

# UCD Procedure for the Investigation of Misconduct in Research



**Policy owner** UCD Research & Innovation      **Approval date and body** UMT, 16<sup>th</sup> March 2021

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## Policy Statement

1. University College Dublin is committed to the promotion of an environment which maintains the highest standards of integrity in relation to its educational mission and research activity. It is University policy that all those engaged with research in UCD, including all researchers, students, technical, administrative and research support staff:
  - maintain the highest standards of rigour and integrity in all aspects of research; and
  - ensure that research is conducted according to appropriate ethical, legal and professional obligations and standards.
2. UCD commits to:
  - supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice and support for the development of researchers;
  - using transparent, robust and fair processes to deal with allegations of research misconduct should they arise;
  - promoting research integrity and incorporating research integrity into learning, training and mentoring opportunities which support the development of researchers; and
  - working to strengthen the integrity of research and to review progress regularly and openly.

## Purpose

3. This document outlines the procedure to be used to manage allegations of research misconduct within UCD. While allegations of breaches of research integrity are typically driven by complaints, the University reserves the right to take a proactive approach to promote research integrity and to initiate the procedure set out in this document in any case where it considers it appropriate to do so.
4. This procedure should be used in conjunction with:
  - The national Policy Statement on Ensuring Research Integrity in Ireland (published in 2019) as may be amended;
  - The principles laid out in UCD's Research Integrity Policy; and
  - The terms and conditions attaching to relevant research funding provided by a third-party research funder.
5. It is not intended that this procedure should be used as part of a disciplinary process. However, information gathered during an investigation may become relevant to a subsequent disciplinary process in accordance with the University's disciplinary procedure.
6. An allegation of misconduct in research by a student may be investigated through the procedure in this document, and if upheld and if appropriate will be managed through the student disciplinary process. In handling allegations against students, the university is aware of its particular obligations in respect of student supports, and in such instances the Research Integrity Officer, in consultation with the Registrar or nominee, may decide that the allegation would be more appropriately dealt

with directly under the provisions of the Student Code. It is expected that allegations relating to minor research assignments undertaken by students on taught programmes will generally be handled in the first instance under the Student Code, unless the research appears in the published literature, is externally funded or is otherwise of a significance that merits handling through this procedure.

7. Investigations of misconduct in research must maintain the highest standards of integrity, accuracy and fairness. All proceedings must be conducted under the presumption of innocence and carried out with sensitivity. The University will take all necessary steps to protect itself and its researchers from mistaken, frivolous, vexatious and/or malicious allegations.
8. In research, situations might emerge as potential misconduct that are instead the result of either a misunderstanding or a dispute between individuals. It may be possible at the discretion of the Research Integrity Officer to mediate or resolve such differences at the individual or local level and thus to remove the need for formal steps. Options such as internal or external mediation and/or dispute resolution should be explored. The formal procedure should only proceed where mediation and/or dispute resolution have been refused, or where the informal route has not worked, or where it was considered by the Research Integrity Officer to be inappropriate or due to the serious nature of the allegations.

## Definitions

9. **Complainant:** The Complainant is a person making allegations of research misconduct against one or more Respondents. It is also possible that there may be no identifiable Complainant, or that the University is the initiator of the process. If a number of persons come together to make a joint allegation, they shall constitute joint complainants and all references to “Complainant” in this procedure is deemed to refer to the joint complainants.

**Respondent:** The Respondent is a person against whom allegations of research misconduct have been made.

**Research Misconduct:** For the purposes of this document, research misconduct is as defined in the UCD Research Integrity Policy, as based on the Irish Universities’ Association’s (IUA) National Policy Statement on Ensuring Research Integrity in Ireland.

**Research Integrity Officer:** The Research Integrity Officer is the person nominated by the University to receive allegations of research misconduct. The role of the Research Integrity Officer is set out below. The Deputy Research Integrity Officer is the alternative Research Integrity Officer appointed under paragraph 10.

**Review Officer:** The Review Officer is the person appointed by the University to carry out case reviews in accordance with paragraph 59. The Review Officer should not be the President, the Director of Human Resources or the Vice President for Research, Innovation & Impact. In the event of the Review Officer’s absence or in instances of a potential or perceived conflict of interest, another member of staff shall be nominated as an alternative.

