



## University of Galway Procedure for the Investigation of Research Misconduct

### 1. Context

University of Galway (or the “**university**”) is committed to promoting and supporting the highest standards of research integrity by all those engaged in the university’s research mission and activities underpinned by a culture of integrity. In doing so, the university is committed to supporting and promoting this culture and incorporating research integrity into learning, training and mentoring opportunities to support the development of researchers.

The University *Research Integrity Policy (QA514)* sets out:

- The university’s commitments to foster and ensure research integrity
- Principles of good research practice and research integrity - in line with best practice recommendations as set out in the [National Policy Statement on Ensuring Research Integrity in Ireland \(2019\)](#)<sup>1</sup> and the [European Code of Conduct for Research Integrity \(2017\)](#)<sup>2</sup>.
- The principles that underpin transparent, fair and effective procedures for dealing with allegations of research misconduct when they arise.

### 2. Purpose

2.1 This document outlines the procedure to be used to manage allegations of Research Misconduct within University of Galway. This procedure should be used in conjunction with the:

- The principles set out in the university *Research Integrity Policy (QA514)*
- The *National Policy Statement on Ensuring Research Integrity in Ireland*.
- The terms and conditions attaching to relevant research funding provided by a third-party research funder.

2.2 This procedure should not be used as part of a disciplinary process. Information gathered during an investigation may become relevant and may be used in a subsequent disciplinary process in accordance with the university’s disciplinary procedures.

2.3 Allegation of misconduct in research by a student may be investigated through the procedure in this document. If upheld, and if appropriate, the subsequent disciplinary process will be managed in accordance with the procedure set out in the University of Galway Student Code of Conduct - QA616.

2.4 In handling allegations against students, the Research Integrity Officer (“RIO”), in consultation

with Dean of Students may decide that the allegation would be more appropriately dealt with directly under the provisions of the Student Code of Conduct. For the avoidance of doubt, allegations of misconduct in research may also be investigated jointly or separately under the Student Code of Conduct.

2.5 Allegations relating to minor research assignments undertaken by students on taught programmes will generally be handled in the first instance locally, under the Student Code of Conduct, unless the research appears in the published literature, is externally funded or is otherwise of a significance that merits handling through this procedure.

---

<sup>1</sup> Research Integrity National Forum (2019) - Research Integrity in Ireland.

<sup>2</sup> ALLEA (2017) - The European Code of Conduct for Research Integrity, Revised Edition.

### 3. Principles

- 3.1 The university is committed to ensuring that all allegations of Research Misconduct are investigated comprehensively, fairly and expediently, without compromising accuracy, thoroughness, or objectivity. Investigations of Research Misconduct must maintain the highest standards of integrity, accuracy and fairness and all proceedings must be conducted under the presumption of innocence and carried out with sensitivity.
- 3.2 Such allegations are typically driven by complaints. The university, however, reserves the right to take a proactive approach and to initiate the procedures set out below in any case where it considers it appropriate to do so.
- 3.3 Anonymous reporting is normally not pursued for reasons of fair procedure. However, where such anonymous reporting is supported by evidence, it may form the basis of an investigation under this procedure.
- 3.4 The parties involved in the procedure must ensure that any interests they may have which might constitute a conflict of interest are disclosed and managed in line with the *University's Conflict of Interest and Conflict of Commitment Policy (QA413)*.
- 3.5 The university will take all necessary steps to protect itself and its researchers from mistaken, frivolous, vexatious and/or malicious allegations. No person shall suffer penalty or detrimental treatment for making an allegation of research misconduct. However, if the RIO concludes that a complaint is frivolous, vexatious and/or malicious, the RIO may recommend that action be taken against the complainant under the appropriate University of Galway disciplinary procedure having regard to the complainant's status as a student or a member of staff.
- 3.6 Situations may emerge as potential misconduct that are instead the result of either a misunderstanding or a dispute between individuals. At the discretion of the RIO it may be possible to mediate or resolve such differences at the individual or local level and avoid the need for formal steps. Internal or external mediation and/or dispute resolution should be explored and a formal procedure should only proceed where *i)* mediation and/or dispute resolution have been refused; *ii)* where the informal route has not worked; *iii)* where it was considered by the RIO to be inappropriate; or *iv)* due to the serious nature of the allegations.

