrity (Version 5, August 2016)
- The National Forum Policy Statement on Ensuring Research Integrity in Ireland (2014)
- The revised European Code of Conduct for Research Integrity (2017)
- Statute No 4 University of Limerick

2. Research Misconduct and other Unacceptable Practices

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results:

- 2.1 Fabrication is making up results and recording them as if they were real.
- 2.2 Falsification is manipulating research materials, equipment or processes or changing, omitting or suppressing data or results without justification.
- 2.3 Plagiarism is using other people's work and ideas without giving proper credit to the original source, thus violating the rights of the original author(s) to their intellectual outputs.

Research misconduct does not include honest error or honest differences in the design, execution, interpretation or judgement in evaluating research methods or results, or misconduct unrelated to the research process. Similarly, it does not include poor research practice per se unless this encompasses an intention to deceive. See Appendix 1 for details on practices related to research misconduct.

The *European Code of Conduct for Research Integrity (2017)* notes the above practices as particularly serious in that they distort the research record. They also

note additional breaches of good practice that damage the integrity of the research process or researchers. Examples of such unacceptable practices include but are not limited to:

- 2.4 Manipulating authorship or denigrating the role of other researchers in publications.
- 2.5 Re-publishing substantive parts of one's own earlier publications, including translations, without duly acknowledging or citing the original ('self-plagiarism').
- 2.6 Citing selectively to enhance own findings or to please editors, reviewers or colleagues.
- 2.7 Withholding research results.
- 2.8 Allowing funders/sponsors to jeopardize independence in the research process or reporting of results to introduce or promulgate bias.
- 2.9 Expanding unnecessarily the bibliography of a study
- 2.10 Accusing a researcher of misconduct or other violations in a malicious way.
- 2.11 Misrepresenting research achievements.
- 2.12 Exaggerating the importance and practical applicability of findings.
- 2.13 Delaying or inappropriately hampering the work of other researchers.
- 2.14 Misusing seniority to encourage violations of research integrity.
- 2.15 Ignoring putative violations of research integrity by others or covering up inappropriate responses to misconduct or other violations by institutions. Establishing or supporting journals that undermine the quality control of research ('predatory journals').

Unacceptable practices are also open to sanction. At the very least, every effort must be made to prevent, discourage and stop them through training, supervision and mentoring and through the development of a positive and supportive research environment.

In some cases, the boundaries between unacceptable practices and serious misconduct may be quite thin, especially if unacceptable practice is carried out repeatedly by an experienced senior researcher. In some cases, for example intimidation of junior staff, the offence may be extremely serious, and dealt with by appropriate procedures under dignity and respect policy. Similarly, a GDPR related breach may be serious and dealt with in the first instance under the General Data Protection Regulations (GDPR) policy process.

Other cases may be poor or bad practice as in failure to clarify expectations around authorship and could be dealt with via mentoring and training. In any case, the University reserves the right to decide the basis upon which any alleged research misconduct or unacceptable practices will be considered by it, and the appropriate policy/policies through which to deal with such issues.

Definition of Terms

- 3.1 Research Integrity Officer.** The person nominated by the University to receive allegations of research misconduct and who also fulfils other functions in accordance with the National Policy Statement of Research Integrity.
- 3.2 Allegation.** A formal written statement made to the Research Integrity Officer indicating possible research misconduct (see Section 2 above). An allegation is not done in good faith if made with reckless disregard for or wilful ignorance of facts that would disprove the allegation.
- 3.3 Complainant.** The person who makes an allegation of research misconduct against one or more respondents. It may also be that the University is the initiator of the process or that one or more persons make an allegation. In this case, they are referred to as the complainant in the process.
- 3.4 Misconduct in Research.** For the purposes of this process, research misconduct is defined as per Section 2 above.
- 3.5 Respondent.** The person against whom an allegation of research misconduct has been made.

4 Principles of Dealing with Allegations and Violations of Misconduct in Research

It is in the interest of the university, the research community, and society that violations of research integrity are treated in a transparent and consistent fashion. The principles of integrity and fairness as set out in the *EU Code of Conduct for Research Integrity* (2017) are incorporated into this process. The key principles noted below:

4.1.1 Integrity

- 4.1.1 Investigations are fair, comprehensive and conducted expediently, without compromising accuracy, objectivity or thoroughness.
- 4.1.2 The parties involved in the procedure declare any conflict of interest that may arise during the investigation.
- 4.1.3 Measures taken to ensure investigations carried through to a conclusion.
- 4.1.4 Procedures conducted confidentially to protect those involved in the investigation.
- 4.1.5 Institutions protect the rights of 'whistle-blowers' during investigations and ensure their career prospects are not endangered.
- 4.1.6 General procedures for dealing with violations of good research practice are publicly available and accessible to ensure their transparency and uniformity.

4.2 Fairness

- 4.1.2 Anyone accused of research misconduct is presumed innocent until proven otherwise.
- 4.1.3 Investigations carried out with due process and in fairness to all parties.
- 4.1.4 Persons accused of research misconduct given full details of the allegation(s) and allowed a fair process for responding to allegations and presenting evidence.
- 4.1.5 Action taken against persons for whom an allegation of misconduct is upheld, and which is proportionate to the severity of the violation.
- 4.1.6 Appropriate restorative action taken when researchers exonerated of an allegation of misconduct.