## Research Integrity Officer

10. UCD will nominate a senior member of staff as the Research Integrity Officer (RIO). UCD will also nominate a Deputy Research Integrity Officer who shall be another member of staff of a different gender who shall be the nominated alternative to act in the RIO’s absence or in instances of a potential or perceived conflict of interest. UCD will also nominate a senior individual from each of

UCD Human Resources and UCD Research and Innovation who should liaise with the Research Integrity Officer to provide support as necessary.

11. The Research Integrity Officer should be an individual with significant knowledge and experience of research, and should not be the President, the Director of Human Resources or the Vice President for Research, Innovation & Impact. They will report to the President, and will be appointed for a fixed term of office.
12. The Research Integrity Officer will have responsibility for:
  - receiving any allegations of research misconduct;
  - deciding whether the allegations received would, if upheld, fit within the definition of research misconduct as defined in UCD's Research Integrity Policy;
  - initiating and overseeing the procedure for investigating allegations of misconduct in research;
  - maintaining information records in accordance with the data retention requirements set out in paragraphs 65-69 below;
  - ensuring confidentiality of the process within the limits outlined in paragraph 16 below;
  - communicating findings of the relevant panels detailed below and issuing correspondence to both the Complainant and the Respondent;
  - reporting on the investigation to internal contacts and where appropriate, in coordination with the Vice President for Research, Innovation & Impact, to external organisations; and
  - carrying out the other duties conferred on the Research Integrity Officer by UCD's Research Integrity Policy and this Procedure.
13. The Research Integrity Officer shall not personally be appointed to any inquiry or investigation panel, nor seek to influence the findings of said panels.

## **Allegations of Misconduct**

14. Allegations of research misconduct, from within and outside UCD, should be sent to the Research Integrity Officer at the email address [rio@ucd.ie](mailto:rio@ucd.ie).
15. The Complainant must normally make a formal written submission supported by available evidence.
16. All reasonable steps shall be taken to protect the identity of the Complainant. However, the identity of the Complainant may need to be disclosed: (i) for the effective investigation of the complaint; (ii) to prevent serious risk to security, public health, safety or the environment; (iii) for the prevention or prosecution of a crime; (iv) where identification is required by law, or under the University's policies and procedures; (v) where the Respondent is entitled to the information as a matter of legal right or under the University's Statutes or regulations in disciplinary proceedings; or (vi) where it is otherwise in the public interest to do so. This is a non-exhaustive list. Note that the University cannot guarantee full anonymity. This is in line with both applicable law and international best practice in data protection compliance. In the event that the University needs to disclose the identity of the Complainant, the University shall inform the Complainant prior to revealing their identity. In addition to the circumstances set out above, the Complainant may also consent to their identity being revealed.
17. In line with the University's proactive approach to the promotion of a culture of research integrity, when information comes to the attention of the University through a third-party source (e.g. a peer reviewer or online communications) it is at the discretion of the Research Integrity Officer whether or not to initiate a review under this procedure, taking into account the seriousness of the concerns raised, the credibility of the concerns, and the likelihood of confirming the concerns from alternative and credible sources.

18. Allegations of misconduct may arise in a number of situations, including:
- (i) Allegation against a current UCD employee or student relating to research conducted while at UCD.
  - (ii) Allegation against a current UCD employee or student relating to research conducted at another organisation.
  - (iii) Allegation against an individual employed by another organisation engaged in research on behalf of UCD.
  - (iv) Allegation against a former UCD employee or student for research that was conducted while at UCD.
  - (v) Allegation against several individuals collaborating on research across more than one organisation.
19. In situations such as (ii)-(v) above the Research Integrity Officer will liaise with their equivalent Officer at the other relevant organisation(s). The organisations, including UCD, will together determine which of them is best placed to establish any necessary inquiry and/or investigation panels. Ordinarily, this will be the institution where the research was performed. Members of other organisation(s) may be invited to serve on or to observe the panels, and it is expected that each organisation will make every reasonable effort to comply with the requests of the panels, e.g. by providing material and/or data.
20. Allegations which are in any way linked to the Research Integrity Officer or which raise a potential or perceived conflict of interest for the Research Integrity Officer should immediately be referred to the Deputy Research Integrity Officer.
21. It is acknowledged that investigations into research misconduct can be difficult and complex. The Research Integrity Officer is responsible for ensuring every reasonable effort is made to adhere to the timelines set out below, but it is recognised that some investigations may take longer than anticipated.