### 4. Research Integrity Officer

- 4.1 The university's Research Integrity Officer, appointed in accordance with the university *Research Integrity Policy (QA514)* is responsible for:
- Receiving allegations of Research Misconduct
  - Determining whether allegations received would, if upheld, fit within the definition of Research Misconduct as per the *University Research Integrity Policy*
  - Initiating and overseeing the procedure for investigating allegations of research misconduct and ensuring confidentiality of the process
  - Maintaining records, as appropriate/required, of the process and outcomes of investigations of allegations of research misconduct.
  - Keeping the Complainant and Respondent up to date on investigation proceedings and communicating findings of the Inquiry Panel and Investigation Panel, as relevant, and issuing correspondence to the Complainant and the Respondent.
  - Reporting on the investigation to relevant internal contacts and, where appropriate, in coordination with the Vice-President for Research and Innovation, to external organisations.

## 5. Allegations of Research Misconduct

- 5.1 Any Researcher, individual or external body (*e.g.* a funding agency) who believes that an act of research misconduct has occurred or is occurring should report this, in writing and supported by available evidence, to the RIO at RIO@universityofgalway.ie.
- 5.2 All reasonable steps shall be taken to protect the identity of the Complainant. However, this may need to be disclosed: (i) for the effective investigation of the complaint; (ii) to prevent serious risk to security, public health, safety or the environment; (iii) for the prevention or prosecution of a crime; (iv) where identification is required by law, or under the University's policies and procedures; (v) where the Respondent is entitled to the information as a matter of legal right or in accordance with any university policy or (vi) where it is otherwise in the public interest to do so.
- 5.3 The university cannot guarantee full anonymity. This is in line with both applicable law and best practice in data protection compliance. In the event that the University needs to disclose the identity of the Complainant, the university shall inform the Complainant prior to revealing their identity.
- 5.4 No person should suffer any unnecessary penalty when accused of Research Misconduct before the allegation is proven.
- 5.5 No person should suffer any penalty before, during or after an investigation for making an allegation of research misconduct.
- 5.6 Where information comes to the attention of the University from a third-party source it is at the discretion of the RIO whether or not to initiate a review under this procedure, taking into account the seriousness and credibility of the concerns raised, the available evidence and the likelihood of confirming the concerns from alternative sources.
- 5.7 An allegation(s) of Research Misconduct may arise in the following situations:
  - a) Against a current University of Galway staff or student relating to research conducted while at University of Galway.
  - b) Against a current University of Galway staff or student relating to research conducted at another organisation.
  - c) Against an individual employed by another organisation engaged in research on behalf of University of Galway.
  - d) Against a former University of Galway staff or student for research that was conducted while at University of Galway.
  - e) Against several individuals collaborating on research across more than one organisation.
- 5.8 For b)-e), above, the RIO, will liaise with their counterpart in the relevant other organisation(s) to determine which of them is best placed to establish any necessary inquiry and/or investigation panels. This will, ordinarily, be the institution where the research was performed. Members of the other organisation(s) may be invited to serve on or observe the Inquiry Panel and/or Investigation Panel.
- 5.9 Where an allegation is received that relates to the RIO, or which raises a potential or perceived conflict of interest for the RIO, it should immediately be referred to the Deputy RIO. If a conflict also exists for the Deputy RIO, the President shall nominate a temporary to the issue raised RIO to consider the issue raised.
- 5.10 The RIO shall make every reasonable effort to adhere to the timelines set out below.

