

## PROCEDURAL CODE FOR INQUIRIES INTO BREACHES OF RESEARCH INTEGRITY

(approved by the Executive Board on 15 February 2019)

### **AIM**

This Code describes the procedure for inquiries into breaches of research integrity<sup>1</sup>, hereinafter 'the Code' in short. An investigation committee of the Committee for Research Integrity (CRI) follows this procedure to determine whether or not there has been a breach of the "European Code of Conduct for Research Integrity (ALLEA code)" and/or of the research integrity guidelines applicable within the institution (publication policy, any (faculty) authors guidelines, charter for doctoral students, ...). The investigation committee does not give its final opinion regarding disciplinary measures, but provides advice to the rector of Ghent University. This advice must contain a clear standpoint with regard to whether there has been a breach of research integrity or not. It rates the gravity of the breach and, if applicable, provides one or more suggestions that could be suitable to remedy and follow-up on the case.

### **FIELD OF APPLICATION**

This procedure applies to researchers who are or were affiliated with Ghent University, and/or to research activities carried out at Ghent University at this time or in the past. In the case of research carried out at another institution or on behalf of another institution by a researcher affiliated with Ghent University now or at the time of the research, Ghent University may initiate an inquiry into possible breaches itself or in collaboration with the other institution(s). This shall also be the case for researchers affiliated with another institution when the research is carried out at Ghent University. If an inquiry has already been conducted at another institution and if there are no new facts or evidence, the CRI will not initiate a new inquiry.

The field of application is limited to the aspects of research integrity as described in the "European Code of Conduct for Research Integrity (ALLEA code)" and/or of the guidelines applicable within the institution to integrity of scientific conduct (publication policy, any (faculty) authors guidelines, charter for doctoral students, ...). The committee may always make use of other documents, ideas and developments in this area. This procedure shall not

apply to breaches/circumstances which do not form a breach of research integrity for which other organisations, committees or persons at Ghent University have specific competence, such as for example the faculty ethics committees, ombudspersons, disciplinary bodies, etc. at Ghent University.

In the event that other organisations are involved as financiers, sponsors or collaborating partners, the investigation committee of the CRI will make written agreements prior to the initiation of the procedure in order to allow for collaboration to rapidly handle the case. The provisions concerning the protection of confidentiality and the rights to defence as set forth in this Code shall remain guaranteed within any such collaboration. For information regarding the concrete agreements with external partner institutions, the notifying party and concerned party can always contact the chair.

## **TERMINOLOGY**

The term "CRI" refers to the fixed core, the pool of ZAP (professorial staff) members and the academic legal expert appointed by the Executive Board according to the Rules and Regulations of the Committee for Research Integrity (Executive Board, 15/02/2019).

The term "investigation committee" refers to the members of the CRI appointed by the chair to handle a submitted notification.

The term "notification" refers to the declaration of an alleged breach of research integrity. The term "notifying party" refers to the person who makes the notification.

The term "concerned party" refers to the person concerned by the notification.

The abbreviation "CRI" refers to the Committee for Research Integrity of Ghent University (see the "Objective" section).

The term "parties" refers to the group of persons concerned by the procedure (including the notifying party and concerned party, witness, expert, ...).

The term "third parties" refers to the persons who may be (in)directly concerned by the procedure for the CRI, but cannot be considered as primary stakeholders (e.g. attorney, scientific colleagues, press, ...).

The term "assistance provider" refers to the person designated by the notifying party or concerned party to assist them during the procedure. This person may assist the notifying party or concerned party during the hearing. The assistance provider cannot decide on any procedures him/herself (such as making interventions, ...) and is subject to the same regulatory conditions as the party itself. The notifying party and concerned party shall only be able to designate one person per procedure and shall inform the committee who that person is at the start of the procedure.

## PROCEDURE

The investigation committee plays an independent, autonomous role with respect to the university board and conducts the investigation in full objectivity. This results, among other, in decisions being taken by different persons or entities within the university at different stages in this procedure (admissibility by the vice rector, investigation by the committee, final judgement by the rector). This means that, in principle, there must be no contact and/or sharing of information between these actors, with the few exceptions described in this Code.

