

IDI RESEARCH MISCONDUCT POLICY

Preamble

The Infectious Diseases Institute (IDI) expects that all research that is conducted or supported by IDI display research integrity and adheres to the highest standards of conduct.

These expectations are set out in the IDI Research Policy. [\(Refer to the Research policy\)](#)

IDI takes all reported allegations of research misconduct very seriously and requires that they are investigated fully and that the outcome of the investigation is reported as appropriate.

This policy applies to all IDI employees, students, visiting researchers, recipients of IDI grants or training awards, fellows and any other persons working within the IDI's establishments and teams.

The principles of the policy will also be applied as far as is reasonably practicable to ex-employees, where complaint is received alleging misconduct, which took place while the individual was an employee of IDI liaising with the current employer and other former employers as appropriate. Any issues raised about non-employees at IDI will be referred to the relevant employer.

Where allegations of research misconduct are made by an individual or external body to IDI, that individual or body will be made aware of the procedure under this IDI Research Misconduct Policy. Complaints relating to students will normally be investigated by the relevant university in cooperation with IDI.

1. Principles

1.1 IDI is committed to ensuring that investigations of alleged misconduct are carried out thoroughly and sensitively, in a timely manner, and under a presumption of innocence.

1.2 The time-scales will normally be regarded as maximum limits and all parties should work to ensure fast progression of the procedure.

1.3 This procedure will be made available to workers accused of research misconduct, referred to as "Respondents", who will be informed in writing of the detail of the allegation.

1.4 Respondents will have the right to be accompanied by an IDI work colleague as a witness at interviews and meetings held under the procedure.

1.5 Where a Respondent resigns or leaves IDI, the complaint may nevertheless be investigated as far as possible.

1.6 IDI will take disciplinary action against any individual found to be attempting to influence, victimise or intimidate the individual making the allegation of misconduct, referred to as the "Complainant" or witnesses.

1.7 IDI is committed to protecting its workers from frivolous, vexatious and malicious accusations and will take appropriate action against any individual(s) responsible for such allegations.

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1.8 Individuals are expected to co-operate in the review of allegations and the conduct of screening and investigations. They have an obligation to provide relevant evidence to the Research Head of Department (HoD) and Executive Director (ED).

1.9 All those involved in the process are required to maintain strict confidentiality.

1.10 IDI reserves the right to conceal the identity of any witnesses or the Complainant if it deems it necessary, in which case statements may be anonymized. Witness statements will only be anonymized in exceptional circumstances, since anonymity weakens the case. Witnesses should also be made aware that should the case proceed to a hearing; their statement will be divulged to the Respondent. Where the case does not proceed to a hearing, witness statements will be kept confidential although their content may be referred to.

2. Definition of research misconduct

2.1 IDI endorses the definitions of research misconduct and other unacceptable research behavior from the Uganda National Council for Science and technology and the International Committee of International Medical Journal (ICIMJE) (<http://www.icimje.org/recommendations/browse/publishing-and-editorial-issues/scientific-misconduct-expressions-of-concern-and-retraction.html>) and identified in the IDI Research document in section 3.4 (October 2018). Some of the unacceptable conduct includes;

1. Fabrication
2. Falsification
3. Plagiarism
4. Misrepresentation
5. Mismanagement or inadequate preservation of data and/or primary materials, and
6. Breach of duty of care.

3. Overview

3.1 The IDI research misconduct procedure involves four defined stages. See also Appendix A at the end of the document.

1. Stage 1: **Preliminary action** – to determine whether the allegation falls within the RCUK definition of misconduct and the scope of the research misconduct procedure.
2. Stage 2: **Screening** – to determine whether the allegation warrants a formal investigation.
3. Stage 3: **Formal investigation** – to examine and evaluate all the relevant facts to determine whether misconduct has been committed, and if so, the responsible person and the seriousness of the misconduct.
4. Stage 4: **Appeal against the decision** and/or sanctions resulting from the completion of the investigation into the misconduct. Appeals will normally be heard by a more senior person than the person who made the original decision.

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3.2 Generally, for any committee formed to carry out investigations

1. The Respondent will be communicated of the proposed Committee membership in writing as soon as possible.
2. The Respondent has five working days to submit an objection to the persons appointed to the Committee.
3. If the Respondent submits a written objection to any of the persons appointed to the Committee, the ED may decide to replace the challenged person with a qualified substitute.
4. If the ED does not replace the challenged person(s), the reasons will be notified to the respondent in writing.
5. The date the Committee is officially appointed will be either after the five working days if the Respondent has not submitted a written objection, or the date on which the Director responds to the respondent's objections,

4. Reporting allegations of research misconduct

4.1 All IDI workers are required to report observed, suspected or apparent misconduct to the Research HoD and ED in accordance with this policy.