## 6. Steps for Dealing with Allegations of Research Misconduct

**Phase 1: Initial review by Research Integrity Officer**

- 6.1 The RIO shall, normally within seven working days, formally acknowledge receipt of an allegation and outline to the Complainant the procedure to be followed.
- 6.2 The RIO shall, normally within seven working days, inform the Respondent of the allegation and outline the procedure to be followed.
- 6.3 The RIO shall, as soon as possible thereafter, carry out, an initial review of the allegations, to consider whether the allegations would, if upheld, come within the definition of research misconduct as defined in the University Research Integrity Policy.
- 6.4 The RIO may seek advice from a senior academic(s) in the relevant field and/or from University Professional Services offices as required.
- 6.5 Where the allegation involves a student the RIO should consult with Dean of Students
- 6.6 If the RIO considers that the allegations are outside the definition of Research Misconduct, or that (for any other reason) an alternative University Policy or procedure would be more appropriate for handling the allegations, the Complainant shall be informed, outlining why the allegations will not be investigated using this procedure, and which alternative University Policy or procedure might be more appropriate for handling the allegations. The Respondent shall also be informed. Nothing in this procedure, shall prohibit allegations of misconduct in research being investigated jointly or separately under this procedure and an alternative University Policy or procedure.
- 6.7 If the RIO decides that the allegations are mistaken, frivolous, vexatious and/or malicious or insufficiently serious to merit consideration under this policy, the allegations will be dismissed and the decision communicated, in writing, to all parties. **If necessary, the RIO will take such steps to support the reputation of the Respondent, the research project and the research environment.**
- 6.8 In cases where the RIO considers it appropriate to do so, they may engage in or commission a process of informal resolution having regard to the matters at issue.
- 6.9 If the RIO determines that the allegations necessitate a formal inquiry, the procedure shall progress to Phase 2 and the RIO shall convene an Inquiry Panel.
- 6.10 The RIO shall (in conjunction with Office of Human Resources) determine the contractual status of the Respondent. The RIO may consult such student systems or offices as required to determine the status of a student. If University of Galway is not the primary employer of the Respondent, the RIO will inform the primary employer of the allegations. Where the Respondent is a student registered with University of Galway and with another institution the RIO may inform the other institution of the allegations.
- 6.11 The RIO shall (in conjunction with the Vice President for Research and Innovation) investigate the contractual details specific to the research project(s). Where University of Galway have a contractual obligation to advise the funder(s) and/or collaborator(s) of the research of the allegations the RIO will liaise with the Vice President for Research and Innovation with respect to those obligations and shall provide updates to the Vice President for Research and Innovation when this procedure progresses.
- 6.12 External funders have terms and conditions regarding research integrity procedures – e.g. adherence to particular timelines; provision of information (including personal information); and the funders right to observe and/or audit the university's procedures. A Respondent whose research is/was funded by an external funder shall do all that is necessary to allow the University to comply with these terms and conditions.

- 6.13 If the allegations are such that they may lead to serious reputational damage for the University, the RIO may need to advise appropriate senior university officials relevant to the case of the allegations and the process underway.
- 6.14 If the allegations are such that external authorities or regulatory bodies must be notified, the university may be required to comply with an external investigation led by such a body or authority, which may take precedence over this procedure. This procedure may continue in parallel or may have to be suspended and continued later.
- 6.15 Where an allegation contains behaviour, in addition to Research Misconduct matters, that may be subject to defined sanctions in University of Galway's disciplinary process, the RIO may refer the matter to the Director of HR in the case of a Respondent who is an employee or Dean of Students where the Respondent is a student.
- 6.16 Based on the allegations and information received by the RIO, they may decide that additional investigations into related but separate issues of misconduct in research need to be instigated.
- 6.17 The RIO should ensure insofar as is possible that all relevant information and evidence are secured so that the Inquiry Panel and any subsequent Investigation Panel can have access to them. Copies should also be provided to the Respondent.
- 6.18 The above steps should be addressed in a reasonable time-frame after receipt of the allegation – normally within 20 working days.