5 Allegations of Misconduct in Research submission

- 5.1 Allegations of research misconduct may arise in a number of situations including:
 - 5.1.1 Allegations against a current University of Limerick staff or student relating to research conducted at UL
 - 5.1.2 Allegations against a current University of Limerick staff or student relating to research conducted at another organization
 - 5.1.3 Allegations against a former University of Limerick staff or student relating to research conducted while at UL
 - 5.1.4 Allegations against a person employed by another organization relating to research conducted on behalf of UL
- 5.2 Formal allegations of possible research misconduct should be made in writing and to the Research Integrity Officer (RIO) supported by available evidence. Any person receiving an allegation about research misconduct should refer the complainant to the Research Integrity Officer. In the case where the Research Integrity Officer is the subject of the allegation, the complaint should be made to the Vice President for Research and Enterprise (VPR&E), and he/she will instruct a nominated member of the Executive to fulfil the role of the RIO in this procedure.
- 5.3 Allegations of research misconduct should be sent to the Research Integrity Officer at the email address researchintegrity@ul.ie. All allegations will be treated with integrity and fairness. Typically, an acknowledgement of receipt of the complaint will be made to the complainant within 5 working days and RIO will advise the complainant of the procedure to be followed.

- 5.4 In the event that the RIO is conflicted in any way regarding the nature or source of the allegation, the RIO will inform the VPR&E who will instruct a nominated member of the Executive to fulfil the role of the RIO in this procedure from this point onwards.
- 5.5 The RIO may also, at his/her discretion choose to conduct a preliminary inquiry of an anonymous allegation, depending on the seriousness of the issues, the credibility of the allegation, and the feasibility of confirming the allegation with credible sources.
- 5.6 While the University will endeavour to comply with all timelines outlined in this Procedure, these may be extended in exceptional circumstances. See Appendix 2 for indicative timelines for various stages in the process.

6 Preliminary inquiry: Stage One

- 6.1 Following receipt of a formal allegation of misconduct, the RIO will conduct a preliminary inquiry. The objective of this preliminary inquiry is to determine, as confidentially as possible, whether the allegation falls within the definition of research misconduct. The preliminary inquiry shall be limited to determining whether the allegation falls within the definition of research misconduct and, subsequently, whether there is sufficient evidence supporting the allegation of research misconduct to justify the initiation of an investigation. The RIO shall inform the respondent of the allegations that have been received.
- 6.2 Internal and/or external experts may assist the RIO if deemed appropriate. If the allegation involves a student, the RIO should consult with the VPAA&SE.
- 6.3 If the allegations concern situations that could lead to serious reputational damage for the University, the RIO may need to advise senior University officials relevant to the case of the allegations and the process underway. Every effort should be made to limit the number of personnel and all advised to maintain confidentiality.
- 6.4 The preliminary inquiry should be completed and a written record of findings prepared within 20 working days of its initiation. If the 20-day deadline cannot be met, a report should be filed citing progress to date and reasons for the delay and the complainant and VPR&E or VPA&E (as appropriate) should be informed.
- 6.5 Following the preliminary inquiry, the RIO will provide the complainant and the respondent with a written determination summarizing the reasons for the decision reached.
- 6.6 If the RIO determines that the allegation does not fall within the definition of research misconduct, or, where it does fall within this definition but there is insufficient evidence supporting the allegation to justify the initiation of a full investigation, the allegation is dismissed. The RIO will inform the complainant and respondent of the reasons why it will not be investigated under this

- process. Where appropriate, the RIO may advise of other policies or procedures through which the complainant could pursue the issue. No further action is taken under this research misconduct procedure.
- 6.7 The RIO may, in cases where it is appropriate to do so, engage in or commission a process of informal resolution as may be considered appropriate. Such actions may engage the Line Manager and engagement with appropriate training and/or mentoring.
 - 6.8 If the RIO determines that an allegation falls within the definition of research misconduct, and there is sufficient evidence supporting the allegation, an investigation is warranted. The complainant and the respondent are informed of this outcome. If there is a contractual obligation, the RIO will take such steps as appropriate to advise a funder and/or collaborator of the research allegations. The RIO should liaise with VPR&E on obligations to funders, and/or publishers at this stage of the process. If it is a student registered with another institution (e.g. ERASMUS exchange student) the RIO will inform the other institution of the allegations. There is a presumption of innocence until process completed.
 - 6.9 If the RIO determines an allegation is frivolous, vexatious and/or malicious or insufficiently serious to merit under this policy/process, the allegations will be dismissed and the decision will be reported to all parties involved. In such case the RIO, in conjunction with the relevant HR Partner (or with VPAA&SE in cases involving students), should consider actions under the disciplinary process against anyone found to have made frivolous, vexatious and/or malicious allegations. Those who have made allegations in good faith should not be penalized and may need additional support.
 - 6.10 Based on the allegations and information received during this preliminary inquiry, the RIO may decide other additional but separate investigations are warranted into related issues of misconduct and will follow appropriate University processes.
 - 6.11 Once the preliminary inquiry is completed, the RIO will notify the Vice President Research and Engagement and/or Vice President for Academic Affairs and Student Engagement (depending if a student/graduate or staff/former staff) of this determination.
 - 6.12 Where the respondent is not subject to University Codes of Conduct (i.e. staff or student), the RIO may, following consultation with the Corporate Secretary, notify the Gardaí [if appropriate] or other institutions, which have a legitimate, material interest in the outcome, of the matter. The respondent must be advised prior to any notification to third parties. Depending on the circumstances, the RIO may suspend or curtail continued use of University

premises and facilities by the respondent following consultation with the Corporate Secretary's Office.