4.2 If an individual is unsure whether a suspected incident constitutes misconduct they should discuss this with the HoD informally.

4.3 Any allegation that cannot be handled by the HoD, for instance where the HoD may be the subject of the allegation, or for some other reason may not be perceived to be impartial, should be referred to the ED (or nominated representative).

5. Stage 1: Preliminary action

5.1 Determining the nature of the allegation

1. Allegation should be sent to the HoD and ED should be copied. An initial approach to the HoD may be anonymous but the Complainant should make a formal written submission.
2. When the HoD receives an allegation, the HoD need to determine if the allegation falls within the IDI definition of misconduct and also within the scope of this procedure.
3. The HoD will confirm receipt of communications from the Complainant
4. A Complainant may be an employee, a person connected with IDI or any individual or body external to IDI.

5.2 Informing the Respondent

1. The HoD must inform the Respondent of the substance of the allegation in writing, and invite them to respond. The HoD will keep the ED in copy to all communications with the Respondent.
2. The Respondent shall confirm receipt and provide a response in writing within five (5) working days of receipt, or a longer period agreed by the HoD.

5.3 Consideration of the Response

The outcome of any Preliminary Action should be reported as required, regardless of the outcome, to comply with internal reporting/monitoring requirements. Information on the nature of such allegations may be requested for monitoring purposes.

1. Finding that Screening is not warranted

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If the HoD in consultation with the ED is satisfied with the Respondent's response and/or decides that the allegations are mistaken, frivolous, vexatious and /or malicious, the allegations will then be dismissed. The HoD will record their justification for that decision and inform the Complainant and Respondent of this outcome in writing. The Complainant should be given an opportunity to respond if they believe that evidence was overlooked. Reasonable action to safeguard the reputation of the Respondent and of the organization should be considered (see 11). See section also 12 for information on handling malicious complaints.

2. Finding that Screening is warranted

If the HoD in consultation with the ED is not satisfied with the Respondent's response the HoD will proceed to Stage 2 Screening. This should be done within ten (10) working days of the receipt of the response.

The Director will take all reasonable steps and immediate action to secure the necessary evidence, consider the potential risks and take steps to remove or minimize any risk. Risks may relate to the health, safety and security of workers, research participants, or other persons, or negative environmental consequences.

3. If necessary, the Director may refer to the HR department for advice, and take the decision to suspend the Respondent on full pay pending the outcome of the Screening / Formal Investigation. It should be made clear to all parties that the actions taken are not to be regarded as an indication of guilt. Suspension will be taken in line with the following principles a) a worker will be suspended on full pay and contractual benefits; b) a thorough investigation should be carried out by the manager as swiftly as possible; c) the suspension period will be kept to a minimum and will be regularly reviewed, but will not normally exceed 10 days

6. Stage 2: Screening

The purpose of the Screening is to determine whether there is prima facie evidence of research misconduct by gathering information and determining whether an allegation or apparent instance of misconduct warrants a Formal Investigation (Stage 3). The purpose of the Screening is not to reach a final conclusion as to whether misconduct occurred or who was responsible. The Screening Committee should specifically limit its scope to that of evaluating the facts only to determine whether there is sufficient evidence of research misconduct to warrant an investigation.

The Screening Committee must determine whether the allegations are sufficiently serious and have sufficient substance to justify a Formal Investigation or whether they may be addressed through education / training, or through some other non-disciplinary approach. Allegations not taken to the Formal Investigation stage may include those which have substance, but due to lack of intent to deceive, or relatively minor nature, are more appropriately addressed without the need for Formal Investigation. These conclusions shall be set out in the written report

Screening process:

1. Notification. The HoD will notify both the Respondent and the Complainant of the Screening in writing as soon as reasonably practicable. The Respondent must confirm receipt in writing.
2. Appointment of the Screening Committee. The HoD in consultation of the ED will appoint the Screening Committee consisting of two individuals working at IDI who do not have conflicts of interest and have appropriate expertise. The Screening Committee will identify which member is to act as Chair.