## **Steps on receipt of an allegation**

### **Stage 1: Initial review by Research Integrity Officer**

22. Upon receipt of any allegations, the Research Integrity Officer should formally acknowledge the allegations received to the Complainant and outline the procedure that will be followed. If there is no specific and identifiable Complainant, or if the allegations are of a public or online forum nature, such acknowledgement may not be appropriate. The Research Integrity Officer shall provide to the Respondent, in writing, full details of the allegations that have been received.
23. The Research Integrity Officer will then carry out an initial review of the allegations, to consider whether the allegations would, if upheld, come within the definition of research misconduct as defined in UCD's Research Integrity Policy. This review will be carried out in a timely manner and the Research Integrity Officer may seek advice from a senior academic(s) in the relevant field. Where the allegation involves a student the Research Integrity Officer should consult with the Registrar or nominee.
- (i) If the allegations are outside the definition of research misconduct, or if for any other reason the Research Integrity Officer believes an alternative university procedure would be more appropriate for handling the allegations, a written communication will be sent to the Complainant where possible, outlining (a) why the allegations will not be investigated using this procedure, and (b) which process (if any) might be appropriate for handling the allegations. The Respondent will also be informed.

- (ii) If the Research Integrity Officer decides that the allegations are mistaken, frivolous, vexatious and/or malicious or insufficiently serious to merit consideration under this policy, the allegations will then be dismissed. This decision will, where possible, be reported to all parties in writing. If necessary, the Research Integrity Officer will take such steps as appropriate to support the reputation of the Respondent, the research project and the research environment.
  - (iii) The Research Integrity Officer may, in cases where they consider it appropriate to do so, engage in or commission such process of informal resolution as may be considered appropriate having regard to the matters at issue, instead of a formal inquiry.
  - (iv) If the allegations are such as to necessitate a formal inquiry, then the procedure shall progress to Stage 2, and the Research Integrity Officer will convene an inquiry panel.
24. If the allegations concern situations that require immediate action to preserve evidence where possible; prevent potential significant harm or risk (including serious reputational risk to the University); or prevent the potential deterioration of relationships or research activities, then the Research Integrity Officer should take appropriate interim steps. The following actions may be taken after careful consideration and consultation with the relevant HR Partner and the relevant line manager (or in consultation with the Dean of Students where the Respondent is a student):
- the Respondent may be temporarily suspended from part or all of their duties. Where the Respondent is an employee, the suspension shall be in accordance with paragraphs 8 and 9 of Statute 28 of the University. In accordance with paragraph 8 of Statute 28, any suspension shall be neutral in nature and not infer any wrongdoing on the part of the suspended employee nor shall it influence or infer any finding of the investigation. Where the Respondent is a student, the suspension shall be in accordance with paragraph 5.5(e) of the Student Discipline Procedure.
  - the Respondent may be temporarily excluded from part or all of UCD's premises and any sites of partner organisations;
  - the Respondent may be temporarily restricted from having contact with certain personnel from UCD or partner organisations.
25. If the allegations concern situations that could lead to serious reputational damage for the University, the Research Integrity Officer may need to advise appropriate 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 advised and to maintain confidentiality.
26. The Research Integrity Officer will (in conjunction with the relevant HR Partner and the Vice President for Research, Innovation & Impact) investigate the contractual status of the Respondent and the contractual details specific to the research project(s). If UCD is not the primary employer of the Respondent, the Research Integrity Officer will inform the primary employer of the allegations. Where the Respondent is a student registered with UCD and with another institution (for example, an Erasmus exchange student), the Research Integrity Officer will inform the other institution of the allegations.
27. UCD may have a contractual obligation to advise the funder(s) and/or collaborator(s) of the research of the allegations. The Research Integrity Officer will liaise with the Vice President for Research, Innovation & Impact with respect to obligations to funder(s) and/or journal(s) or publisher(s) and/or collaborator(s), and shall provide updates to the Vice President for Research, Innovation & Impact when this procedure progresses.
28. A Respondent whose research was funded by a third-party funder shall do all that is necessary to allow the University to comply with the terms and conditions on which the funding was made available. Various third-party funders have different terms and conditions regarding research

integrity procedures, which may include requirements such as adherence to particular timelines; provision of information to the third-party funder, including personal information; and a third-party funder's right to observe and/or audit the University's inquiry and investigation procedures.

