

The 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin

Schedule 1

Grievance and disciplinary issues relating to members of the academic staff

7. Research Ethics, Research Integrity, and Research Misconduct

(1) Research shall be conducted ethically and with integrity, and shall be founded upon the principles of honesty, reliability, objectivity, impartiality, independence, fairness, respect, accountability, open communication, compliance with duties of care, and responsibility for future generations of researchers.

(2) For the purposes of section 2(1)(e) of the Chapter, “academic fraud” includes “research misconduct” as defined in this section.

(3) Research misconduct is any intentional, knowing or reckless misconduct which affects the integrity of any aspect of the process of research, including the research itself, research records, and research publication.

(4) In particular, research misconduct includes an intentional, knowing or reckless

(a) fabrication of data, falsification of data, and plagiarism, 254

(i) pursuant to section 4(1) of the Chapter, an allegation of research misconduct has been addressed to a Head of School or a Faculty Dean, and

(ii) pursuant to section 4(2) of the Chapter, the Head or Dean, as the case may be, has made preliminary enquiries and has been unable to deal with the allegation on an informal basis, then the Head or Dean, as the case may be, shall refer the issue to the Dean of Research.

(b) pattern of misconduct relating to matters such as management of data, personal conduct in the research setting, research practice, publication, and finances,

(c) deviation from acceptable research practice relating to matters such as attribution of authorship, publication, record keeping, and conflicts of interest,

(d) misrepresentation

(i) in obtaining necessary ethical approval,

(ii) of data, interests, qualifications or experience, or

(iii) of involvement in research,

(e) breach of confidentiality, privacy or data protection responsibilities, or of an applicable duty of care, and

(f) failure to meet ethical, legal and professional obligations.

(5) For the avoidance of doubt, research misconduct does not include

(a) honest error or honest differences in the design, execution, interpretation or judgment in evaluating research methods or results,

(b) poor research *per se*, unless this encompasses an intention to deceive, or

(c) misconduct unrelated to the research process.

(6) When an allegation of research misconduct is addressed to the Senior Dean pursuant to section 4(2) of the Chapter, the Senior Dean shall be described as the Research Integrity Officer, and section 11 of the Chapter shall apply.

(7) (a) Where,

(i) pursuant to section 4(1) of the Chapter, an allegation of research misconduct has been addressed to a Head of School or a Faculty Dean, and

(ii) pursuant to section 4(2) of the Chapter, the Head or Dean, as the case may be, has made preliminary enquiries and has been unable to deal with the allegation on an informal basis, then the Head or Dean, as the case may be, shall refer the issue to the Dean of Research.

(b) Where, pursuant to section 4(2) of the Chapter, an allegation of research misconduct has been addressed directly to the Research Integrity Officer, that Officer shall deal with it pursuant to section 10.

(c) Where an allegation of research misconduct relating to a student has been referred to the Dean of Research otherwise than pursuant to the Chapter on Student Conduct and Capacity, the Dean of Research shall notify the Junior Dean pursuant to section of the Schedule on Student Conduct (Schedule 2 to the Chapter on Student Conduct and Capacity).

(d) Where an allegation has been referred to the Dean of Research pursuant to paragraphs (a) and (b), or where it has been decided pursuant to the Chapter on Student Conduct and Capacity that an issue is to be dealt with by the Dean of Research, the Dean of Research may make further enquiries and, where possible and appropriate, again attempt to deal with the allegation on an informal basis at the most appropriate level pursuant to section 1(4).

(e) If informal resolution pursuant to paragraph (d) is not possible, or if the issue is serious, then the Dean of Research may make a formal complaint to the Research Integrity Officer pursuant to section 4(2) of the Chapter.

(f) In particular, where the allegation is sufficiently serious that it could lead to the suspension or dismissal of the member of staff against whom the allegation has been made, or where possible criminal conduct is involved, then the Dean of Research shall make a formal complaint to the Research Integrity Officer pursuant to section 4(2) of the Chapter.

(g) Where an allegation of research misconduct is addressed to the Research Integrity Officer pursuant to paragraph (e) or (f), the Research Integrity Officer shall investigate it pursuant to section 11 of the Chapter.

(8) (a) Having regard to section 1(3), the confidentiality of grievance and disciplinary proceedings relating to research misconduct should be maintained in so far as practicable and for so long as possible; provided that this does not compromise

(i) the investigation of the allegation,

(ii) health and safety, or

(iii) the safety of participants in research.

(b) Paragraph (a) does not preclude necessary or prescribed disclosure to third parties, such as other research groups or institutions, the Gardaí, relevant authorities,

professional bodies, funding bodies, and publishers; provided that this is done with as much confidentiality as possible, at the appropriate time, and through the correct mechanisms.

(c) In particular, where the Research Integrity Officer is dealing with a complaint pursuant to paragraphs (b)(iv), (e) or (f) of subsection (7), and the allegation of research misconduct involves researchers who are not members of College, the Research Integrity Officer shall determine

(i) if it is necessary to disclose that fact to a third party or parties, and

(ii) if so, how and to what extent, if any, College and the third party or parties will each deal with the allegation. Where an allegation of research misconduct has been upheld, the Research Integrity Officer shall determine if it is necessary to disclose that fact to a third party.

(c) Where an allegation of research misconduct has been upheld, the Research Integrity Officer shall determine if it is necessary to disclose that fact to a third party.

(9) (a) No person should suffer any penalty for making an allegation of research misconduct in good faith.

(b) The making in bad faith of allegations of research misconduct shall constitute research misconduct for the purposes of this Schedule; provided that the making of such allegations in any other fashion may nevertheless separately constitute misconduct for the purposes of Section 2 of the Chapter, if it otherwise satisfies the terms of that section.

(c) Improper dealing with allegations of research misconduct - such as failing to address possible infringements, attempts to cover up misconduct, and reprisals against anyone who has made an allegation or complaint of research misconduct pursuant to the Chapter and this Schedule - shall constitute research misconduct for the purposes of this Schedule.

(d) Where an allegation of research misconduct pursuant to paragraph (c) is made against a Senior Dean acting as Research Integrity Officer, then a Pro-Senior Dean shall be appointed pursuant to section 17(1) of the Chapter on Officers to act as Research Integrity Officer in respect of that allegation.

(e) Subsection (4) is without prejudice to the matters set out in paragraphs (a) to (f) of that subsection, where they are not "intentional, knowing or reckless", nevertheless separately constituting misconduct for the purposes of section 2 of the Chapter, if they otherwise satisfy the terms of that section.

(10) Having regard to the detailed scientific and technical nature of the facts of an individual allegation of research misconduct

(a) a Pro Senior Dean with an appropriate area of expertise or specialism may be appointed pursuant to section 17(1) of the Chapter on Officers to act as Research Integrity Officer; and

(b) the Research Integrity Officer may seek the assistance of any standing national panel of international experts established for this purpose by the Royal Irish Academy or similar bodies; provided that all decisions taken or procedures followed by the Research Integrity Officer in this respect are taken or followed, as the case may, pursuant to the Chapter.

(11) For the avoidance of doubt, and having regard to section 17(1) of the Introduction Chapter, for the purposes of this section allegations of research misconduct include both acts and omissions.