

**GUIDELINES ON
HANDLING OF
RESEARCH
MISCONDUCT
CASES**

September 2019

*Research Grants
Council*

Research Grants Council

Guidelines on Handling of Research Misconduct Cases

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PART 1 INTRODUCTION

Preamble

Hong Kong is an international centre of research excellence. Such a remarkable achievement is attributed to the persistent efforts of the whole research community. It is necessary to uphold a very high standard of research integrity and handle research misconduct seriously and fairly to protect the reputation of Hong Kong's research community.

2. This document sets out the policy, principles and procedures for handling research misconduct cases related to applications / projects under all funding schemes administered by the Research Grants Council (RGC).

RGC's Policy on Research Integrity

3. The RGC attaches great importance to research integrity. All researchers are expected to observe the highest standard of integrity in the conduct of their research funded under the funding schemes administered by the RGC. Any research misconduct found in RGC-funded projects / applications for RGC funding will be treated seriously and fairly.

Jurisdiction of RGC on Research Misconduct Cases

4. According to the Terms of Reference of the RGC, it is the responsibilities of the RGC to invite and receive, through the institutions of higher education, applications for research grants from academic staff; to approve disbursements of research grants; and to monitor the implementation of the funded research projects. Hence, the RGC has jurisdiction on all RGC-funded projects / applications for RGC funding.

Role of the RGC in Research Misconduct Cases

5. The role of the RGC is to handle allegations of research misconduct under its purview in a fair and timely manner; to devise an appropriate

mechanism to ensure that the alleged research misconduct cases are investigated thoroughly and impartially; to impose appropriate punishment for substantiated misconduct cases which, on one hand, is commensurate with the gravity of the misconduct and, on the other hand, has sufficient deterrent effect; and to set up an appropriate mechanism to deal with appeal cases independently and fairly.

Role of Universities / Institutions

6. All universities / institutions that submit applications to the RGC should formulate their own research integrity policies and ethical guidelines by referencing to the good research practices adopted widely by the research community; to educate and ensure their researchers follow the stipulated policies and guidelines; and to set up their own internal procedures to handle alleged research misconduct.

7. Universities / Institutions receiving grants from the RGC have the primary responsibility for prevention, detection and investigation of research misconduct. Universities / Institutions should report to the RGC immediately when any suspected research misconduct cases related to RGC funded projects / applications for RGC funding are discovered.

Role of Researchers

8. The role of researchers is to adhere to good practices when conducting research; to observe the research integrity policies and ethical guidelines of the relevant universities / institutions. Researchers applying or receiving RGC funding are required to strictly follow all the guidelines and fulfil all the requirements set out by the RGC from time to time. It is the responsibility of the researchers to seek clarifications from the Research Office of their affiliated universities / institutions when there is any doubt or uncertainty about the requirements.

PART 2 RESEARCH MISCONDUCT

Types and Definitions of Research Misconduct

9. The definitions of the common types of research misconduct are listed as follows:

(a) **Plagiarism**

It refers to the intentional or unintentional appropriation of another person's ideas, processes, or results or words (including diagrams, figures, tables, photos, etc.) without giving appropriate credit.

(b) **Falsification**

It refers to cases of manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. For example, from a less serious case such as elimination of data which do not support a pre-conceived conclusion to a more serious case such as combination of results from different experiments in order to support conclusion.

(c) **Fabrication**

It refers to cases of making up data or results and recording or reporting them, for example, the data is fabricated so that the research results turn out to be irreproducible.

(d) **Double-dipping**

It refers to cases for applying RGC funding for a proposal which is the same as an already funded project, irrespective of the sources (i.e. RGC or other funding bodies) / location (i.e. local or overseas) of the funding.

- (e) Non-disclosure of similar / related research work in the application

It refers to cases where the researchers fail to report to the RGC any research work that is being / has been conducted in relation to the proposal, including but not limited to data collection, preliminary research, working papers, publications (such as journal papers, conference papers and books, etc.), presentations, media interviews and other submitted proposals, etc. in the application form¹.

- (f) Self-plagiarism²

It refers to cases where the researchers reuse their own data or previously published work (including working paper), or parts of it, in the proposal or a subsequent publication, research paper or other output of the funded project, without appropriate acknowledgement that the material had previously been published.

- (g) Non-disclosure of relationship with nominated reviewers³

It refers to cases where the researchers fail to provide in the application form whether they have any conflicts of interest with their nominated external reviewers, for example, the reviewer and the researcher are currently employed / were employed in the same institution; the reviewer has pre-reviewed the application; or the reviewer has co-authorship of paper / publications with the researcher within a certain period of time, etc.

10. The types of research misconduct listed above are not exhaustive and the RGC will review and update the list as and when appropriate.

¹ The RGC approved at its meeting in June 2018 the revised declaration requirements on similar / related research work in the application form. The new requirements were implemented starting from the 2019/20 exercise.

² This definition of self-plagiarism follows the common practice of the academic community in Hong Kong and elsewhere and has been endorsed by the Disciplinary Committees (DCs). The degree and severity of self-plagiarism that may lead to the substantiation of the misconduct will be assessed by the DCs when cases arise.

