

## **PROCEDURE FOR INVESTIGATING PRESUMED BREACHES IN RESEARCH INTEGRITY**

(Approved by het Executive Board of 01 September 2023)

### **AIM**

This document describes the Procedure for investigating breaches of research integrity. By following this Procedure, an investigation committee of the commission for research integrity assesses whether or not there has been a violation of the “European Code of Conduct for Research Integrity ([ALLEA Code](#)), leading international codes endorsed by UGent and/or against the guidelines applicable at UGent that are related to research integrity. After its final decision, the investigation committee does not impose any disciplinary measures, but reports to the rector of UGent. This final report contains a clear position with regard to the occurrence of a breach of research integrity. It indicates the gradation of the seriousness in case of an infringement and, if necessary, makes a (number of) suggestion(s) for possible appropriate remediation and follow-up of the file.

### **DEFINITIONS**

Actor	Any person who plays a role in the handling of the file according to the Procedure (CRI members, Expert, (vice)rector, .... ).
Assistance provider	Person appointed by the involved person who provides support during the Procedure. The assistance provider cannot take any actions himself (eg intervene, etc) and is bound by the same regulatory conditions as the involved person. Each involved person can only designate one person per procedure and informs the investigation committee at the start of the Procedure.
Col	Conflict of Interest
CRI	Committee for Research Integrity, as defined in Rules and Regulation ( <a href="#">REG000096</a> ).
Expert	Skilled in a specific field, appointed by the investigation committee for advice with regard to the case under investigation. This person may remain anonymous for all parties.
Investigation committee	Investigation Committee, as defined in Rules and Regulations ( <a href="#">REG000096</a> ), appointed to investigate the Notification.

Involved person	Person involved in the investigation as presumed impaired or presumed perpetrator.
Party	Persons directly involved in the Procedure, the Reporter, the presumed perpetrator, witness, Assistant provider,...
Perpetrator	Person who committed the presumed breach of research integrity.
Personal Col	Spouse, legal partner or living together with an involved person; Blood-related or second grade relationship, belonging to the same research group or being an intimist of an involved person ( <a href="#">REG000107</a> ).
Potential Col	Interests or commitments or positions of an Actor that may interfere with the objective of impartial decision-making on the dossier and thus represent a risk of conflict of interest.
Professional Col	If one is or has been in a supervisory position vis-à-vis an involved person, cooperated or cooperates in academic assignments of an involved person, belongs to the same research group for the past 3 years.
Procedure	The currently applicable UGent procedure for the investigation of violations of research integrity, this document ( <a href="#">REG000095</a> ).
Researcher	Everyone who makes a scientific contribution to a research project.
Reporter	The person, persons or institution notifying the presumed RI breach.
Rules and Regulations	The currently applicable UGent document ( <a href="#">REG000096</a> ).
RI	Research Integrity
Third party	(In)directly involved in the Procedure, who cannot be regarded as a primary involved party ( eg fellow scientists, press,...).
University management	Board of directors and all bodies to which the board of directors has delegated powers.
VCWI	Vlaamse commissie voor wetenschappelijke integriteit (Flemish commission for RI <a href="https://vcwi.be/nl/vlaamse-commissie-voor-wetenschappelijke-integriteit">https://vcwi.be/nl/vlaamse-commissie-voor-wetenschappelijke-integriteit</a> ).

## SCOPE OF APPLICATION

This Procedure applies to researchers or education providers and their supporters who are or were affiliated with UGent, and to their research activities that take place or took place at UGent. In the case of research carried out at another institution or on behalf of another institution but by a researcher affiliated with UGent, now or at the time of the research, UGent can either, in agreement with the other institution, or itself, initiate an investigation to any violation. This is also the case for a Researcher or education provider affiliated with another institution whose research/education was carried out at UGent. If an investigation has already taken place at another institution and if there are no new facts or evidence, the CRI will not start a new investigation.

The scope is limited to the aspects of research integrity as described in the “European Code of Conduct for Scientific Integrity” and/or the guidelines that apply within UGent and are related to research integrity.

This Procedure does not apply to violations/matters that do not constitute a violation of research integrity and for which other organizations, committees or persons within UGent have specific authority, such as faculty committees, ombudspersons, doctoral advisory committees, and the bodies charged with the prevention of psychosocial risks at work or in student / staff relationships (Trustpunt / external prevention service).

In the event that other organizations are involved as funding agency, sponsor or collaborating partner, the investigation committee will make written agreements prior to the start of the Procedure to enable cooperation towards a swift handling of the file. The provisions regarding the safeguarding of confidentiality and the rights of defense as formulated in this Procedure remain guaranteed within this cooperation. For information about the actual agreements with external partner institutions, the Involved persons can always contact the CRI chair.

## **RESPONSIBILITIES**

### **Independence**

The investigation committee has an independent and autonomous position with regard to the university management and conducts its investigation in all objectivity.