29. The nature of the allegations may mean that it is necessary to notify legal or regulatory authorities, which as a consequence might require the organisation to comply with an investigation led by a legal or regulatory body, which may take precedence over this procedure. This procedure may continue in parallel or may have to be suspended and continued later.
30. Where allegations contain behaviour, in addition to questions concerning research misconduct, subject to defined sanctions in UCD's disciplinary process, then the Research Integrity Officer may refer the matter to the Director of Human Resources (in the case of an employee Respondent) or Deputy President and Registrar (in the case of a student Respondent)
31. The Research Integrity Officer should ensure insofar as is possible that all relevant information and evidence are secured so that the inquiry panel and any subsequent investigation panel can have access to them. Copies should also be provided to the Respondent.
32. The above steps should normally be addressed without delay; a guideline would be ten working days from the receipt of the allegation.
33. Based on the allegations and information received by the Research Integrity Officer, they may decide that additional investigations into related but separate issues of misconduct in research need to be instigated.

## **Stage 2: Setting up an Inquiry Panel**

### **2A. Matters to be dealt with by the Research Integrity Officer on setting up an Inquiry Panel**

34. The Research Integrity Officer should inform the Respondent in writing that an inquiry panel is being set up. If the allegations involve more than one Respondent, then they will each be advised individually, with the identity of the other Respondents kept confidential. Notice of the allegations will be given to the Respondent, along with a copy of the procedure to be used to investigate the allegations.
35. The Research Integrity Officer will inform the Respondent's Head of School and HR Partner (or in consultation with the Dean of Students where the Respondent is a student) that allegations have been received and that an inquiry panel will now be set up using this procedure. They should be advised in confidence of the date of receipt of the allegations; the identity of the Respondent; the identity of the Complainant, provided such disclosure is required under paragraph 16 above; and any other details that the Research Integrity Officer deems appropriate.

### **2B. The Inquiry Panel**

36. The role of the inquiry panel is to determine whether, in their reasonable opinion, clearly supported by the evidence, the allegations of research misconduct are sufficiently serious and have sufficient substance to justify the establishment of an investigation panel.
37. Once initiated, the inquiry panel should follow its course irrespective of the Complainant withdrawing the allegations, the Respondent admitting to the allegations or the Complainant or Respondent resigning.

38. Details of the composition and operation of the inquiry panel are set out in Appendix 1.
39. The inquiry panel will operate under formal terms of reference whose general elements are set out in Appendix 2.
40. The inquiry panel should normally aim to complete its work within 20 working days of being convened, or a longer period as the panel deems reasonably appropriate in the circumstances.
41. The inquiry panel shall provide a draft of its determination to the Research Integrity Officer. The Research Integrity Officer shall make a copy of the draft determination available to the Respondent and any party/parties against whom adverse outcomes are contemplated. Such parties may comment on the factual accuracy of the determination before it is finalised. The Research Integrity Officer may also ask the inquiry panel to clarify any of its findings in the draft determination. The determination should only be modified for errors of fact and/or clarification purposes, and be agreed by the panel before amendment. The final determination will include details of all comments received and the panel's responses.
42. The inquiry panel should issue their final determination to the Research Integrity Officer normally within 20 working days of the conclusion of the panel's inquiries, or a longer period as the panel deems reasonably appropriate in the circumstances.
43. If the inquiry panel determines that the allegations are sufficiently serious and have sufficient substance to justify a formal investigation, the Research Integrity Officer will convene an investigation panel and the case will progress to Stage 3 of this procedure.
44. If the inquiry panel determines that the allegations are untrue, unwarranted, not sufficiently serious or not well-founded, or that for any other reason they should not progress any further, the case will not progress to Stage 3. The Research Integrity Officer will thereafter take such steps as they consider appropriate. This will include steps, as appropriate to the seriousness of the allegations, to support the reputation of the Respondent, the research project and the research environment.
45. The Research Integrity Officer shall inform such parties who were previously made aware of the allegations, as they consider appropriate in the circumstances, of the determination of the inquiry panel. The Research Integrity Officer will provide a copy of the final determination to the Respondent and any party/parties against whom potential adverse outcomes may arise.