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3. Screening. Screening will normally involve the Committee interviewing the Complainant, the Respondent and key witnesses, and examining relevant research records and materials. The Screening Committee will send the Respondent copies of relevant research records and materials used in the investigation. The Screening Committee will submit its report to the HoD in writing no more than forty (40) working days following its initiation.
4. Comments by parties on draft report. The Screening Committee will send the Respondent and the Complainant a copy of the draft report. Comments from the Complainant or Respondent must be submitted to the Screening Committee within twenty (20) working days of receipt of the report.
5. Final recommendations. The Committee should then forward its final report and recommendations to the Director, the Complainant and the Respondent.
6. Decision by the HoD and ED. The Director will decide either to accept or reject the recommendations of the Screening Committee and inform the Complainant and Respondent will be informed in writing within five (5) working days. Where the Director accepts recommendations that the allegation is dismissed reasonable action to safeguard the reputation of the Respondent and of the organization should be considered (see 11). Where the Director accepts recommendations that the procedure should progress to a Formal Investigation, the Director should take immediate steps to set up an Investigation Committee.

7. Stage 3: Formal investigation

The purpose of the Formal Investigation is to examine and evaluate all relevant facts to determine whether research misconduct has been committed, and if so, the responsible person and the seriousness of the misconduct.

1. Notification. The HoD will notify both the Respondent and the Complainant of the Screening in writing as soon as possible. The Respondent must confirm receipt in writing.
2. Appointment of the Screening Committee. The Director with the support of the HoD will appoint the Investigation Committee consisting of three individuals who have not previously been involved, who do not have conflicts of interest and have appropriate expertise. The Screening Committee will identify which member is to act as Chair. The Director will define the subject matter of the investigation in writing to the Investigation Committee and will attach a copy of the Screening report.
3. The Investigation process will be initiated within twenty (20) working days of the completion of the Screening process. The investigation will include examination of all documentation including the screening report, relevant research data, materials, proposals, publications, correspondence, memoranda, and notes of telephone calls. The Respondent will be interviewed as part of the investigation process. Interviews should be conducted of all individuals involved in the allegation, and other individuals who might have information regarding key aspects of the allegations. The Respondent should be asked to name any relevant witnesses. Written notes of the points discussed will be made of the interviews. Each individual will have an opportunity to comment on. Any disagreements will be noted. An investigation should normally be completed within sixty-five (65) working days of its initiation.
4. Investigation report contents. The final report must state how the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings, and an accurate agreed summary of the views of any individual alleged to have engaged in misconduct (including the written notes of any interviews conducted). The Investigation Committee will also

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recommend, as appropriate, whether professional bodies or regulators, research funders/sponsors, collaborators, Journal Editors should be notified once the process is completed.

5. Comments by the Respondent. The Investigation Committee will send the Respondent a copy of the report and the evidence they have considered within five (5) working days of the completion of the report. The Respondent has the opportunity to submit any comments on the report within twenty 20 working days of receipt of the report.
6. Final recommendation. The Investigation Committee will send a copy of the investigation report, including comments from the respondent, to the ED.
7. ED decision. The ED will decide and inform the Board Chair and the Respondent within five (5) working days either to set up a Hearing Panel to consider the formal allegations against the worker and decide, where appropriate, what sanction(s) should apply or to dismiss the allegations. Where an allegation is dismissed reasonable action to safeguard the reputation of the Respondent (see 11).
8. Investigation Hearing. Where an Investigation Hearing applies, a Panel of at least three members (to include the Director as Chair person) should be set up. In some cases, use of external panel members should be considered. The Respondent's comments will be attached as an addendum to the Investigation report. The Hearing will be set up within fifteen (15). In the letter of invitation, the Respondent shall be reminded of the allegations made and will be provided with any supporting evidence and that termination of their employment/appointment may be a recommendation resulting from the hearing.
9. Panel decision. The Panel will decide whether the allegations are upheld and if so what sanctions or administrative actions are to be implemented in line with 7.10 below. The Chair will write to the Respondent and notified the Board Chair within five (5) working days to notify them of the Panel's decision, including the reasons for the investigation, any sanction(s), and the right of appeal and the Nominated Person to whom the appeal should be.
10. Sanctions. It is the responsibility of the ED to impose any sanction(s) determined by the Panel, including: a) removal from the particular project, b) final written warning, c) special monitoring of future work, d) requirements to undertake specified training, e) removal of eligibility for pay progression for one year, f) withdrawal of funding for programme, g) down-banding of appointment, h) recommendation of termination of employment (see 7.11).
11. Termination of employment. The Respondent will be informed that a recommendation has been made that they are to be dismissed. This may be with or without notice. The Respondent will be invited to a formal meeting with the ED, HoD and Head of HR. The Respondent will be able to submit written evidence within five (5) working days. If after the meeting, the Head of HR accepts the recommendation for dismissal, he/she will inform the Respondent in writing of the reason for dismissal, the date on which employment will terminate with or without notice as the case may be and the Respondent's right to appeal (including arrangements for such an appeal).