All persons taking part in the procedure, whether as a direct party (e.g. notifying party, concerned party, ...), or as an indirect party (e.g. assistance provider, witness, ...), shall be considered to have read and agreed to the Code and the Rules and Regulations of the CRI, in particular to the provisions on confidentiality. At the beginning of the procedure, both the Code and the Rules and Regulations will be communicated to all persons involved, with specific emphasis on the provisions on confidentiality.

Before the notification the secretary shall verify whether there are possible conflicts of interest with all persons taking a role in this procedure. If a conflict of interest is suspected, this can be indicated in writing by all parties, as soon as possible after they have filled or learned of the notification and the designation of actors in this procedure (as soon as known). All actors must request to not be involved in the inquiry of a notification where there is a conflict of interest. In the event that the conflict of interest concerns the secretary and the chairperson, the case shall be immediately transferred to the indicated substitutes. In the event that the conflict of interest concerns the vice rector, the case shall be immediately transferred to the chief academic administrator. The substitute for the rector is the vice rector. Members found to have a conflict of interest shall be excluded from further inquiry of the notification. If necessary, the chair shall appoint a new member. The following shall automatically be considered as conflicts of interest: spouse or legal partner of the notifying party or concerned party, or cohabitant of the notifying or concerned party, blood or other relation of the notifying party or concerned party up to the second degree, affiliation with the department or research group of the notifying party or concerned party.

During the procedure: the inquiry shall be conducted by the investigation committee of the CRI in complete confidentiality. All parties shall be considered to respect provisions on confidentiality. The parties shall not confirm ongoing inquiries or make statements regarding the content of cases and the progress of the procedure. All information regarding the notification which has been divulged to the parties as part of the procedure, whether in writing or orally, shall remain confidential. If the parties request advice from third parties, they shall bear responsibility for ensuring that those parties uphold confidentiality. Exceptions on the provisions concerning confidentiality must be requested from and approved by the chair of the CRI. Communication, independent of its format, is appointed to the vice rector only (after the notification and before the final advice of the investigation committee) and always after consulting the chairperson CRI.

After the procedure: the parties shall be free to have their own research data and results at their disposal after the completion of phase 5 of this Code, follow-up by the rector. Communication, independent of its format, is appointed to the rector only, with the exception

of mandating (after the final advice of the investigation committee). After ending the procedure (including the final judgement of the rector concerning follow-up on the case) the CRI expects all parties involved to handle with a serene attitude in relation to statements concerning the (process of) the investigation and its outcomes.

All reporting shall be made electronically, unless there is no available email address or a party has explicitly requested paper documents.

The secretary shall issue a final follow-up report by no later than six months after receipt of the notification. If the complexity of the case requires, the chair may request postponement of this deadline from the vice rector, with due justification. Any such postponement will be communicated to the notifying party and concerned party.

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

- 1) Any person who has questions regarding research integrity and/or the procedure for the CRI may request advice and clarifications outside of the formal procedure from the chair of the CRI. Such requests must be sent by email: [CWI@UGent.be](mailto:CWI@UGent.be) or by post: Committee for Research Integrity, Research Department (DOZA), Ghent University, Sint-Pietersnieuwstraat 25, 9000 Ghent.
- 2) All Ghent University researchers are encouraged to report all breaches or suspected breaches of research integrity to the CRI.
- 3) Anyone may notify a suspected breach of research integrity to the secretary of the CRI. Such notifications must be sent by email: [CWI@UGent.be](mailto:CWI@UGent.be) or by post: Committee for Scientific Integrity, Research Department (DOZA), Ghent University, Sint-Pietersnieuwstraat 25, 9000 Ghent.  
Suspected breaches of research integrity by students must be addressed to the faculty examination board. Suspected breaches of research integrity by doctoral students prior to the submission of their doctoral thesis and during the context of their doctoral thesis shall be handled by the concerned doctoral examination board, if it has already been formed. In all other cases (prior to formation of the doctoral examination board and after defence of the thesis), suspected breaches may be notified to the Committee for Research Integrity. The files of both students and doctoral students will be sent on to the CRI after they have been handled by the (doctoral) examination board.
- 4) In cases of an official notification of a possible breach of research integrity, the vice rector shall determine whether or not the notification is admissible. The vice rector will be assisted in this by the mandatory advice of the chair of the CRI.
- 5) The (investigation committee of the) CRI may always initiate a procedure with or without a specific notification if it were to stumble upon a (further) breach of research integrity during the course of its activities. In such cases, it shall always be up to the vice rector, after mandatory advice of the chair of the CRI, to decide on the admissibility of the (further) notification.
- 6) The procedure shall be confidential and the privacy of all parties shall be protected as much as possible. If the committee receives information requiring immediate action, for example for health or safety reasons or if criminal offences have been reported, that information must be immediately passed on to the vice rector who shall notify the competent parties and/or bodies on the advice of the CRI.

