

Procedure for investigating allegations of scientific misconduct

1.0 Purpose

This procedure details how the Economic and Social Research Institute will investigate allegations of scientific misconduct made against staff.

The aim of the procedure is to ensure that the stages of the investigation are carried out in a structured, fair and timely manner and that the Committees are properly constituted.

2.0 Employees Covered

This procedure applies to all staff employed at the Institute and also to individuals on honorary appointments and on secondment to the Institute. However, the employing organisation will be responsible for any formal disciplinary action that may result.

3.0 Definition of Scientific Misconduct

Although not a comprehensive or precise definition, scientific misconduct can be recognised to cover at least two broad categories. The first involves fabrication or falsification of research results; and the second arises where there is plagiarism, misquoting or misappropriation of the work of others.

It also includes, for example, breach of trust (e.g. dishonesty towards research colleagues or subjects about the purpose, methods and intended/possible uses of research, and any risks involved); breach of impartiality towards research subjects; breach of confidentiality (re information supplied by research subjects and anonymity of respondents); the unethical use of material provided in a privileged way for review or assessment.

Colluding in, or concealing, the misconduct of others is, in itself, misconduct.

It does not include honest errors or differences in the execution, interpretation, or judgement in evaluating research methods or results; or poor research unless this encompasses the intention to deceive.

4.0 Stages of Investigation

4.1 Initial Complaint

The HR Manager has specific responsibility for receiving any complaint of scientific misconduct. It should be noted that complaints may come from staff within the Institute or from outside parties, and all will be investigated.

After receiving the complaint, the role of the HR Manager will be to immediately consider the complaint to determine whether it falls within the scope of the procedure. If so, the HR Manager will inform the Director and set

up the independent committees as detailed below, ensure that the procedure is properly conducted at each stage and ensure that the assessment/investigation are carried out within reasonable timescales.

It is the responsibility of the members appointed to the Committees to inform the HR Manager at the outset if their involvement will cause any conflict of interest with the respondent(s) or the case in question.

The HR Manager will notify the respondent(s) of the proposed Committee members at each stage. If the respondent(s) submits written objection to any of the persons appointed the HR Manager may decide to replace the member(s). If the HR Manager does not replace the member(s), the reasons for the objection and its over-ruling shall be part of the investigation report.

4.2 Assessment Committee

The initial stage will involve the HR Manager in setting up a small, independent committee (the Assessment Committee) to assess the evidence. The purpose of the assessment is to determine fairly rapidly whether there is, prima facie, a case to answer not to reach a final conclusion as to whether misconduct has occurred or who was responsible.

The Assessment Committee should therefore specifically limit its scope to that of evaluating the facts only to determine whether there is sufficient evidence of scientific misconduct to warrant further investigation.

The Assessment Committee will usually be headed by the Head of the Division who will be assisted by two recognised, independent experts in the field (e.g. senior researchers), none of whom shall have any conflict of interest in the case. However the HR Manager reserves the right to appoint experts who are external to the Institute if this is considered appropriate and necessary.

If the complaint is against the Head of the Division, the Director shall then act as Chair. If the complaint is against the Director, the Council of the Institute will appoint one of its members to act as Chair.

The respondent will have an opportunity to make a response to the allegation at this stage if s/he so wishes.

The Chair of the Assessment Committee will decide whether or not there appears to be a case to answer and submit a written report to the HR Manager. The report will include a recommendation as to whether or not a full investigation is warranted.

If the Chair recommends that a full investigation is not warranted, the HR Manager will submit the written report to the Director or other senior manager. The Assessment Committee Chair's recommendation will be final.

Following this decision, the Chair will issue a formal written notification to advise the respondent(s) of the outcome and explain how the decision was reached.

If there does appear to be case to answer, the HR Manager will set up an Investigation Committee who will be responsible for undertaking a significant investigation.

4.3 Investigation Committee

The Investigation Committee will usually be headed by the Assessment Committee Chair who will be assisted by two other recognised, independent experts in the field, who may also have been part of the Assessment Committee. However, the HR Manager reserves the right to appoint experts who are external to the Institute if this is considered appropriate and necessary.

Under the direction of the Chair, the Committee members will undertake the significant enquiry, examine and evaluate all relevant facts to determine whether scientific misconduct has been committed, and if so, the employee(s) responsible and the seriousness of the misconduct.

During this stage the respondent(s) will be interviewed and allowed the opportunity to respond to the allegation(s). The respondent(s) will have the opportunity to be accompanied by a recognised Trade Union representative or work colleague if they wish.

Whenever possible, interviews will also be conducted with all individuals involved in making the allegation(s) and other individuals who might have information regarding key aspects of the allegation(s). The respondent(s) shall also have the right to request that their own witnesses (which may include external experts) are interviewed as part of the investigation.

In addition, a thorough and rigorous investigation of the documentary evidence will be undertaken.

At the end of the investigation, the Chair of the Investigation Committee will be required to submit a written report to the HR Manager. The report will state how the investigation was conducted, describe how and from whom information was obtained relevant to the investigation, state whether scientific misconduct has or has not been committed and, if so, by whom, and explain the basis for these findings.

The Chair will also decide and notify the HR Manager on whether or not action should be taken under the Institute's Disciplinary Procedure and at what level of seriousness it should be treated.

The Chair should also notify the appropriate director or officer of the funding body, if applicable.

If the Chair recommends that a case does not exist for action under the Institute's Disciplinary Procedure, the HR Manager will submit the written report to the Director or other appointed senior manager. The Investigation Committee Chair's recommendation will be final.

Following this decision, the Chair will issue a formal written notification to advise the respondent(s) of the outcome and explain how the decision was reached.

If the Investigation Committee Chair decides that action should be taken under the Institute's Disciplinary Procedure, the matter will proceed to a Formal Disciplinary Interview, with a Manager appointed under the Institute's Disciplinary procedure, taking account of who has already been directly involved in the case.