### ***Phase 2 - Inquiry Panel***

- 6.19 The RIO shall inform the Respondent in writing that an Inquiry Panel is being set up. Where an allegation involves more than one Respondent, each shall be advised individually with the identity of the other(s) kept confidential, unless the RIO deems it necessary. Notice of the allegations will be given to the Respondent(s), along with a copy of the procedure to be used to investigate the allegations.
- 6.20 The RIO shall inform, in confidence, where i) the Respondent is an employee, the Respondent's Head of School and HR Partner; or ii) the Respondent is a student, the Head of School and the Dean of Students, that allegations have been received and that an Inquiry Panel will be set up. They should be informed of the date of the allegations; the identity of the Respondent; the identity of the Complainant - provided such disclosure is required under Paragraph 5.2 above - and any other details that the RIO deems appropriate.
- 6.21 The RIO shall establish an Inquiry Panel with formal terms of reference. The composition, duties and general terms of reference of an Inquiry Panel are set out in Appendix 1. The role of the Inquiry Panel is to determine, in their reasonable opinion, and clearly supported by the evidence, whether:
- i) The allegations are untrue, unwarranted, not sufficiently serious or not wellfounded, or that for any other reason they should not progress any further;
- OR
- ii) The allegations are sufficiently serious and have sufficient substance to justify the establishment of an Investigation Panel to consider the matter formally (Phase 3).
- 6.22 The Inquiry Panel should normally aim to complete its work within 20 working days of being convened, or a longer period as the panel deems reasonably appropriate in the circumstances.
- 6.23 The Inquiry Panel shall determine whether, in their reasonable opinion, supported by the evidence, the allegations of research misconduct are sufficiently serious and have sufficient substance to justify the establishment of an Investigation Panel.

- 6.24 The Inquiry Panel should follow its course irrespective of the Complainant withdrawing the allegations, the Respondent admitting to the allegations, or the Complainant or Respondent resigning.
- 6.25 The inquiry panel shall provide a draft of its determination to the RIO, who shall make a copy of the draft determination available to the Respondent and any party/parties against whom adverse outcomes are contemplated. Such parties may comment on the factual accuracy of the determination before it is finalised.
- 6.26 The RIO may ask the Inquiry Panel to clarify any of its findings in the draft determination. The determination should only be modified for errors of fact and/or clarification purposes, and be agreed by the panel before amendment. The final determination will include details of all comments received and the panel's responses.
- 6.27 The Inquiry Panel should issue their final determination to the RIO normally within 20 working days of the conclusion of its inquiries, or a longer period as the panel deems reasonably appropriate.
- 6.28 If the Inquiry Panel determines that the allegations are untrue, unwarranted, not sufficiently serious or not well-founded, or that for any other reason they should not progress any further, the case will not progress to Phase 3 of this procedure. The RIO will take such steps as they consider as appropriate to the seriousness of the allegations, to support the reputation of the Respondent, the research project and the research environment.
- 6.29 If the Inquiry Panel determines that the allegations are sufficiently serious and have sufficient substance to justify a formal investigation, the RIO will convene an Investigation Panel and the case will progress to Phase 3 of this procedure.
- 6.30 The RIO shall inform all parties who were previously made aware of the allegations, as they consider appropriate in the circumstances, of the determination of the Inquiry Panel.
- 6.31 The RIO shall provide a copy of the final determination to the Respondent and any party/parties against whom potential adverse outcomes may arise.

### ***Phase 3 - Investigation Panel***

- 6.32 The RIO shall establish/convene an Investigation Panel with formal terms of reference. The composition, duties and general terms of reference of an Investigation Panel are set out in Appendix 2. The role of the Investigation Panel is to investigate whether, in their reasonable opinion, clearly supported by the evidence, the allegations should be:
- i) upheld in full; ii)  
upheld in part; or iii)  
not upheld.
- 6.33 Once initiated, the Investigation Panel should follow its course, even in the situation of the Complainant withdrawing the allegations, the Respondent admitting to the allegations or the Complainant or Respondent resigning.
- 6.34 The Investigation Panel should be set up within 20 working days of the RIO's receipt of the final determination of the Inquiry Panel.
- 6.35 The Investigation Panel should conduct the investigation as quickly as possible without compromising the principles of the procedure.
- 6.36 The Investigation Panel shall provide a draft report of its findings to the RIO, who shall make a copy available to the Respondent and any party/parties against whom adverse outcomes are

contemplated. Such parties may comment on the factual accuracy of the report before it is finalised.