- 7) The notifying party may remain anonymous at his/her request. The decision to remain anonymous must be justified by the notifying party (e.g. in cases of a hierarchical relationship with the concerned party). In that case, the identity of the notifying party shall only be known to the secretary, the chair person and the vice rector (at the moment of notification) and later on also to the rector (at the moment of final advice). The committee will then conduct the inquiry based on the anonymised documents found in the case file. Documents which cannot be included in the case file under conditions of anonymity shall not be used in the inquiry.

### ***Phase 2: Admissibility study***

- 1) After having heard the chair of the CRI, the vice rector shall determine prima facie whether the notification falls within the scope of competence of the CRI, as well as within that described in the "European Code of Conduct for Research Integrity" and/or of applicable guidelines on research integrity within the institution. A verification will also be performed to determine whether the notification is reasonable and sufficiently justified. If any of the above requirements is not met, the notification will be sent on to the competent person or body, or will be excluded from further examination based on a CRI procedure. A concise motivated termination report shall be prepared and sent to the notifying party via email.
- 2) The government commissioner shall be notified of the decision made by the vice rector regarding the admissibility of the notification. This communication will be strictly confidential.
- 3) The vice rector may inform the dean(s) of the faculty(ies) to which the notifying party and/or concerned party of the notification belong. The information shall be limited in that case to the identity of the notifying party and/or concerned party, as long as the notification is not anonymous, and the statement that an inquiry has been initiated. No information shall be shared about the progress of the procedure. This communication will be strictly confidential.
- 4) The vice rector can notify any concerned institutions (e.g. funding institutions, universities involved, ...) of the notification. Such communication shall not disclose the identity of the notifying party.

### ***Phase 3: Investigation into the substance***

- 1) The chair shall appoint from among the ZAP pool an investigation committee that shall be composed of at least three members, supplemented with the fixed core and the academic legal expert. For this, the chair shall take into account the context and content of the case to be examined.
- 2) If the investigation committee deems necessary, it may already hold exploratory discussions with the notifying party(ies) during a first meeting if it believes that this could be helpful for a good understanding of the notification and the context in which the notification arose. The investigation committee may also request additional pieces of evidence from the notifying party(ies) in order to further corroborate the notification.
- 3) The chair may propose to the vice rector at any time during the procedure, possibly in consultation with the members of the investigation committee, to take preliminary measures with regard to all parties involved to prevent further risks for the notifying party,

the concerned party, the institution, third parties, animals, equipment and/or the environment, such as for health or safety reasons or if criminal offences have been reported. Such measures shall in no way be considered as a verdict with regard to the grounds of the case.

In this case, the confidentiality shall no longer stand and the information must be immediately passed on by the vice rector to the competent persons and/or bodies. The vice rector can, on the advice of the members of the investigation committee, revise this decision at any time during the procedure if he/she is of the opinion that there has been a change in any risk.