- 6.13 There is no right of appeal against the determination of the RIO following the preliminary inquiry since it refers to a preliminary procedure only.
- 6.14 Respondents will have a right of appeal under the appropriate disciplinary procedures in the event that further action is taken.
- 6.15 Actions under this paragraph can be taken at any point in this procedure, once the preliminary inquiry has concluded. Depending on the nature of the allegation, the University may need to take actions (e.g. suspension of activities) to reduce any potential risk or harm to staff, research participants or other persons, any potential suffering to animals or negative environmental consequences (where this may contravene the law or fall below good practice). These actions may involve informing legal or regulatory authorities about the allegation. Any such actions should not be interpreted as pre-empting the findings of a subsequent investigation, and will be carried out in as confidential a manner as possible and only taken in serious/exceptional circumstances. The RIO will oversee these actions to ensure they are appropriate and proportionate.

7 Stage 2: Investigation

- 7.1 Where the respondent is a former or current employee the formal investigation of an allegation of research misconduct is designed to ensure a full and fair exploration of the allegations and is not intended to replace or subsume any disciplinary process.
- 7.2 Where the respondent is a current or former student, the investigation will take place under the procedures and timelines adapted from the "Handbook of Academic Regulations and Procedures" (See Appendix . The RIO will, in consultation with the VPAA&SE, notify the University Advocate of the allegation and findings of the preliminary inquiry to initiate this process.
- 7.3 The objective of this investigation is to determine whether or not, on the balance of probabilities, the alleged research misconduct occurred. Proof of research misconduct is based on the preponderance of evidence.
- 7.4 The investigation into the alleged research misconduct of a current or former employee will be carried out by an Investigation Panel made up of senior academics with at least one internal expert in the respective discipline(s).
- 7.5 The Research Integrity Investigation Panel must be appointed within 35 working days of the completion of the Preliminary Inquiry Final Report. The panel should conduct the investigation as quickly as possible without

compromising the UL research integrity principles and of this procedure. See indicative timelines in Appendix 2.

- 7.6 During the investigation the Panel must interview the respondent and the complainant unless they fail to cooperate. The role of the panel is to review the relevant available evidence and conclude whether the allegations of misconduct in research are
- Upheld in full
 - Upheld in part or
 - Not upheld
- 7.7 The Chair of the Panel (as nominated by the VPR&SE for staff or the University Advocate for students) should report progress on the investigation to the RIO on a monthly basis on criteria agreed in advance.
- 7.8 In addition to those senior university staff mentioned above, the RIO shall inform the following persons of the formal investigation and progress
- Line Manager/Head of School of the respondent
 - Dean of the Faculty of the respondent as appropriate
 - Head of Research Institute as appropriate
 - Other interested parties as appropriate
- 7.9 In order to comply with the commitment of the National Policy Statement, the Vice President for Academic Affairs and Student Engagement will inform the RIO of the findings and outcomes of any investigation into alleged research misconduct by a student. Any subsequent appeals by the student, are made under the *Handbook of Academic Regulations* regarding collaboration for continuous improvement, and to protect the research integrity framework of the University,.

8 The Research Integrity Investigation Report

- 8.1 In cases where an investigation is initiated under clause 7 of this procedure, the Investigation Panel should provide a copy of the draft report to the RIO. The RIO should forward this report to the complainant and the respondent for comment on the factual accuracy of the report only. Only when the report contains errors of fact and matters that bear on the facts, as indicated by the Respondent and/or Complainant and accepted by the Investigation Panel, should the Chair modify the report. The Chair should judge the validity of such comments and seek agreement of the Panel before making amendments to the Panel's report. The final report is then agreed.
- 8.2 The Investigation Panel should subsequently produce the final report to be sent to the RIO that:
- 8.2.1 Summarizes the conduct of the investigation