6.37 The RIO may also ask the Investigation Panel to clarify any of its findings in the draft report. The report should only be modified for errors of fact and/or clarification purposes, and be agreed by the Investigation Panel before amendment. The final report will include details of all comments received and the panel's responses.

6.38 The Investigation Panel shall produce a final report that:

- i) describes the conduct of the investigation;
- ii) states whether the allegations have been upheld in full or in part or not upheld; iii) indicates the level of seriousness of any misconduct, giving the reasons for and the context of its findings and noting any differing views expressed during the investigation; and
- iv) sets out any procedural matters that the investigation has brought to light within University of Galway and/or relevant partner organisations.

6.39 The Chair will forward the final report of the investigation panel to the RIO.

6.40 The Chair, taking consideration of the seriousness of an allegation that is upheld in full or in part, may make recommendations as to whether the matter should be referred to the appropriate disciplinary procedure, taking account of input from the RIO on previous such circumstances.

6.41 Should any evidence or allegation of misconduct, connected or unconnected, arise during the formal investigation that suggests other instances of potential misconduct by the Respondent or by another person, the Investigation Panel should submit these new allegations to the RIO in writing accompanied by supporting evidence and/or details of the alleged misconduct.

6.42 The RIO shall, on foot of this, decide what action, if any, is necessary. The RIO should notify the Respondent of any such developments. Such actions may include, but are not limited to; the initiation of a new investigation under this procedure; and/or referral to another University policy.

#### ***Phase 4 - Investigation Panel Report Outcomes/Follow-Up***

6.43 The RIO shall provide a copy of the final report of the Investigation Panel to the Respondent and any party/parties against whom potential adverse outcomes may arise.

6.44 If the allegations have not been upheld by the Investigation Panel and the Respondent is exonerated, the RIO shall take such steps, as appropriate to the seriousness of the allegations, to support the reputation of the Respondent, the research project and the research environment.

6.45 If any or all of the allegations are upheld by the Investigation Panel, the RIO should decide what actions are necessary. Such actions may include but are not limited to, for example, a requirement for training; correcting or withdrawing a publication. The RIO may consult confidentially internally or externally, before deciding on the appropriate actions, which shall be communicated to the Respondent.

6.46 The RIO will outline the timeframe for any actions and the process through which their implementation will be monitored.

6.47 The RIO will inform the following, as appropriate (or as required by contractual obligation), of the finding of the formal investigation:

- all parties who have been previously informed;
- the primary employer of the Respondent (if other than University of Galway);

- the funders of the research – if required under the terms and conditions of the grant; and/or
- any relevant journal(s)/publisher(s) who are aware of the investigation.

6.48 If the matter is to be referred to the appropriate University of Galway disciplinary procedure, all evidence, information and reports shall be provided to the Director of HR, in the case of a Respondent who is an employee, or the Dean of Students, in the case of a Respondent who is a student.

