



**RCSI PROCEDURE FOR THE INVESTIGATION OF MISCONDUCT IN  
RESEARCH**

**Royal College of Surgeons in Ireland**

**Approved by SMT**

## PROCEDURE FOR HANDLING AN ALLEGATION OF RESEARCH MISCONDUCT IN RCSI.

### Step 1 – Notification of Alleged Research Misconduct

Concerns regarding apparent research misconduct should be addressed in writing to the Research Integrity Officer ([rio@rcsi.ie](mailto:rio@rcsi.ie)). He/she will consider the information provided by the Complainant and, in his/her sole discretion, decide whether

(a) the information contained in such notification is susceptible to a satisfactory resolution through informal channels,

or

(b) warrants further investigation by an Expert Panel to establish whether there is *prima facie* evidence of research misconduct.

In either case the Respondent will be notified by the Research Integrity Officer of details of the complaint.

If the Research Integrity Officer is satisfied that the complaint indicates **insufficient** *prima facie* evidence of research misconduct, he/she will inform the person under investigation promptly and no further action will be taken. He/she will also inform the Claimant and set out the reason(s) for this decision.

If the complaint warrants further investigation by an Expert Panel an investigation will be conducted in order to establish the evidence. All students and employees of RCSI are required to fully and honestly cooperate with the investigation and failure to do so could result in disciplinary action.

### Step 2 - Investigation by an Expert Panel

If the Research Integrity Officer considers that there is *prima facie* evidence of research misconduct, he/she will write to the Respondent to inform them of the complaint outlining the reason(s) for his/her decision to convene a formal hearing before an Expert Panel to

adjudicate upon whether research misconduct has been committed. The Research Integrity Officer will inform the Director of HR of the process at this point.

In consultation with HR, the Research Integrity Officer shall appoint 3-5 people deemed appropriate from within, and if necessary external to, RCSI to the Expert Panel having due regard to the subject matter of the investigation, and will appoint one member as the Chair. This person will be responsible for the overall investigation, for gathering the necessary information about the allegation and preparing a report to be considered by the Expert Panel. Once the composition of the Expert Panel has been confirmed, the Chair of the Expert Panel shall write to the Respondent apprising him/her of the members of the Expert Panel, the date of the hearing and the venue and provide a copy of all the material to be considered by the Expert Panel to the person under investigation. The Respondent will be told that their Mentor or another appropriate individual of their choice can accompany them at the hearing. The Respondent will also be advised that the Chair of the Expert Panel is gathering evidence for submission to the Expert Panel and will be invited to submit any observations he/she wishes to make to the Chair of the Expert Panel. The report of the Chair of the Expert Panel and any observations made will then be considered by the Expert Panel.

If the Respondent has any objection to any of the persons identified sitting on the Expert Panel, he/she must notify the Chair of the Expert Panel in writing promptly of such objection and explain the reasons for such objection. The Chair of the Expert Panel shall have discretion whether to accede to the objection and in consultation with the Research Integrity Officer appoint a different Expert Panel member.

At the hearing, the Chair of the Expert Panel shall present the evidence gathered in his/her report to the Expert Panel and answer any questions in connection with this report. The Expert Panel shall issue its written decision as soon as is practicable with the intention to issue no later than seven (7) days from the date of the hearing. The Chair of the Expert Panel, in consultation with the Members of the Expert Panel, has absolute discretion with regard to the findings the Expert Panel may make.

The Expert Panel shall be entitled to draw an inference against the person being investigated where it is satisfied that he/she has failed to cooperate meaningfully with the investigation and/or the hearing.

Generally, the findings of an Expert Panel are as follows:

- (a) Serious research misconduct with intent
- (b) Serious research misconduct through carelessness and/or negligence
- (c) Research Misconduct unbecoming of a competent and ethical research scientist
- (d) No Research Misconduct

In the event of (a), (b) or (c) the Director of HR will be informed and will determine the appropriate disciplinary action that should be taken against the person under investigation as per RCSI's HR disciplinary processes. Such measures may lead to suspension on full pay. The Senior Management Team shall also be informed of the Expert Panel findings. A remediation process will be undertaken by SMT, HR and the RIO and relevant external stakeholders e.g. funding agencies, publisher etc. will be informed.

### **Step 3. Right of Appeal.**

In the event of an adverse decision, the Respondent shall have the right of appeal to a different panel called the Appeals Board. Members of the Appeals Board shall be appointed by the Chair of the Medicine & Health Sciences Board and shall be comprised of three (3) members to include an external member. The Appeals Board will review all of the oral and documentary evidence which was before the Expert Panel together with the decision of the Expert Panel and the submissions made and decide whether the finding(s) made by the Expert Panel was/were reasonable.

This appeal must be submitted in writing within seven (7) days of the date of the Expert Panel's decision and comprehensively set out the basis for the appeal.

The outcome of the appeal shall be issued as soon as is practicable with the intention to issue no later than seven (7) days from the date of consideration of the appeal.

If the Expert Panel's decision is upheld on appeal, the Senior Management Team will be informed and the matter will then be remitted for further consideration with regard to sanction; in the case of an RCSI staff member to the Director of Human Resources and to the relevant Head of School in the case of an RCSI Student. A remediation process will be undertaken by SMT, HR and the RIO and relevant external stakeholders e.g. funding agencies, publisher etc. will be informed.

## DEFINITIONS

### ***Respondent***

The Respondent is the person against whom allegations of misconduct in research have been made.

### ***Complainant***

The Complainant is a person making allegations of misconduct of research against one or more Respondents.

### ***Research Misconduct***

Research misconduct is as defined within the *RCSI Code of Research Conduct*. While Fabrication, Falsification, and Plagiarism represent the most serious examples of misconduct, there are other unacceptable practices listed within the Code.

### ***Research Integrity Officer***

The Research Integrity Officer (RIO) is the person nominated by RCSI to receive allegations of misconduct in research<sup>1</sup>.

<sup>1</sup> Details of the role of the Research Integrity Officer role are outlined the *RCSI Code of Research Conduct*, Appendix A. Importantly while the RIO will initiate, supervise and coordinate the investigation procedure, they shall not personally participate in any investigation panels nor seek to influence the work or findings of said panels.

<sup>2</sup> A conflict of interest exists if the person has any vested interests in relation to the allegation upon which s/he is asked to give advice or is in any other situation that compromises their ability to carry out their work impartially.