- 8.2.2 States whether the allegation is upheld in full or in part (or not upheld)
 - 8.2.3 Gives reasons for their decision and records any differing views among the panel
 - 8.2.4 Addresses any procedural matters that the investigation has brought to light in respect of the university, funding bodies, and/or collaborating partners.
- 8.3 If the Investigation Panel uphold any part of a research misconduct allegation by a member of staff, the RIO, the Head of HR, and a University Vice President should, at that point, decide whether the matter be referred to the Statute 4 disciplinary process. If the matter is referred, the Chair of the Investigation Panel should ensure all the relevant information (i.e. all information collected and brought to light during the investigation) is transferred. If the Investigation Panel determines that actions other than the Disciplinary Process be followed, they may make one of more of the following recommendations outlining who will oversee the implementation :
- 8.3.1 Education, Training and/or Mentoring undertaken by the Respondent and overseen by their Line Manager/Head of Department/Institute Director as agreed.
 - 8.3.2 Review of internal management/training/supervisory procedures for research
 - 8.3.3 Retraction/correction of article(s) in journal(s)
 - 8.3.4 Notifying patients/subjects of any potential medical issues
 - 8.3.5 Notification to other institutions involved in the research
 - 8.3.6 Adding a note to the file for any future requests for references
 - 8.3.7 Withdrawal/repayment of funding or access to facilities
- 8.4 If respondent referred to the Disciplinary Process, the Director HR will initiate the process in line with Statute 4 (Section II 4a (ix) or Section III 2a (vii). On completion of the disciplinary process, the Director HR will inform the RIO of the findings and outcomes of any investigation into alleged research misconduct by member of staff and subsequent appeals taken under Statute No. 4.
- 8.5 It is a requirement that all parties involved maintain confidentiality in so far as is possible, subject to the disclosure requirements of this policy. Information is, however, subject to any limits or disclosure requirements imposed by law, by this procedure or by the Freedom of Information Act 2014 and the Data Protection legislation.

9 Appeals

The University provides for an appeals process in respect of an investigation. This process is outlined in Statute 4 Section IV. An employee may appeal against any decision to take formal disciplinary action (other than dismissal). This appeal will

be made to the person nominated to hear any such appeal in the decision letter to the respondent. Such an appeal is submitted in writing specifying the grounds of appeal within fifteen (15) working days from the date of notification to the employee of the decision to take disciplinary action. The Governing Authority is the final appellate body in respect of dismissals under this Statute. The President may delegate authority to investigate the appeal for any other disciplinary action. The decision made following the appeal process is final.

10 External Notification

- a. In accordance with the National Policy Statement, the RIO will notify relevant parties of research misconduct allegations upheld following an investigation and, where it occurs, an appeal. External parties may include funding bodies and publishers, and any other stakeholders who the RIO, in consultation with the Vice-President Research and Enterprise deems appropriate and Corporate Secretary's Office.
- b. In accordance with the National Policy Statement, the RIO will collate the information record of any investigations, when they occurred, the key findings, and any appeal and subsequently report on the investigations when it occurred.

11 Review

- 11.1 This procedures document will be reviewed as appropriate following consultation from various parties following a three year period of implementation.

Appendix 1: Indicative Timescales for the Process

EU Revised Code of Conduct for Research Integrity (2017):

http://ec.europa.eu/research/participants/data/ref/h2020/other/hi/h2020-ethics_code-of-conduct_en.pdf

Appendix I²

OECD description of types of misconduct by scientists and scholars.

Core “Research misconduct”	Research practice misconduct
<ul style="list-style-type: none"> • Fabrication of data • Falsification of data • Plagiarism <p>FFP normally includes: Selectively excluding data from analysis Misinterpreting data to obtain desired results (including inappropriate use of statistical methods) Doctoring images in publications Producing false data or results under pressure from a sponsor</p>	<p>Using inappropriate (e.g. harmful or dangerous research methods) Poor research design Experimental, analytical, computational errors Violation of human subject protocols Abuse of laboratory animals</p>
Data-related misconduct	Publication related misconduct
<p>Not preserving primary data Bad data management, storage Withholding data from the scientific community NB: the above applies to physical research materials too</p>	<p>Claiming undeserved authorship Denying authorship to contributors Artificially proliferating publications Failure to correct the publication record</p>
Personal misconduct in the research setting	Financial, and other misconduct
<p>Inappropriate personal behaviour, harassment Inadequate mentoring, counselling of students Insensitivity to social or cultural norms</p>	<p>Peer review abuse e.g. non-disclosure of conflict of interest, unfairly holding up a rival’s publication Misrepresenting credential or publication record Misuse of research funds for unauthorised purchases for personal gain Making an unsubstantiated or malicious misconduct allegation</p>

² Reproduced and amended from OECD publication ‘Best practices for ensuring scientific integrity and preventing misconduct.’ <http://www.oecd.org/sti/scienceandtechnologypolicy/40188303.pdf>

Appendix 2

Indicative Timescales for the Investigation Process

Action/Phase	Responsibility	Timeframe (Working Days)
Acknowledgement of allegation from complainant	RIO	Within 5 working days of receipt of allegation
Initiation of Preliminary Inquiry	RIO	Within 15 working days of receipt of allegation
Completion of Preliminary Inquiry	RIO	Within 20 working days of initiation of the process
Informing the Respondent and Complainant of Preliminary Inquiry decision and reasons	RIO	Within 5 working days of completion of Preliminary Inquiry
Informing President, VPR&E and/or VPA&E Panel Investigation	RIO	Within 5 working days of completion of Preliminary Inquiry
Creation of an Investigation Panel if deemed appropriate	RIO with VPR&E, VPR&E as appropriate	
Chair of Investigation Panel nominated	VPA&E or VPR with RIO as appropriate	Within 15 working days of Preliminary Inquiry determination
Investigation Panel Chair convenes Panel	Chair of Investigation	Within 20 working days of chair appointment
Interim Reports of Panel to Rio	Chair of Panel	Monthly
Draft Report to Rio	Chair of Panel	Month before final report
Draft report forwarded to Complainant and Respondent with timeline	RIO/Respondent and Complainant	On receipt of report from Chair with 10 working days to respond on matters of fact
Determination of Final Report based on responses	Panel	Within 10 working days of receipt of comments if any
Filing of an Appeal	Respondent	Within 15 working days
Determination Following Appeal	Chair of Panel	Within 60 days of receipt of appeal

Appendix 3

Staff Appeal Procedure against findings of an Investigation Committee

(For recommendations other than a recommendation to proceed to Disciplinary Process)

1. Notification of Appeal

Upon the conclusion of the Investigation Panel's deliberations, the decision to take action (other than to proceed to the Disciplinary Process) is notified to the respondent including any right of appeal. The University will defer implementation of the proposed action (other than to proceed to disciplinary process), in order to allow the employee an opportunity to appeal the decision in accordance with the procedure outlined herewith.