- 4) The chair shall notify the concerned party by email that a notification has been submitted (notification report). The content of the notification must be described as accurately as possible. All pieces of evidence submitted up to that time must be handed over. The identity of the notifying party shall not be disclosed in the case of semi-anonymous notifications. The concerned party will then be informed of the procedure to be followed. The concerned party will be given the chance to react to the notification and may submit pieces of evidence. The concerned party will be allowed a period of at most 10 business days for this after receipt of the email from the secretary of the CRI. If required by the exceptional nature of the situation, and with the consent of the chair, this period may vary.
- 5) The secretary shall collect all pieces of evidence submitted in the case report. The case report shall contain the notification, the pieces of evidence submitted by the notifying party and the concerned party, insofar as permitted by anonymity, possibly with observations made by the investigation committee. After it has been approved by the chair, this case report will be sent to the notifying party and the concerned party by email within a period of at most 10 business days following receipt of the pieces of evidence from the concerned party. This case report shall also be passed on to the members of the investigation committee.
- 6) From the time that the case report has been created, the procedure can no longer be stopped.
- 7) Within a period of at most 20 business days after the case report has been sent to the notifying party and concerned party, a meeting shall be held on the matter to further examine the notification.
- 8) The notifying party and concerned party shall be heard separately by the members of the investigation committee.
- 9) Parties must be present personally at the hearing. They cannot be represented by an assistance provider, union representative or attorney, though such individuals may accompany them at the hearing (see "Terms").  
If the concerned party has not submitted any pieces of evidence (see phases 3, 4), that party shall be heard first.
- 10) Both the notifying party and concerned party may make proposals to request yet further information and/or to consult certain people in the context of the case. It shall be up to the members of the investigation committee to determine whether those individuals are heard. The members of the investigation committee shall determine whether further inquiry is required and may themselves also call additional witnesses and/or experts to be heard if they believe that those individuals would contribute to handling the case. If any such indirect parties take part in the hearing, they shall be expected to respect the principles of the procedure, including confidentiality (see "Procedure").

- 11) After ending all hearings and conducting the entire investigation, the investigation committee of the CRI will make a statement about the facts in a provisional follow-up report: it will issue a motivated opinion on whether there has been an alleged breach.
- 12) The concerned party and notifying party shall have a period of at most 7 business days after receipt of the provisional follow-up report in which to formulate a written response to the investigation committee. The investigation committee may decide to revise the provisional follow-up report based on the responses. In that case the procedure starting from phase 3, 8 shall be repeated. The notifying party or concerned party may only make use of this right of response once.

#### ***Phase 4: Follow-up by the CRI***

Once phase 3 has been completed, a final follow-up report shall be drafted. It shall contain the opinion of the CRI regarding the possible breaches of research integrity.

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

- 1) If desired, the rector may request additional information from the chair. The rector shall decide based on the gravity of the facts and their consequences what further follow-up or sanctions are required and shall act alone to take the necessary action, in keeping with the powers granted to the rector under existing regulations. In this, the rector shall take the advice of the investigation committee into consideration. The rector shall notify the CRI of the steps taken and of their outcome.
- 2) Based on the final follow-up report, steps may be taken by other bodies (e.g. disciplinary measures, measures based on the labour regulations, measures taken with regard to funding,...) if these are mandated by the rector.
- 3) The decisions made by the rector following the advice of the investigation committee shall be communicated to the government commissioner.
- 4) If considered necessary, the rector can make the final follow-up report known to any interested parties e.g. the funding institution of the project of the concerned party or other scientific institutions the concerned party is affiliated with. The secretary will make sure that those institutions informed on the notification by the vice rector after the evaluation of the admissibility, and if considered necessary, will also be informed about the final judgement.
- 5) The anonymised version of the final follow-up report will be put on the university website. In those cases where even after anonymising the report, chances exist that the case can easily be linked to specific persons, a short anonymised summary of the case will be posted on the webpage instead. Taking into account guarantees of anonymity, the summary will be kept concise. The website will contain an overview of the number of notifications, the number of cases terminated and the reason why, the number of handled cases, their subject, the outcome and remediation, added with a number of (anonymised) basic features such as faculty or position of the concerned party.

The Procedural Code for breaches of research integrity has been completed with the Rules and Regulations of the CRI at Ghent University.