### **Stage 3: Investigation Panel**

46. The role of the investigation panel is to investigate whether, in their reasonable opinion, clearly supported by the evidence, the allegations are:
  - upheld in full;
  - upheld in part; or
  - not upheld.
47. Once initiated, the investigation panel should follow its course irrespective of the Complainant withdrawing the allegations, the Respondent admitting to the allegations or the Complainant or Respondent resigning.
48. The investigation panel should normally be set up within 30 working days of the Research Integrity Officer's receipt of the final determination of the inquiry panel.
49. Details of the composition and operation of the investigation panel are set out in Appendix 3.

50. The panel will operate under formal terms of reference whose general elements are set out in Appendix 4.
51. This panel will not normally work to a prescribed timetable, but should conduct the investigation as quickly as possible without compromising the principles of the procedure.
52. Should any evidence or allegation of misconduct, connected or unconnected, arise during the formal investigation that suggests other instances of potential misconduct by the Respondent or potential misconduct in research by another person, then the investigation panel should submit these new allegations to the Research Integrity Officer in writing. This submission should be accompanied by supporting evidence and/or details of the alleged misconduct. The Research Integrity Officer shall decide what action, if any, is necessary. Concurrently, the Research Integrity Officer should notify the Respondent of any such developments. Such actions may include, but are not limited to, expansion of the scope as outlined in the terms of reference of the existing investigation panel; the initiation of a new investigation under this procedure; and/or referral to another University policy.
53. The investigation panel shall provide a draft report of its findings to the Research Integrity Officer. The Research Integrity Officer shall make a copy of the draft report available to the Respondent and any party/parties against whom adverse outcomes are contemplated. Such parties may comment on the factual accuracy of the report before it is finalised. The Research Integrity Officer may also ask the investigation panel to clarify any of its findings in the draft report. The report should only be modified for errors of fact and/or clarification purposes, and be agreed by the panel before amendment. The final report will include details of all comments received and the panel's responses.
54. The investigation panel should then produce a final report that:
  - describes the conduct of the investigation;
  - states whether the allegations have been upheld in full or in part or not upheld, and indicates the level of seriousness of any misconduct, giving the reasons for and context of its findings and recording any differing views; and
  - addresses any procedural matters that the investigation has brought to light within UCD and/or relevant partner organisations.
55. The Chair will forward the final report of the investigation panel to the Research Integrity Officer.

#### **Stage 4: Steps on receipt of the final Investigation Panel Report**

56. The Research Integrity Officer will provide a copy of the final report to the Respondent and any party/parties against whom potential adverse outcomes may arise.
57. If all or any part of the allegations are upheld by the investigation panel, the Research Integrity Officer should then decide what actions are necessary, for example that the Respondent undergo training and education; or that publications are corrected or withdrawn and such decision shall be communicated to the Respondent. The Research Integrity Officer may consult internally or externally, retracting all identifying information, before deciding on the appropriate actions. The Research Integrity Officer will also consider whether the matter should be referred to the disciplinary process.
58. The Research Integrity Officer will outline the timeframe for such actions and the process through which their implementation will be monitored.

59. The Respondent may seek a review of the decision of the Research Integrity Officer. The request for a review must be in writing and it must set out the grounds for seeking the review. The request for a review must be submitted to the Review Officer within fourteen (14) days of notification of the decision of the Research Integrity Officer.

The Review Officer will consider the request and the grounds submitted. If the Review Officer requires assistance of a technical or specialist nature, the Review Officer may appoint a suitably qualified person or persons from inside and/or outside UCD and shall adopt such procedures as they may consider appropriate to enable the carrying out of the requested review. If the Respondent raises concerns over those appointed, the Review Officer will record and consider any such concerns and take any actions they consider necessary.