The respondent may appeal the decision to the person nominated in the decision letter to hear such appeal, provided such appeal is submitted in writing (including grounds of appeal) within ten (10) working days from the date of the decision letter to the respondent.

2. Appointment of Research Integrity Appeals Committee (RIAC)

A three-person committee appointed by the VPR&E will hear an appeal. This is the Research Integrity Appeals Committee (RIAC). Such a committee should include members of Management Council and/or senior academic staff who are not members of the respondent's department or any previous engagement with the case. Members of the committee must be at or above the grade level of the respondent.

3. Access by Appeals Committee

In conducting the appeal, the Appeals Committee will have access to all relevant material relating to the Investigation process.

4. Standards Applicable to Appeal Procedures

The Research Integrity Appeals Committee (RIAC) will determine all matters relating to the process to be adopted in the course of the appeal. The RIAC will impartially conduct the appeal and the employee will be afforded the opportunity of having his or her grounds of appeal fully heard and given due consideration. However, as part of that process, the Appeals Committee will adhere to the following arrangements:

The respondent will be entitled to attend at any appeal hearing and be informed of his/her right to representation by a representative of his or her choice at such hearing. The respondent will notify Research Integrity Appeals Committee in writing of the identity of his/her chosen representative in advance of any meeting between the Appeals Committee and the employee.

The RIAC reserves the right to require the respondent to select an alternative representative, where it considers the employee's chosen representative would imperil the conduct of the meeting.

The RIAC will have the right to invite a person or persons with relevant knowledge of the matter under appeal to speak at any appeal hearing in connection with the employee's grounds of appeal. If the RIAC decides to invite such persons, the employee will have the right to question any such person(s) unless the RIAC decides it is inappropriate to permit this.

5. Recommendation of Appeals Committee

Having heard the appeal, the Chair of the Research Integrity Appeals Committee will convey in a reasoned report to the VPR&E and then to the respondent the recommendation of the Committee stating either that:

- (a) The appeal is upheld; or
- (b) The appeal is not upheld,
- (c) If the appeal is upheld whether any, other action (including sending this forward to the Disciplinary Process) should be taken in substitution for the action which is the subject of the appeal. The decision of the Research Integrity Appeals Committee will be notified to the respondent in writing.

6. Appeals Committee Finding

The decision of the Research Integrity Appeals Committee on this matter is final, save that the respondent may avail of any industrial relations or legal remedy available to him or her.

7. Appeals Committee Finding

If there is no appeal pending against a decision of the Research Integrity Investigation Committee, then in accordance with the time limit laid down, the action(s) imposed will take effect. Where the respondent withdraws the appeal or is, in the opinion of the University, responsible for the discontinuance of the appeal process, the University will implement the action(s) with immediate effect.

Appendix 4

Investigation of Allegations of Research Misconduct by Former Students

Adapted from Sections of the Handbook of Academic Regulations (Chapter Six)

Section 2: The University Advocate

2.2 Once the Research Integrity Officer (RIO) determines there is a case to answer in regards to an allegation of research misconduct by a student/former student, the RIO shall, refer the complaint to the University Advocate who shall:

- (i) Categorise a complaint as a major or minor offence.
- (ii) Refer a minor offence to the Minor Offences Committee.
- (iii) Refer a major offence to the Discipline Committee.
- (iv) Prosecute all cases in the disciplinary process.

2.3 The Advocate may, as part of the initial investigation of an alleged offence, meet with the student(s) concerned. Attendance by the former student(s) at the meeting with the Advocate is voluntary. Prior to deciding whether to attend this meeting, the former students should familiarise themselves with the process followed by the Advocate and the possible outcomes. This information is available at <http://www.ulsites.ul.ie/executive/office-university-advocate>.

2.4 For the avoidance of doubt, nothing in these provisions shall prevent the University Advocate from initiating an investigation and pursuing the disciplinary process as a result of information that has come to his/her attention but that has not been the subject of a direct formal complaint. Formal complaints about allegations of research misconduct by a student come to the University Advocate from the Research Integrity Officer via the VPA&SE.

Section 3: The Minor Offences Committee

3.1 The Minor Offences Committee shall consist of:

- (a) A nominee of the Vice President Academic & Registrar
- (b) A nominee of the UL PG Students' Union (ULSU)

3.2 The Minor Offences Committee shall hear all cases where referred by the University Advocate except as allowed for in 4.12 (b). Handbook of Academic Regulations and Procedures, approved by Academic Council 14.06.17 Page 84

3.3 The Minor Offences Committee shall, within 10 working days of the conclusion of a hearing, send to the Office of the Registrar a written copy of its findings in relation to all cases dealt with and of any penalty imposed.