### **Conflicts of interest**

Upon a Notification of a presumed violation of RI, the secretary checks whether there are any Professional Conflicts of Interest among the Actors within this Procedure. All Actors must declare a Personal or Potential conflict of interest in writing. This must be done as soon as possible after they are informed of the Notification. Personal and Professional conflicts of interest automatically result in exclusion from the investigation committee. In the event of Potential conflicts of interest, the chair will decide whether or not the Actor is prevented from attending. If necessary, the chair appoints a new member.

When the chair or the secretary themselves identify a Potential conflict of interest that does not automatically lead to exclusion, the investigation committee decides whether or not it is hindering. In the event of an obstructing Col, the duties of chair or secretary will immediately be taken over by the appointed deputies.

In case of hindering Col, the rector is replaced by the vice rector.

### **Confidentiality**

The Procedure is confidential, the privacy of all Parties is protected to the maximum in accordance with the GDPR and the Generic code of conduct for the processing of personal data and confidential information at UGent ([REG000155](#)).

#### Confidentiality during the Procedure:

The inquiry by the investigation committee is conducted in complete confidentiality.

The Parties and Actors are expected to respect the confidentiality provisions. The Parties and Actors do not confirm ongoing investigations, nor make statements regarding the content of files and the progress of the Procedure. All information regarding the Notification, distributed to the Parties and Actors throughout the Procedure, whether written or oral, remains confidential. If the Involved persons seek advice from Assistance providers during the

Procedure, they shall be responsible for maintaining confidentiality by such Assistance providers. Exceptions to the confidentiality provisions must be requested and approved by the CRI chair. Any form of communication is only due to the rector and always after consultation with the CRI chair.

#### Confidentiality after the Procedure:

Communication in any form whatsoever remains with the rector, unless a mandate is given. After the Procedure has ended, the CRI expects a serene attitude from all Parties and Actors with regard to statements about the course of the investigation and its results.

#### **Opposition**

All documents provided by Involved persons during the Procedure for the information of the Investigation committee are shared with all Involved persons, respecting anonymity if required, in order to guarantee the impartiality of the investigation.

### **COURSE OF THE PROCEDURE**

All communications are electronic unless unfeasible or a Party explicitly requests paper records.

Every person acting within the Procedure is assumed to have taken note of the Procedure and the Rules and Regulation of the CRI. Both are communicated to all parties at the beginning of the Procedure.

The chair, possibly in consultation with the members of the Investigation committee, can at any time during the Procedure with regard to all Parties involved propose to the rector to take provisional measures to prevent further risk for the Involved persons, the institution, Third Party, animals, equipment and/or the environment, or when suspected criminal offenses are identified. These measures do not constitute a judgment on the merits of the case. The rector can, on the advice of the members of the investigation committee, adjust this decision at any time during the Procedure, if it is believed that there has been a change in any risk. In this case, confidentiality is dismissed and the information must be immediately passed on to the authorized persons and/or authorities via the Rector.

#### **Phase 1: Notification**

All UGent researchers are encouraged to report any (presumed) breach of research integrity to the CRI.

Anyone who has questions about the CRI Procedure can obtain information from the secretary of the CRI without immediately having to make a formal complaint. This is done by e-mail: [CWI@UGent.be](mailto:CWI@UGent.be) or by post: Research Integrity Committee, functional domain Research, Ghent university, Sint-Pietersnieuwstraat 25, 9000 Ghent.

A Reporter can remain anonymous at their own request. The choice for anonymity must be justified (e.g. in the case of a hierarchical relationship with an (other) presumed Perpetrator). In this case, the identity is only known to the secretary, chair (at the time of the notification) and later also by the rector (at the time of the final report). The investigation committee conducts the investigation, based on the anonymized data contained in the file.

An investigation committee or the CRI can always initiate a Procedure itself, with or without a specific Notification, if it encounters an (additional) breach of research integrity in the context of its activities.

### Flowchart Procedure

Every effort will be made to ensure that the Procedure proceeds as smoothly as possible and that a final report is available within a reasonable period of time (6 months).

Procedure				
who	What		Output	To
<b>Receipt of the Notification (Phase 2)</b>				
Secr	Check Col by Actors			
Chair	Check Eligibility Validity / Scope	no	Forward + follow up	Involved persons
		yes	Dismissal investigation start preliminary investigation	
<b>Preliminary investigation - eligibility (Phase 3)</b>				
Chair	appoints OZC			
OZC	Evaluate notification			
Secr	Inform involved persons	no	+ Discontinuation report (DR)	Reporter
		yes	+ Notification report (NR)	Reporter & Involved persons
	Rebuttal on CR/NR (10 working days)			
<b>In-depth Investigation (Phase 4)</b>				
OZC	Evaluation rebuttal(s)	no	Assessment report	Involved persons
		yes	Investigation plan (engage expert)	
OZC	Investigation Assessment report			
Secr	Inform involved persons Rebuttal assessment report (7 working days)		Assessment report	Involved persons
OZC	Evaluation Rebuttal(s)			
OZC	Case resolved	no	Further investigation	Involved persons rector
		yes	Final report Accompanying letter (+ advice)	
<b>Follow up rector (Phase 5)</b>				
Secr	Follow up response rector Inform stakeholders			
<b>Involved persons may ask a second advice to the VCWI</b>				

within 30 days after the final report

## Phase 2: Receipt of the Notification

In the event of a Notification and during an ongoing Procedure, the secretary investigates whether there may be a Col for one of the Actors and adjusts the further handling of the Notification accordingly.