Following consideration of the request for review and the grounds submitted, the following findings are available to the Review Officer:

- Uphold the decision of the Research Integrity Officer;
- Not uphold the decision of the Research Integrity Officer;
- Vary the decision of the Research Integrity Officer;
- If varying or not upholding the decision of the Research Integrity Officer, the Review Officer may require the Respondent to meet specified conditions; and/or
- Make recommendations, either specific to the case or more generally in relation to the process, to the Research Integrity Officer.

The findings of the Review Officer shall be communicated to those parties who have been previously informed of the Research Integrity Officer's decision, with a copy to the Research Integrity Officer.

60. If the matter is referred to the disciplinary process by the Research Integrity Officer under paragraph 57 or following the review procedure set out in paragraph 59, all evidence, information and reports will be transferred to the Director of Human Resources (in the case of an employee Respondent) or Deputy President and Registrar (in the case of a student Respondent).

61. The Research Integrity Officer will inform the following, as appropriate (or as required by contractual obligation), of the finding of the formal investigation:

- all parties who have been previously informed;
- the primary employer of the Respondent (if other than UCD);
- the funders of the research;
- any relevant journal(s) / publisher(s) who are aware of the investigation.

The University may be required to furnish the report(s) of the inquiry panel and/or investigation panel and/or the Review Officer to third-party funders if this is required by a relevant research funding contract.

62. If the allegations have not been upheld by the investigation panel and the Respondent is exonerated, the Research Integrity Officer shall take such steps, as appropriate to the seriousness of the allegations, to support the reputation of the Respondent, the research project and the research environment in consultation with the Respondent.

### **Mistaken, frivolous, vexatious and/or malicious allegations**

63. The Research Integrity Officer, in conjunction with the relevant HR Partner (or with the Dean of Students in cases involving students), should consider actions under the disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations.

64. Those who made allegations in good faith should not be penalised and may need additional support.

## Data Retention

65. The Research Integrity Officer shall maintain appropriate confidential records of all stages of any proceedings under this procedure.

66. The Chairs of the inquiry and investigation panels and the Review Officer shall assume responsibility for keeping accurate records of the activities, deliberation and reporting of their respective panels and pass these records to the Research Integrity Officer for inclusion in the archive of the case upon the completion of the panels' work.

67. The Research Integrity Officer shall maintain all records on file for reporting and auditing purposes in order to meet obligations to the research funder(s) and collaborator(s). Such records may include the personal data of certain researchers, and the University has a legitimate interest and contractual obligations to its funders to retain such data. The Research Integrity Officer is also required to maintain all records for statistical and resourcing purposes.

68. Upon the conclusion of the procedure, at whatever stage, the Research Integrity Officer is responsible for the accurate, timely and confidential transfer of information to any relevant parties, including to UCD HR for any disciplinary procedure.

69. If the University's disciplinary procedure is to be invoked as a result of the findings of this procedure, the report of the investigation panel shall be included as evidence for the disciplinary procedure. In such a case all of the information relating to this procedure shall be transferred to UCD HR for the purposes of the disciplinary procedure.

## Version history

Version	Date	Approving Body	Author
1.0	15 <sup>th</sup> October 2018	RIIG	UCD Research & Innovation
2.0	23 <sup>rd</sup> October 2018	UMT	UCD Research & Innovation
2.1	22 <sup>nd</sup> November 2018	AC (Consultation)	UCD Research & Innovation
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3.2	16 <sup>th</sup> March 2021	UMT	UCD Research & Innovation
3.2	22 <sup>nd</sup> April 2021	Noted by AC	UCD Research & Innovation