3.4 The complainant will be notified of the outcome of the hearing. The RIO will be copied on this correspondence.

Section 4: The Discipline Committee

4.1 The Discipline Committee shall deal with all breaches of alleged research misconduct by a student/former student other than those that, pursuant to this Code, shall be dealt with by the Minor Offences Committee.

4.2 The Discipline Committee shall consist of:

- (a) A nominee of the President of the University, who will chair the Committee
- (b) One academic staff member of the University to be nominated by the Academic Council
- (c) The President of PG ULSU or his/her nominee
- (d) A nominee of ULSU

4.3 An alternate member will be chosen for each nominee to the Discipline Committee.

4.4 The administrative support for the work of the Discipline Committee will be provided from the Office of the Registrar.

4.5 The Chairperson of the Discipline Committee shall, in the event of a tied vote in respect of a decision, have a casting vote.

4.6 The Chairperson of the Discipline Committee shall have a good working knowledge of all University Regulations and of this Code of Conduct.

4.7 The Discipline Committee shall be deemed quorate if there are three members present.

4.8 No member of the Discipline Committee may sit as a member of the Minor Offences Committee.

4.9 No member of the Discipline Committee may sit as a member of the Discipline Committee investigating a particular case (the "Case") if he/she is:

- (a) The complainant.
- (b) A person who has consented to testify in the Case.
- (c) A member of the Discipline Committee who, for any other reason, considers that he/she should not take part in the investigation of and decision on the Case. In this instance, the person who considers him/herself disqualified shall so notify the Chairperson of his/her decision.
- (d) A person considered by the Discipline Committee, for some reason relevant to the Case, to be disqualified. If disputed, the decision on this matter shall be made by a majority of the Discipline Committee excluding the person whose disqualification is under consideration.

4.10 In the event that a member of the Discipline Committee withdraws during the course of a hearing, the Discipline Committee shall be entitled in its discretion to continue with the hearing or to convene a rehearing.

4.11 In the event that any of the persons or bodies referred to under 4.2 shall fail, refuse or be unwilling or unable to nominate members, that function shall be exercised by the President of the University.

General Procedure of the Discipline Committee

4.12 The Discipline Committee shall hear complaints that are:

- (a) Major offences, and
- (b) Minor offences where
 - (i) the person charged does not admit responsibility to the Minor Offences Committee, or
 - (ii) the person charged does not consent to the complaint being dealt with by the Minor Offences Committee, or
 - (iii) the Minor Offences Committee is of the opinion that it is not appropriate to deal with the complaint by summary procedure, or
 - (iv) in the opinion of the Minor Offences Committee, the hearing is likely to be complex and/or lengthy. The standard of proof in respect of any matter before the Minor Offences Committee, Discipline Committee or Appeals Committee shall be on the balance of probabilities.

4.13 In all cases under 4.12 (b), the Minor Offences Committee shall notify the Office of the Registrar in writing of the charge(s) against the person charged, such notification to issue within 14 working days from the date on which the Minor Offences Committee received original notification of the complaint in accordance with the procedures contained in the Code of Conduct.

4.14 If it is decided that there is a prima facie case to answer, the person who is the subject of the complaint shall be notified of such by email and by registered post sent to the addresses available to the University or by personal delivery by any employee or agent of the University. The notification will specify each charge and require him/her, on at least 20 working days' notice, to appear before the Discipline Committee.

The notification shall be accompanied by a copy of the Code of Conduct and shall draw particular attention to the right of the person charged to representation, his/her right to submit written evidence and his/her right to call such witnesses in defence as he/she may think fit. The notification will also include the following:

- (a) A statement of the charges against the person charged
- (b) A list of witnesses whom the University Advocate proposes to call
- (c) A list of relevant material (if any). Relevant material for the purpose of this Code means any material that may go before the Discipline Committee and any material in the possession of the Advocate that may assist the defence of the person charged.

4.15 At least five working days prior to the date of the Discipline Committee meeting referred to in 4.14, the person charged may request and the Chairperson of the Discipline Committee may grant a further period of time, not exceeding seven working days, to prepare his/her case.

4.16 The person charged shall have the right to inspect all relevant material, which will normally be available at the Office of the Registrar.

4.17 At any time, the University Advocate may, with the agreement of the Chairperson of the Discipline Committee, cause to be served on the person charged and furnished to the Discipline Committee further evidence or the names of additional witnesses whose names have not

already been supplied to the person charged. The Chairperson shall grant such permission unless satisfied that it would be unfair to the person charged to accede to the University Advocate's request.

4.18 The person charged shall, at least three working days in advance of the hearing, notify the Office of the Registrar in writing of the name(s) and address(es) of the witness(es) he/she proposes to call and supply to the Office of the Registrar a copy of any document(s) and a list of any exhibit(s) that he/she proposes to submit at the hearing.

4.19 The evidence to be offered on behalf of the University at a hearing of the Discipline Committee shall be presented by the University Advocate. Evidence of the witnesses will be presented at the hearing in accordance with the terms of this Code of Conduct.