## **7. Review on Procedural Grounds**

- 7.1 If all or any part of the allegation(s) are upheld, the Respondent may, within 10 working days of receipt of the Investigation Panel Report, seek a review on procedural grounds – setting out in writing to the RIO the specific grounds. Procedural grounds are where it can be demonstrated that there are grounds of a material procedural irregularity which has demonstrably affected the outcome or there is new material information available, which one of the parties was unable, for valid reasons, to provide when the matter was being investigated and which would have significantly affected the outcome.
- 7.2 The RIO shall request the *Review Officer* – a person appointed by the President - to undertake a review in accordance with the specific grounds raised by the Respondent.
- 7.3 The Review Officer shall conduct a review of the procedures followed to ensure the investigation was carried out in full accordance with the procedure set out herein.
- 7.4 The Review Officer shall, having undertaken a review of the investigation, prepare a report for presentation to the RIO.
- 7.5 The RIO shall inform the Respondent of the outcome of the review.
- 7.6 It is not the role of the Review Officer to consider or make comment on the outcome of an investigation.
- 7.7 In the event that the Review Officer deems that the investigation was carried out in full accordance with the procedure set out herein - and that the grounds for the review are unsubstantiated – no action shall be required and the outcome of the investigation and subsequent follow-up shall proceed.
- 7.8 In the event that the Review Officer deems that any step in the investigation did not comply with the proper procedure they shall request that the RIO initiate a new investigation to cover those elements (and subsequent elements) of the review deemed to have not been adequately/correctly followed.

*For example* – if the Phase 1 (Initial Review) and Phase 2 (Inquiry Panel) were deemed to be undertaken in accordance with the procedure but the subsequent Investigation Panel was deemed to have not followed proper procedure the outcome of Phase 1 and 2 will stand and the RIO will convene a new Investigation Panel.

## **8. Data Retention**

- 8.1 The RIO shall in a secure and access limited location on the university system maintain confidential records of all stages of proceedings under this procedure.
- 8.2 The Inquiry Panel and Investigation Panel Chairs and the Review Officer shall keep accurate records of the activities, deliberation and reporting of their respective panels and provide these records to the RIO for inclusion in the archive of the case upon the completion of their work.

- 8.3 The RIO shall maintain all records on file for reporting and auditing purposes - in order to meet obligations to the research funder(s) and collaborator(s). Such records may include the personal data of researchers. The university has a legitimate interest and contractual obligations to its funders to retain such data.
- 8.4 The RIO is also required to maintain all records for statistical and resourcing purposes.
- 8.5 Upon the conclusion of an investigation, at whatever stage, the RIO is responsible for the accurate, timely and confidential transfer of information to any relevant parties, including HR for any disciplinary procedure.
- 8.6 If the appropriate University of Galway disciplinary procedure is to be invoked following the completion of an investigation, all of the information relating to this procedure shall be transferred to HR for the purposes of the disciplinary procedure.

## 9. Definitions

**“Research Integrity Officer (RIO)”** - the person nominated by the university - in accordance with the University Research Integrity Policy (QA514) - to receive allegations of misconduct in research.

**‘Research Misconduct’** – is as defined in the University Research Integrity Policy (QA514)

**“Complainant”** - the Complainant is a person making allegations of research misconduct against one or more Respondents. If a number of persons come together to make a joint allegation, they shall constitute joint complainants and all references to “Complainant” are deemed to refer to the joint complainants. There may be no identifiable Complainant, or that the university is the initiator of the process.

**“Respondent”** - the Respondent is a person against whom allegations of research misconduct have been made.

**“Review Officer”** - a person appointed by the President to undertake a review on procedural grounds as set out in Section 7.

## **Appendix 1: Inquiry Panel**

### Role, Composition and General Terms of Reference

#### **Role of Inquiry Panel**

An *Inquiry Panel* shall be convened to review and make inquiries into allegations that have been referred to it following initial review (Phase 1, above) by the Research Integrity Officer (RIO).

The panel shall determine whether, in their reasonable opinion, clearly supported by the evidence, the allegations are sufficiently serious and have sufficient substance to justify the establishment of an Investigation Panel.

The RIO will set out Terms of Reference for the Inquiry Panel in line with the general elements outlined below.

#### **Composition of Inquiry Panel**

The panel should normally consist of at least three senior academics selected by the RIO, with one member appointed as Chair. In selecting members, the RIO shall consider:

- the subject matter of the allegations;
- any potential conflicts of interest; and
- diversity and gender representation.

Should any member of the panel leave/step down the RIO shall take steps to recruit additional member(s) or to restart the inquiry process.

The Research Integrity Officer should not be part of the panel nor seek to influence the work of the panel.