## Appendix 1: Operation of the Inquiry Panel

1. The inquiry panel is convened to review and make inquiries into allegations which have been referred to it following initial review by the Research Integrity Officer. The role of the panel is to determine whether, in their reasonable opinion, clearly supported by the evidence, the allegations are sufficiently serious and have sufficient substance to justify the establishment of an investigation panel. The Research Integrity Officer will define the Terms of Reference of the Inquiry Panel in line with the General elements outlined in Appendix 2.
2. Composition
  - a. The panel should normally consist of at least two senior faculty members selected by the Research Integrity Officer.
  - b. The Research Integrity Officer will appoint one member of the panel as the Chair.
  - c. The Research Integrity Officer in selecting panel members should consider:
    - the subject matter of the allegations;
    - any potential conflicts of interest.
  - d. The Research Integrity Officer is responsible for making all reasonable efforts to ensure appropriate gender representation on the Panel, recognising that this may not be possible in all cases due to the difficulty in identifying subject matter experts who are available and willing to participate.
  - e. The Research Integrity Officer should not be part of the panel nor seek to influence the work of the panel.
  - f. If the Respondent and/or the Complainant raise concerns over those chosen to serve on the panel, the Research Integrity Officer will record and consider any such concerns and take any actions they consider necessary.
  - g. Once convened, no further members should be added to the panel unless the membership falls below two. Then the Research Integrity Officer should take steps to recruit additional members or to restart the inquiry process.
3. Duties of members:

Members appointed to the panel shall

  - adhere to the principles contained in the policy;
  - abide by this procedure;
  - work within the terms of reference of the inquiry;
  - declare and manage any conflicts of interest;
  - uphold the University's strategic commitment to Equality, Diversity and Inclusion (EDI) in the conduct of their duties; and
  - maintain confidentiality unless otherwise required by law or by UCD.
4. Panel members will receive a briefing from the Research Integrity Officer, supported by a senior individual from each of UCD Human Resources and UCD Research and Innovation, before commencing their inquiry.

## Appendix 2: General elements of the Terms of Reference of the Inquiry Panel

1. The scope of the inquiry will be clearly articulated within the terms of reference, based on the allegations received.
2. The panel should:
  - review the submission and evidence provided by the Complainant;
  - review the evidence and supporting documentation from the Respondent;
  - review any relevant background information;
  - where possible, interview the Complainant, the Respondent and any other individuals, including expert witnesses, who may provide relevant information or advice. Any such other individuals shall declare any potential conflicts of interest and these will be managed by the panel. The Respondent is entitled to have a representative or work colleague present for any meeting or interview associated with the panel's inquiry. For the avoidance of doubt, if either the Complainant or the Respondent refuses to be interviewed, the inquiry will continue, and the panel shall issue its report on the basis of the information that has been made available to it in the course of its inquiry;
  - maintain a record of evidence sought and received and conclusions reached (this is the responsibility of the Chair);
  - assess the evidence; and
  - normally aim to complete its work within 20 working days.
3. The panel should determine whether, in their reasonable opinion, clearly supported by the evidence, the allegations are sufficiently serious and have sufficient substance to justify the establishment of an investigation panel.
4. The panel should report its conclusion, and the reasons for reaching that conclusion, in a draft determination. The Chair should present this draft determination to the Research Integrity Officer. The Research Integrity Officer shall make a copy of the draft determination available to the Respondent and any party/parties against whom adverse outcomes are contemplated. Such parties may comment on the factual accuracy of the determination before it is finalised. The Research Integrity Officer may also ask the inquiry panel to clarify any of its findings in the draft determination. The determination should only be modified for errors of fact and/or clarification purposes, and be agreed by the panel before amendment. The final determination will include details of all comments received and the panel's responses.
5. Once this is concluded, the Chair should send the final determination to the Research Integrity Officer.
6. Once this is complete, the panel should be disbanded, and members should take no part in any further investigation of the matter unless asked to clarify a point in their written determination at a subsequent part of the investigation.
7. Any queries should be referred to the Research Integrity Officer.