4.20 The Discipline Committee shall be entitled to have a legal adviser present at any of its meetings.

4.21 A person charged shall be entitled to be accompanied by a person of his/her choosing or to have a legal adviser present.

4.22 If a complainant decides not to pursue a complaint, the University Advocate may nevertheless pursue that complaint to conclusion.

4.23 If the person charged fails to appear before the Discipline Committee on the appointed day without making a valid excuse, the Discipline Committee, if satisfied that such person has had due notice of the hearing of his/her case, may proceed to deal with the case in his/her absence. No inference of culpability shall be drawn from the said person's non-appearance at the hearing of his/her case.

4.24 The Discipline Committee shall conduct all hearings with respect to the principles of natural justice and fair procedures. A person charged may be accompanied by the representative(s) of his/her choice. At the opening of the proceedings, if the complaint is denied in whole or in part by the person charged, the University Advocate shall present the case against him/her first. The person charged may question any witness. The person charged may then present the defending case and he/she may call any witness(s) or produce any document(s) he/she considers necessary to his/her case. The University Advocate may question witnesses called by the person charged. Members of the Discipline Committee may question the person charged and any witnesses called by either party.

4.25 The person charged at no time shall be compelled to give evidence or to answer any questions. If the Discipline Committee considers that the evidence given for the complainant would, in the absence of explanation by the person charged, establish the culpability of the person charged, the Discipline Committee may so inform the person charged and thereafter the Discipline Committee may draw such inference as it considers reasonable from the absence of any such explanation by the person charged.

4.26 In the event of an action carrying with it an immediate threat to life or the safety of any person or property, the Vice President Academic & Registrar or person duly authorised to act in his/her stead may exclude the person who is reasonably suspected of being responsible for such action from access to University facilities or property pending a formal hearing of any complaint made in that regard.

4.27 At any hearing, on the finding that the facts of the complaint have been proved, the person charged shall have the right to address the Discipline Committee before a penalty of any kind is imposed.

4.28 In the case of research misconduct investigation made by the Discipline Committee, a copy of the Discipline Committee's decision and reason(s) for its decision in such form and content as is determined appropriate by the Discipline Committee in the circumstances, together with the penalty (if any) determined, together with the reason(s) for the penalty in such form and content as is determined appropriate by the Discipline Committee in the circumstances, shall be sent within five working days after the hearing.. In the case of a former student, notification is sent by email and by registered post to the address as available to the Committee.

4.29 The RIO and the complainant will be notified of the outcome of the hearing.

4.30 A summary report of the activities of the Minor Offences Committee, Discipline Committee and Appeals Committee, outlining the investigations conducted, conclusions reached and findings and penalties imposed, shall be submitted annually by the Office of the Registrar to the Academic Council. A summary report of activities related to research misconduct by the Minor Offences Committee, Discipline Committee and Appeals Committee, outlining the investigations conducted, conclusions reached and findings and penalties imposed, shall be submitted annually to the RIO.

Section 5: The Appeals Process

5.1 Decisions of the Minor Offences Committee may be appealed by a person deemed culpable of an offence to the Discipline Committee, whose decision on the matter shall be final. Decisions of the Discipline Committee may be appealed by a person deemed culpable of an offence to the Appeals Committee.

5.2 The Appeals Committee shall consist of:

- (a) A nominee of the President of the University, who will chair the Committee
- (b) Two members nominated by the Academic Council
- (c) The President of ULSU or PGSU or his/her nominee as appropriate

In the event that any of the persons or bodies referred to shall fail, refuse or be unable to nominate members, the President of the University will nominate members to the Committee.

5.3 An alternate member will be chosen for each nominee to the Appeals Committee.

5.4 Nominees shall not be members of the Minor Offences Committee or the Discipline Committee.

5.5 The Chairperson of the Appeals Committee shall, in the event of a tied vote in respect of a decision, have a casting vote.

5.6 The Chairperson of the Appeals Committee shall have a good working knowledge of all University regulations and of this Code of Conduct.

5.7 The Appeals Committee shall be deemed quorate if there are three members present.

5.8 Appeals may be made only on the grounds of one or more of the following:

(a) That the conclusions reached by the Minor Offences Committee or the Discipline Committee, as the case may be, were not reasonable or were not supported by the evidence

(b) That the penalty imposed was excessive

(c) That the Minor Offences Committee or the Discipline Committee misinterpreted or misconstrued a provision of the Code of Conduct

5.9 Appeals must be lodged in writing with the Office of the Registrar within seven working days from the date of issue of notification by the relevant Committee of its decision. Appeals must specify the reasons for appeal in accordance with 5.8.

5.10 The Discipline Committee or the Appeals Committee, as the case may be, shall, as soon as possible after receipt of the note of appeal, be furnished with a written report incorporating the facts of the case and the reasons for the decision together with any relevant material that was presented.

5.11 A copy of the report shall be furnished to the Appellant at least three working days before the appeal hearing.

5.12 The Appellant shall be given at least seven working days' written notice of the date and place of the hearing. He/she shall at the same time be furnished with a copy of this Code of Conduct and be informed of his/her right to representation. At least five working days prior to the date of the Appeals Committee hearing, the person charged may request and the Chairperson of the Appeals Committee may grant a further period not exceeding seven working days to prepare his/her case.