Panel members will receive a briefing from the Research Integrity Officer, supported by a senior individual from each of Human Resources or Dean of Students (as appropriate), and the OVPRI before commencing their inquiry

The Respondent and Complainant shall be informed of the composition of the panel. If either raises concerns over the panel membership the RIO will record these and take any action considered necessary.

#### **Duties of Inquiry Panel**

Members of an Inquiry Panel shall:

- a) be familiar with and adhere to the principles of the University Research Integrity Policy (QA514) and abide by the investigation procedures set out herein;
- b) work within the terms of reference of the inquiry;
- c) declare and manage any conflicts of interest;
- d) maintain utmost confidentiality on matters considered, unless otherwise required by law or by University of Galway; and
- e) uphold the university's commitment to Equality, Diversity and Inclusion (EDI) in the conduct of their duties.

## Terms of Reference – General

When an Inquiry Panel is convened by the RIO the scope of the inquiry will be clearly articulated within a terms of reference based on the specific allegations that the Panel are being asked to consider.

The panel shall:

1) Review:

- the submission and evidence provided by the Complainant;
- the evidence and supporting documentation from the Respondent; and
- any relevant background information.

2) Interview:

- the Complainant;
- the Respondent; and
- any other individuals, including expert witnesses, who may provide relevant information or advice. Any such other individuals shall declare potential conflicts of interest and these will be managed by the panel.

**NB** - The Respondent is entitled to have a representative or work colleague present for any meeting or interview associated with the panel's inquiry. If either the Complainant or the Respondent refuses to be interviewed, the inquiry will continue, and the panel shall issue its report on the basis of the information that has been made available to it in the course of its inquiry

- 3) Maintain a record of evidence sought and received and conclusions reached (this is the responsibility of the Chair).
- 4) Assess the evidence.
- 5) Determine whether, in their reasonable opinion, clearly supported by the evidence, the allegations are sufficiently serious and have sufficient substance to justify the establishment of an Investigation Panel.
- 6) Report its conclusion, and the reasons for reaching that conclusion, in a draft determination.

The Chair should present this draft determination to the RIO.

The RIO shall make a copy of the draft determination available to the Respondent and any party/parties against whom adverse outcomes are contemplated. Such parties may comment on the factual accuracy of the determination before it is finalised.

The RIO may ask the inquiry panel to clarify any of its findings.

The determination should only be modified for errors of fact and/or clarification purposes, and be agreed by the panel before amendment.

- 7) The final determination, including details of all comments received and the panel's responses, should be sent by the Chair to the RIO.

The Inquiry Panel should where possible aim to complete its work within 20 working days.

Once the final determination is submitted to the RIO the panel should be disbanded. Members should take no part in any further investigation of the matter unless asked to clarify a point in their written determination at a subsequent part of the investigation.

## **Appendix 2: Investigation Panel**

### Role, Composition and General Terms of Reference

#### **Role of Investigation Panel**

An *Investigation Panel* shall be convened to investigate allegations which have passed through the inquiry stage and are considered to be sufficiently serious and of sufficient substance to justify a formal investigation (Phase 2, above).

The panel shall determine whether, in their reasonable opinion, clearly supported by the evidence, the allegations should be:

- iv) upheld in full;
- v) upheld in part; or vi) not upheld.

The RIO will set out Terms of Reference for the Investigation Panel in line with the general elements outlined below.

#### **Composition of Investigation Panel**

The panel should normally consist of at least three (or five) members with relevant skills and experience and having regard to gender balance, selected by the RIO - with one member appointed as Chair. In selecting members, the RIO shall consider:

- the subject matter of the allegations;
- any potential conflicts of interest; and
- diversity and gender representation

Additionally:

- At least two members of the panel should have experience in the area of research in which the alleged misconduct has taken place. They should not normally be members of the School concerned.
- Where allegations concern highly specialised research knowledge, the panel should have at least one member with specialised knowledge of the field.
- At least one member shall be external to University of Galway. The RIO may consult national and international registers of advisers when nominating members.
- Members of the investigation panel must not have been members of the inquiry panel of the case at hand.