## Appendix 3: Operation of the Investigation Panel

1. The Investigation panel should be convened to investigate allegations which have passed through the inquiry stage and are considered to be sufficiently serious and of sufficient substance to justify a formal investigation. The Research Integrity Officer will define the Terms of Reference of the Investigation Panel in line with the General elements outlined in Appendix 4.
2. Composition
  - a. The panel should consist of at least three (always an uneven number) members selected by the Research Integrity Officer from those with relevant skills and experience to serve on such a panel. Members of the investigation panel must not have been members of the foregoing inquiry panel of the case at hand.
  - b. The Research Integrity Officer will appoint one member of the panel as the Chair.
  - c. The Research Integrity Officer in selecting panel members should consider:
    - the subject matter of the allegations; and
    - any potential conflicts of interest.
  - d. The Research Integrity Officer is responsible for making all reasonable efforts to ensure appropriate gender representation on the Panel, recognising that this may not be possible in all cases due to the difficulty in identifying subject matter experts who are available and willing to participate.
  - e. One or more members should be from outside UCD.
  - f. At least two members of the panel should have experience in the area of research in which the alleged misconduct has taken place, although they should not normally be members of the School concerned. Where allegations concern highly specialised research knowledge, the panel should have at least one member with specialised knowledge of the field.
  - g. The Research Integrity Officer may consult national and international registers of advisers, as available, when nominating members.
  - h. The Research Integrity Officer should not be part of the panel nor seek to influence the work of the panel.
  - i. If the Respondent and/or the Complainant raise concerns over those chosen to serve on the panel, the Research Integrity Officer will record and consider these concerns and take any actions they consider necessary.
  - j. Once convened, no further members should be added to the panel unless the membership falls below three. Then the Research Integrity Officer should take steps to recruit additional members or to restart the formal investigation process.
3. Duties of members:

Members appointed to the panel shall

  - adhere to the principles contained in the policy;
  - abide by this procedure;
  - work within the terms of reference of the investigation;
  - declare and manage any conflicts of interest;
  - uphold the University's strategic commitment to EDI in the conduct of their duties; and
  - maintain confidentiality unless otherwise required by law or by UCD
4. Panel members will receive a briefing from the Research Integrity Officer, supported by a senior individual from each of UCD Human Resources and UCD Research and Innovation, before commencing their Investigation.

## Appendix 4: General elements of the Terms of Reference of the Investigation Panel

1. The scope of the investigation will be clearly articulated within the terms of reference. In consultation with the Research Integrity Officer, the panel may expand the scope if evidence justifies it.
2. The panel should:
  - receive all relevant information from the inquiry panel as background for the investigation;
  - set a target date for the completion of the investigation as quickly as possible without compromising the principles of the procedure;
  - maintain a record of evidence sought and received and conclusions reached;
  - assess the evidence;
  - where possible, hear the Complainant, and any other individuals that the panel feels are relevant. Any such other individuals shall declare any potential conflicts of interest and these will be managed by the panel;
  - where possible, hold a formal hearing to hear the Respondent's response to the allegations made. The Respondent is entitled to have a representative or work colleague present for any meeting, interview or hearing associated with the panel's investigation. For the avoidance of doubt, if either the Complainant or the Respondent refuses to attend a formal hearing, the investigation will continue, and the panel shall issue its report on the basis of the information that has been made available to it in the course of its investigation;
  - call expert witnesses to give advice if necessary. Any such expert witnesses shall declare any potential conflicts of interest and these will be managed by the panel;
  - consider the allegations of misconduct in research and reach a conclusion on the allegations based on their reasonable opinion, clearly supported by the evidence;
  - report any further distinct instances of misconduct in research by the Respondent to the Research Integrity Officer in writing along with supporting evidence; and
  - aim to reach a unanimous decision, failing which a majority decision will be acceptable.
3. The Chair should:
  - maintain a record of all proceedings;
  - report on progress in writing to the Research Integrity Officer during the investigation on a biweekly basis if the investigation will last one month or less, or monthly if the investigation is expected to last longer than one month; and
  - provide a draft report to the Research Integrity Officer. The Research Integrity Officer shall make a copy of the draft report available to the Respondent and any party/parties against whom potential adverse outcomes are contemplated. Such parties may comment on the factual accuracy of the report before it is finalised. The Research Integrity Officer may also ask the investigation panel to clarify any of its findings in the draft report. The report should only be modified for errors of fact and/or clarification purposes, and be agreed by the panel before amendment. The final report will include details of all comments received and the panel's responses.
4. The panel should then produce a final report that:
  - describes the conduct of the investigation;
  - states whether the allegations have been upheld in full or in part or not upheld, and indicates the level of seriousness of any breach, giving the reasons for and context of its findings and recording any differing views; and
  - addresses any procedural matters that the investigation has brought to light within UCD and relevant partner organisations.
5. Once this is concluded, the Chair should send the final report to the Research Integrity Officer.
6. The panel should then be disbanded.