Stage 4: Appeal

The purpose of the appeal is to a) Review all of the evidence and determine whether the decision and any sanction(s) applied was fair and reasonable in all the circumstances; and b) determine whether the procedure was followed correctly.

1. Initiation. The Respondent may appeal against the decision to substantiate the allegation or the sanction by writing to the Board Chair within seven (7) working days of receiving notification of the outcome, stating clearly the basis for appeal.

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2. **Appointment of the Appeal Panel.** The Board Chair will convene an Appeal Panel consisting of two or more persons, none of whom were a member of the Screening or Investigation Committee or the Hearing Panel. The Panel may be made up of people from outside the IDI. The Chief Operating Officer will notify the Respondent of the proposed Appeal Panel membership in writing as soon as reasonably practicable.
3. **Appeal Process.** The appeal process will be initiated within fifteen (15) working days of the receipt of an appeal by the Respondent. The Respondent will be invited to attend a meeting to give oral evidence. The Respondent may submit any relevant additional supplementary material in support of their appeal.
4. **Panel Decision.** The Panel will prepare and submit a report within sixty-five (65) working days of the date the appeal was raised to the Board Chair an Appeal Report stating their conclusions and sanctions that should be imposed. The Appeal Panel will also recommend, as appropriate to protect IDI reputation, whether professional bodies, regulators, research funders/ sponsors and editors should be notified.
5. **Final decision.** The Board Chair, on the basis of the Appeal Report, whether to endorse, amend or overturn the conclusions of the investigation and/or resultant sanctions imposed on the Respondent and notify the Respondent in writing of the outcome of the Appeal Panel and will provide a copy of the Appeal Report and evidence considered by the Appeal Panel. The Respondent has no further right of internal appeal against the conclusions. The board chair may recommend additional action to be taken (in the event that an earlier decision is amended or overturned) to report and implement the final decision.

9. Specific provisions

1. **Complainants/Witnesses.** The Complainant is responsible for making allegations in good faith, maintaining confidentiality, and co-operating with the Screening or Formal Investigation. A Complainant who recklessly disregards evidence that disproves an allegation has not made the allegation in good faith. Complainant can raise bona fide concerns confidentially and without fear of suffering any detriment. The Complainant will have an opportunity to present evidence before the Screening Committee and may also be asked to present evidence to the Investigation Committee as a witness. The Complainant shall be informed of the results of the Screening and Formal Investigation.
2. **The Research HoD and ED.** The Research HoD and ED has responsibility for monitoring how members of staff behave towards individuals who bring allegations of research misconduct or who co-operate in screening or investigations. They will have primary responsibility for ensuring adherence to the procedures in this document. They will write to the Complainant and/or witnesses requesting that they do not make statements about the Respondent outside of the inquiry/investigation process while this is proceeding. They should advise that legal action and/or disciplinary action may follow should they publicise their allegations before the outcome of the screening/investigation/appeal process is known. They will appoint Screening and Investigation Committees, a secretariat for each committee and all other involved persons to comply with these procedures.
3. **Board Chair.** Any allegations that cannot be handled by the ED (e.g. where the Director may be the subject of the allegation, or for some other reason may not be perceived to be impartial), should be referred to the Board Chair. The Board Chair will be responsible for arranging the investigation of any complaints against the ED or members of their personal research teams.
4. **The secretariat.** The secretariat will be responsible for maintaining a record of all documents and evidence, and for the confidentiality and security of the record and documentary evidence.

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5. Respondent. The Respondent will be provided with a copy of this procedure and will be informed in writing of the detail of the allegation(s) following sequestering of relevant material, will receive copies of or have access to all material relevant to the allegation and its consideration at Screening, Investigation, Hearing and Appeal stages and will be notified in writing of the final decisions and resulting actions. The Respondent shall also have the opportunity to provide documentation in support of their defence (including witness statements), to be interviewed by and present evidence to the Screening and Investigation Committees and the Hearing and Appeal Panels, to review the Screening and Investigation reports and to be accompanied. The Respondent is able to request a postponement of up to five (5) working days where their chosen representative is not available to attend on the agreed date or time. The Respondent is responsible for maintaining confidentiality and cooperating with the conduct of a screening or investigation.