The secretary, in consultation with the chair, evaluates whether or not the Notification is eligible according to the defined scope of application of the CRI.

Presumed violations of RI by students are forwarded to the faculty examination board. Alleged violations of RI by doctoral students before the submission of their thesis or during the procedure leading to the award of the doctoral degree, will be forwarded to the dean of the relevant faculty for consideration.

If the Reporter identifies a violation of RI that does not fall within the authority of the CRI, the secretary will pass on this Notification to the relevant body(s) and/or assist the Reporter to submit a Notification to the relevant organization or the presumed Perpetrator's institution.

The chair evaluates whether the Notification that can be handled by the CRI is reasonable and sufficiently substantiated and, if desired, contacts the Involved persons. In consultation with and with the consent of the Reporter, the chair may decide to dismiss the Notification.

## Phase 3: Preliminary investigation- eligibility

The chair assembles an investigation committee as stipulated in the Regulation, taking into account the context and content of the file to be handled.

The investigation committee takes note of the Notification and, if desired, can conduct exploratory consultations with relevant Parties, e.g. with the Reporter if they believe that this can provide added value for a proper understanding of the Notification and the context within which the complaint arose. The investigation committee can also request additional documentary evidence to further understand a Notification or appoint an Expert to advise them. Based on this, a notification report, in which the content of the Notification is described as accurately as possible and the alleged infringement(s) are made explicit, or a motivated discontinuation report is issued.

The discontinuation report is sent by the secretary to the Reporter, who may reply within 10 working days. When sufficient arguments and/or underlying evidence is provided, an investigation can still be considered and a notification report will be drafted. If not the file will be closed.

Upon the availability of the notification report, the secretary informs all Involved persons that an investigation has been started. The notification report, the Procedure, the Regulation and all available supporting documents will be made available to the Involved persons. Only in the case of an anonymous notification, the identity of the Reporter is not communicated.

The Involved persons are given the opportunity to file a rebuttal within a maximum period of 10 working days after receipt of the notification report. If the exceptional nature of the situation so requires, this term may be altered, subject to the approval of the chair.

The Investigation committee evaluates all information and documents received, discusses the findings and decides whether or not there is sufficient evidence available to confirm or refute the assumed RI violation. When sufficient information is available for the assessment of the Notification, the Investigation committee can draw up a motivated assessment report. If not, an in-depth investigation will be started.

The assessment report is sent to the Involved persons and they are given 7 working days to express any objections. Subsequently, the investigation committee can definitively approve the assessment (= final) report or decide to initiate an in-depth investigation.

#### **Phase 4: In-depth investigation**

When the Investigation committee decides to conduct an in-depth investigation, a schedule is defined. The Investigation committee determines what additional information must be obtained in order to reach a decision (for example, the appointment of an Expert, calling witnesses, requesting written explanations from the Involved persons, hearing with the Involved persons, or a combination thereof).

The Involved persons must be present in person at a hearing. They cannot be represented by an Assistance Provider, although he may accompany them.

After completing the in-depth investigation, the Investigation committee formulates their findings in the assessment report and concludes with a reasoned statement about the investigated breaches of RI, and indicates the degree of seriousness.

The Involved persons receive the assessment report for review and, if desired, can formulate a written reply to the Investigation committee within 7 working days.. On the basis of this, the Investigation committee may decide to conduct further investigation or to adjust the report. In this case, the amended assessment (final) report will be made available to the Involved persons in an informative manner.

#### **Phase 5: Follow-up by the rector**

The final report, together with an accompanying letter with advice for remediation and/or sanction, is submitted to the rector. The rector can always ask the chair for additional explanation.

In accordance with the powers assigned to the rector under the existing regulations and based on the seriousness of the facts and their consequences, the rector judges which further follow-up, rectification or sanction is appropriate. The rector will take the advice of the investigation committee into consideration.

The rector takes the necessary action himself or mandate an authorized person to execute and follow up on the decision taken.

If necessary, the rector can decide to make the final report available to other interested parties, such as the Reporter (if not an Involved person), the research funding body or other research institutions to which an Involved person is affiliated.

The rector informs the CRI and the dean of the faculty on the actions taken and their outcome.

#### **Phase 6: Closing the file**

If necessary, the CRI secretary ensures that persons, institutions and Actors who were aware of the Notification, are also informed about the outcome (discontinuation or final report).

**Those involved have the right to request a second opinion from the VCWI within 30 days.**