No further members should be added to the panel, once convened, unless the membership falls below three. The RIO, in such instances, recruit additional members or restart the formal investigation process.

The RIO should not be part of the panel nor seek to influence the work of the panel.

The Respondent and Complainant shall be informed of the composition of the panel. If either raises concerns over the panel membership the RIO will record these and take any actions they consider necessary.

Panel members will receive a briefing from the Research Integrity Officer, supported by a senior individual from each of Human Resources and the OVPRI, before commencing their inquiry

### **Duties of Investigation Panel**

Members of an Investigation Panel shall:

- a) be familiar with and adhere to the principles of the University Research Integrity Policy (QA514) and abide by the investigation procedures set out herein;
- b) work within the terms of reference of the investigation;
- c) declare and manage any conflicts of interest;
- d) maintain utmost confidentiality on matters considered, unless otherwise required by law or by University of Galway; and
- e) uphold the university's commitment to Equality, Diversity and Inclusion (EDI) in the conduct of their duties.

### **Terms of Reference – General**

When an Investigation Panel is convened by the RIO the scope of the investigation will be clearly articulated within a terms of reference. In consultation with the RIO, the panel may expand the scope if evidence justifies it.

The Panel shall:

- 1) Set a target date for the completion of the investigation, without compromising the principles of the procedure.
- 2) Receive all relevant information from the inquiry panel as background for the investigation.
- 3) Where possible, hear:
  - the Complainant
  - and any other individuals that the panel feels are relevant.
 NB - Any such other individuals shall declare potential conflicts of interest and these will be managed by the panel.
- 4) Where possible, hold a formal hearing to hear the Respondent's response to the allegations made. The Respondent is entitled to have a representative or work colleague present for any meeting, interview or hearing associated with the panel's investigation.  
For the avoidance of doubt, if either the Complainant or the Respondent refuses to attend a formal hearing, the investigation will continue, and the panel shall issue its report on the basis of the information that has been made available to it in the course of its investigation.
- 5) Call expert witnesses to give advice if necessary. Any such expert witnesses shall declare any potential conflicts of interest and these will be managed by the panel.
- 6) Assess the evidence.
- 7) Consider the allegations of research misconduct and reach a conclusion on the allegations based on their reasonable opinion, clearly supported by the evidence.
- 8) Report, in writing, to the RIO any further distinct instances of research misconduct by the Respondent, along with supporting evidence.
- 9) Aim to reach a unanimous decision, failing which a majority decision will be acceptable.
- 10) Maintain a record of evidence sought and received and conclusions reached.

The Chair shall:

- 1) Maintain a record of all proceedings.
- 2) Report on progress in writing to the RIO during the investigation – on a bi-weekly or monthly basis, depending on the expected duration of the work of the panel.
- 3) Provide a draft report to the RIO.

The RIO:

- 1) Shall make a copy of the draft report available to the Respondent and any party/parties against whom potential adverse outcomes are contemplated. Such parties may comment on the factual accuracy of the report before it is finalised. The final report shall include detail of all such comments received and the panel's responses.
- 2) May ask the Investigation Panel to clarify any of its findings in the draft report.

The report should only be modified for errors of fact and/or clarification purposes, and be agreed by the panel before amendment.

The Panel shall produce a final report, to be forwarded by the Chair to the RIO, that:

- 1) describes the conduct of the investigation;
- 2) states whether the allegations have been:
  - a. upheld in full;
  - b. upheld in part; or
  - c. not upheld.
- 3) indicates the level of seriousness of any breach, giving the reasons for and context of its findings and recording any differing views; and
- 4) addresses any procedural matters that the investigation has brought to light within the University and relevant partner organisations.

The Chair, taking consideration of the seriousness of an allegation that is upheld in full or in part, may make recommendations as to whether the matter should be referred to the appropriate disciplinary procedure, taking account of input from the RIO on previous such circumstances.

The panel should then be disbanded.