10. Post investigation reporting and arrangements

1. No appeal has been submitted. When the Respondent does not submit an appeal following the final decision being made, the ED will notify both the Respondent and Complainant in writing within twenty (20) working days. The ED will also recommend whether professional societies, editors of journals in which falsified reports may have been published, collaborators of the Respondent in the work, or other concerned parties, should be notified of the outcome of the case. The ED is responsible for ensuring compliance with any notification requirements of funding or sponsoring agencies and informing the Council of the outcome of the investigation.
2. Appeal has been submitted and heard. The Board Chair will recommend additional action to be taken including any notification requirements of funding or sponsoring agencies and informing the Council or appropriate governing body of the outcome of the investigation

11. Safeguarding reputations

IDI will take all reasonable action to safeguard the reputation of the Respondent and of the organization.

If the Respondent is not found guilty of research misconduct:

1. The Director will consult with the Respondent to ensure that appropriate publicity is given to this outcome where considered necessary.
2. The Director will take steps to ensure that all reference to the matter is expunged from the Respondent's personnel file.
3. All persons who have been interviewed or otherwise informed of the allegations will be notified in writing that the allegations have been found to be without foundation.
4. Where investigation of any allegation has significantly disrupted an MRC research programme this will be taken into account at the subsequent review of that work.
5. In notifying and in producing material on proven cases, information relating to third parties should be handled sensitively to safeguard the reputations of any individuals who may have been affected but who were not themselves proven to be guilty of research misconduct.

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5. Respondent. The Respondent will be provided with a copy of this procedure and will be informed in writing of the detail of the allegation(s) following sequestering of relevant material, will receive copies of or have access to all material relevant to the allegation and its consideration at Screening, Investigation, Hearing and Appeal stages and will be notified in writing of the final decisions and resulting actions. The Respondent shall also have the opportunity to provide documentation in support of their defence (including witness statements), to be interviewed by and present evidence to the Screening and Investigation Committees and the Hearing and Appeal Panels, to review the Screening and Investigation reports and to be accompanied. The Respondent is able to request a postponement of up to five (5) working days where their chosen representative is not available to attend on the agreed date or time. The Respondent is responsible for maintaining confidentiality and co-operating with the conduct of a screening or investigation.

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2. Appeal has been submitted and heard. The Board Chair will recommend additional action to be taken including any notification requirements of funding or sponsoring agencies and informing the Council or appropriate governing body of the outcome of the investigation

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5. In notifying and in producing material on proven cases, information relating to third parties should be handled sensitively to safeguard the reputations of any individuals who may have been affected but who were not themselves proven to be guilty of research misconduct.

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12. Malicious allegations

Where the outcome of a Preliminary Action, Screening, Investigation or Appeal stage indicates that an allegation has not been made in good faith, IDI will:

1. Pursue disciplinary action against the Complainant where they are employed by IDI, and pursue action as appropriate against an external Complainant. Allegations not made in good faith may include frivolous, vexatious and malicious allegations.
2. Take action to safeguard reputations as necessary.

Approved by:

Signature:.....

Name : Dr Andrew Kambugu

21st JANUARY 2020 .

Title : Executive Director

Stage 1 Preliminary action

An allegation of misconduct is received by the HoD and the ED

The HoD will inform the Respondent of the details of the allegation and give 5 days to respond

In consultation with the ED the HoD decides if Screening (Stage 2) is warranted

YES: HoD will notify the Respondent in writing - go to stage 2

NO: HoD will document the justification for the decision and inform the Complainant and the Responded of the decision

Stage 2- Screening

A Screening Committee (3 SRC non conflicted members) is appointed to determine whether there is sufficient evidence of misconduct to warrant an investigation.

The Committee will send a report and recommendations to the HoD, ED, Complainant and Respondent.

The HoD in consultation with the ED will make and communicate a decision within five working days of the making their decision to the Complainant and Respondent.

The HoD and ED accept a recommendation that the procedure should progress to a Formal Investigation - go to Stage 3,

The Committee does not recommend Investigation/ The HoD and ED rejects a recommendation that the procedure should progress

Stage 3 - Investigation

The HoD and ED will appoint an Investigation Committee formed by 3 internal and external members experts in the field.

The Committee will submit a report to the HoD and ED based on the Review of all documents and interview of the Respondent

The ED decides to set up a Panel (2 SMT members and one external member) to consider the allegations and decide on sanctions.

The Respondent will be invited to attend the Panel hearing. After the hearing the Panel will decide on actions and sanctions within 5 days

The ED in consultation with HoD decides to dismiss the allegations

Appeal

The Respondent may appeal against the sanctions or administrative actions to the Board Chair within 5 days of receiving the notification of the outcomes of the investigation.

The Board Chair will form an Appeal Panel of 3 internal and external members.

The Respondent will be invited to attend the Panel hearing. After the hearing the Panel will decide on actions and sanctions within 5 days

The Board chair decides whether to endorse, amend or overturn the conclusions of the investigation of the sanctions. This decision is final

