

# Addressing irregular behaviour in research activity

Research ethics resources kit

November 2012



Universitat Oberta  
de Catalunya

## Addressing irregular behaviour in research activity

An academic negligence or misconduct related with any aspect of the research activity implies a failure to abide by the requirements of the Code of Good Practice.

This can include the following instances:

- a. fabrication or misrepresentation of research data or results;
- b. plagiarism, non-citation or misappropriation of other people's ideas, work or data;
- c. non-disclosure of conflicts of interest or cases where the existence of a conflict of interest could be reasonably perceived.

A conflict of interest may arise when the researcher has a real, potential or perceived opportunity to put his or her own interests, or those of any other person or organization, before the interests of the institution or other parties, such as:

- when the research is sponsored by a related body;
- when the researcher or the related body may benefit, directly or indirectly, from any inappropriate dissemination of the research results (including delays or restrictions in the publication of these results);
- when the researcher or the related body may benefit, directly or indirectly, from use of the University's resources;
- when private benefits or significant personal or professional advantages depend on the results of the research.

Obviously, errors or misunderstandings arising from honest practice are not considered ethical misconduct.

It is often possible to reconcile scientific conflicts or irregular situations with the help of procedures that have been defined *ex professo* by many scientific communities. Many institutions working in the field of research, and also scientific publishers, have policies and procedures in place for managing these conflicts. The conflict typologies and possible solutions are very diverse: from a researcher who tells the editor that he is not qualified to review an article to legal action to protect research staff or the participants in a research project or the institution itself.

### Procedures for addressing irregularities occurring in research activity

The research staff employed in a research project will be protected against dismissal and victimization. This measure will guarantee protection for people who wish to report irregularities or negligence within the framework of a research activity. Any person making any allegation following this procedure will be treated seriously and with respect. If confidentiality is required, this must be given insofar as this is possible, as befits a fair investigation and, if applicable, an adequate disciplinary action. At the same time, anyone who misuses the allegation process or makes repeated unfounded allegations may be subject to disciplinary action.

The responsibility for managing a conflict of interest lies, first of all, with the people who are directly involved.

Trainee research staff can seek, as a first step, the mediation of the tutor; and in the case of teaching and research staff, that of the Office of the Vice President for Research.

If it should be wished to take the matter to the Ethics Board for arbitration, a detailed formal statement of the conflict of interest or ethical misconduct must be written and submitted to the Board. If any member of this Board is implicated in any way in the allegation, the Office of the Vice President for Research may appoint a substitute to act in his or her place in resolving the conflict.

The Ethics Board receives the statement and addresses the conflict through statements of objections and disclaimers provided by all the parties involved. Resolution of the conflict must be documented so that the parties involved can receive in writing the actions that they are expected to carry out. It is the research staff's responsibility to abide by the procedure agreed, and the Ethics Board must ensure that steps have been taken in accordance with the decision made.

#### a) Preliminary review

If the Ethics Board considers that a preliminary investigation must be made with respect to a statement received or receives allegations against a decision that has been made, it will form a specific committee (Preliminary Assessment Committee) whose members will be an associate professor from the faculty that has referred the conflict but who is not directly involved in it; an associate professor from another faculty; and a member of the Executive Management Committee. People who may be required subsequently to make a final decision on the matter or any person for whom it may suppose a conflict of interest may not take part in any part of this investigation.

The Preliminary Assessment Committee will be responsible for determining whether there is any evidence of negligence or misconduct.

This group will investigate, gather information and draft a brief report for the Ethics Board. It is expected that the investigation will include an interview with the person who has submitted the allegation and with the other people involved, and also an examination of the evidence. This initial review must be completed in 30 calendar days.

If the Ethics Board confirms that there are no grounds for the allegation, the matter will be closed and only a record of the decision regarding the allegation will be kept in the personal file held at Personnel, without it having any further consequences.

If the Preliminary Assessment Committee determines that there is in fact a case to answer, the Ethics Board will commence a formal investigation and will report on it to the UOC's *Síndic de Greuges*.

#### b) Formal investigation

If the preliminary investigation considers that the allegation is justified or it is wished to appeal against the decision made by the Preliminary Assessment Committee, the Ethics Board will form an Assessment Committee consisting of one member of the Executive Management Committee and two people having the appropriate profile both for the field of knowledge in question and the nature of the conflict, whose purpose will be to examine the evidence and issue a judgement. This Assessment Committee will provide a brief written report and the Ethics Board will then make its final decision.

If the formal investigation concludes that the allegation has no grounds, the matter will be closed. However, if the formal investigation concludes that there has been malpractice, the Ethics Board will apply Chapter 8 of the FUOC's Collective Agreement and will notify the agreed decision to the managers of the related faculty/area/centre, to Personnel, to the UOC's *Síndic de Greuges* and to the Office of the President so as to move the disciplinary procedure forward.

The person reporting the malpractice must be informed of the investigation's general findings and the consequences they will have but, under no circumstances, is entitled to receive a copy of any of the confidential reports issued during the preliminary review or the formal investigation. The person or group who is the target

of the allegations will be informed of the final result of the formal investigation and will receive a copy of the reports if any disciplinary action has to be undertaken.

The Office of the President will notify the final decision regarding the conflict to the persons concerned. It may delegate this function to the Office of the Vice President for Research and Innovation.

The Office of the Vice President for Research and Innovation will submit a written report to the Executive Management Committee, describing the measures taken and the outcome of the investigation performed of the allegation made.

The Office of the Vice President will ensure that the measures decided to settle the conflict are implemented.