5.13 The person charged shall, at least three working days in advance of the hearing, notify the Office of the Registrar in writing of the name(s) and address(es) of the witness(es) he/she proposes to call and supply to the Office of the Registrar a copy of any document(s) and a list of any exhibit(s) that he/she proposes to submit at the hearing.

5.14 In an appeal hearing, the *former student (i.e. respondent) in the Research Misconduct* case shall be first to present his/her case, after which the University Advocate shall be entitled to present his/her case. The respondent shall be entitled to be heard in reply.

5.15 The Discipline Committee or Appeals Committee, as the case may be, shall be entitled to examine such evidence as, in its discretion (and if available), it deems fit, including calling the complainant to be in attendance. Members of the Discipline Committee or Appeals Committee shall be entitled to question the complainant.

5.16 The Discipline Committee or Appeals Committee, as the case may be, shall be entitled to have a legal adviser present at any of its meetings.

5.17 The respondent shall be entitled to be accompanied by a person of his/her choosing or to have a legal adviser present.

5.18 At the conclusion of the appeal hearing, the Discipline Committee or Appeals Committee, as the case may be, shall retire to consider its decision.

5.19 In the case of an appeal against a penalty, the Discipline Committee or Appeals Committee, as the case may be, may uphold, set aside or vary the original penalty. If the offence is a Minor Offence, the revised penalty may exceed the maximum penalties that the Minor Offences Committee is entitled to impose in respect of Minor Offences in accordance with 6.2.

5.20 In the case of an appeal on the grounds specified in 5.8 (a) or (c), the Discipline Committee or Appeals Committee, as the case may be, shall pronounce its decision and proceed as it deems appropriate and may, if it so considers it appropriate, direct a rehearing of the charge. If the Committee affirms the decision of the Minor Offences Committee or Discipline Committee, as the case may be, the decision of the Minor Offences/Discipline Committee stands.

5.21 The reasoned decision of the Appeals Committee shall be announced by the Chairperson in the presence of the parties.

5.22 The Office of the Registrar will confirm in writing the reasoned decision of the Appeals Committee within five working days of the hearing. A copy will be sent to the RIO and the respondent.

5.23 The complainant will be notified of the outcome of the hearing by the RIO.

Section 6: Penalties

6.1 If, after investigation as hereinbefore set out, the Minor Offences Committee or the Discipline Committee, as the case may be, is satisfied that the complaint is well founded, such Committee shall impose the penalty it may deem appropriate. The Committee, instead of or in addition to dealing with the offender in any other way, may order him/her to pay compensation, in whole or in part, to a person who has suffered such loss.

6.2 In the case where the Minor Offences Committee is of the opinion that the offence alleged can be so dealt with, any enquiry necessary or appropriate hereunder and the imposition of any penalty herein prescribed shall be conducted and imposed by the Minor Offences Committee.

6.3 In the case of a monetary penalty, the maximum penalty that the Minor Offences Committee shall be entitled to impose shall be 10% of the annual fee for his/her degree programme. For former students, the maximum penalty shall be 10% of the current rate of the degree programme (or equivalent) they completed.

6.4 The Discipline Committee shall be entitled to impose penalties where, in its view, the gravity of the complaint or offence or the University disciplinary record of the offender shall so warrant. The Committee shall be entitled to impose penalties up to and including revocation of degree award.

6.5 It shall be a major offence for any person to fail to comply with a penalty imposed by the Minor Offences Committee or Discipline Committee, as the case may be, within one month of notification of such penalty or such longer time as the notification may specify.

6.6 The Office of the Registrar is responsible for the administration of penalties. Offenders are required to contact this office in order to receive instructions relating to the discharge of their penalties.

6.7 In cases of a finding of research misconduct by a former student, the committee can censure the student, request specific actions to be taken to rectify the breach. This may include (this list is not exhaustive). The respondent is liable for any expense incurred except for those reserved to the University

- 6.7.1 Education or Training on Research Integrity and/or Ethics
- 6.7.2 University review of internal management/training/supervisory procedures for research
- 6.7.3 Respondent to issue a retraction/correction of article(s) in journal(s) with draft memo agreed with the VPA&SE/RIO as appropriate
- 6.7.4 Notification to other institutions impacted by the research misconduct as appropriate
- 6.7.5 University adding a note to the file for any future requests for references
- 6.7.6 University withdrawal/or denial of access to facilities
- 6.7.7 University admonishment or censure of student up to and including withdrawal of academic award.

6.8 Where a complaint is made to the Minor Offences Committee and the Minor Offences Committee is of the view that the complaint would amount to a minor offence, the Minor Offences Committee shall inform the RIO and the respondent that the said complaint shall be deemed disposed of and no investigation shall be undertaken subject to the maximum penalty that is 10% of the current rate per annum of the academic award (or equivalent) they completed.

Procedure Title	Research Integrity (RI) Procedures for Research Misconduct
Policy Development or Policy Revision	New RI Procedures document
Policy Owner	Research Integrity Officer
Approval Pathway	Academic Council
Approval Date	June 2019
Proposed Effective Date	September 2019
Date of last review (if applicable)	December 2016 (formerly Appendix 1: Research Integrity Policy)
Renewal Date	September 2022