³ The RGC decided at its meeting in December 2016 that the section for the Principal Investigators to nominate external reviewers in the application forms would be obsolete starting from the 2017/18 exercise. In this connection, there will be no further instances of alleged “non-disclosure of relationship with nominated reviewers”. This new policy will not be retroactively applied to alleged misconduct cases found in previous exercises. Investigation of such cases will still be carried out according to these stipulated guidelines.

Sources of Allegations of Research Misconduct

11. Allegations of research misconduct are brought to the attention of the RGC through Panel Members, universities / institutions, complainants, media and law enforcement agencies, etc. All the allegations, irrespective of the sources, will be dealt with fairly and seriously by the RGC.

Principles of Handling Alleged Research Misconduct

12. The following principles would be observed when handling alleged research misconduct cases:

- (a) the researchers / respondents under investigation are presumed innocent until the allegation is substantiated;
- (b) to support the finding of research misconduct, there should be a significant departure from the accepted practices of the research community;
- (c) the allegation should be substantiated by a preponderance of evidence;
- (d) the substantiation of an allegation should depend solely on the fact of the case, not the respondent's intention (as it is difficult to prove one's intention) or other mitigating factors; and
- (e) the mitigation factors (including the respondent's intention to commit the misconduct) of the case will be taken into account when considering the level of penalty to be imposed on the respondent if the allegation is substantiated.

PART 3 DISCIPLINARY COMMITTEES

Structure

13. The RGC established two Disciplinary Committees (DCs), namely DC (Investigation) and DC (Appeal) to handle alleged research misconduct cases and appeal cases respectively.

Terms of Reference of DC (Investigation)

14. The terms of reference of the DC (Investigation) are as follows:

- (a) to advise on policies and procedures regarding the handling and investigation of alleged research misconduct cases under the purview of the RGC; and review such policies and procedures as and when necessary;
- (b) to advise on principles and guidelines in determining the level of penalty for substantiated research misconduct cases; and review such principles and guidelines as and when necessary;
- (c) to appoint experts to the Investigation Working Group (IWG) to be formed for each research misconduct case to carry out investigation into the allegations;
- (d) to consider the findings and recommendations of the IWG concerned;
- (e) to recommend to the RGC on whether the allegations should be substantiated or not; and
- (f) to recommend to the RGC on the level of penalty to be imposed for substantiated allegations.

Terms of Reference of DC (Appeal)

15. The terms of reference of the DC (Appeal) are as follows:
- (a) to advise on policies and procedures regarding the handling of appeal cases against the decision of the RGC on the substantiation of research misconduct and / or the level of penalty imposed; and review such policies and procedures as and when necessary;
 - (b) to appoint experts to the Appeal Board to be formed for each appeal case to carry out investigation;
 - (c) to consider the findings and recommendations of the Appeal Board concerned; and
 - (d) to make recommendations to the RGC on whether the previous decision on the substantiation of research misconduct should be upheld or overturned, and / or the previous decision on the level of penalty imposed should be upheld or modified.

Composition of DC (Investigation) and DC (Appeal)

16. The composition of membership of each DC is as follows:
- (a) five non-local Members;
 - (b) at least one Member should be a non-RGC / Committee / Panel Member; and
 - (c) at least one Member should be an RGC / Committee / Panel Member.

PART 4 PROCEDURES FOR HANDLING ALLEGED RESEARCH MISCONDUCT

Suspected Research Misconduct Discovered During Application Assessment

17. During the course of the assessment of funding application, when a Panel / Committee Member suspects that the investigator (e.g. Project Co-ordinator (PC), Principal Investigator (PI), Co-Principal Investigator (Co-PI) or Co-Investigator (Co-I)) has committed any research misconduct, such as non-disclosure of similar / related research work, etc., the Member may request the Secretariat to seek supplementary information from the investigator through the university / institution concerned to clarify the case, if necessary. The investigator concerned will be given seven calendar days to respond. On receipt of the supplementary information, if the Member still considers that there may be a case of misconduct, he / she may raise the case for discussion at the Panel's / Committee's meeting. If the Panel / Committee considers that there is cause for further investigation, the Panel Chair will report the case at the RGC meeting, as appropriate, and refer the case to the DC (Investigation) for further investigation. If not, no further action will be taken.

18. In any event, the investigator will always have the opportunity to explain before it is referred to the DC (Investigation) for further investigation. In the circumstances that the response of the investigator is received after the Panel's / Committee's meeting, the response will be submitted to the concerned Panel / Committee Member and / or the Panel Chair for consideration on whether there is cause for further investigation by the DC (Investigation).

19. For any cases referred to the DC (Investigation), the university / institution concerned will be requested to initiate a formal investigation and submit an investigation report within 30 calendar days to the RGC.

Suspected Research Misconduct Discovered Outside Application Assessment

20. For any cases related to the RGC funded projects reported by complainants, universities / institutions or other organisations (e.g. the Ombudsman, the Independent Commission Against Corruption, etc.) to the

RGC, or discovered by the Panel / Committee Member or staff of the Secretariat, the Secretariat will consult the concerned Project Shepherd and / or the Panel Chair; or the concerned Monitoring and Assessment (M&A) Panel Head and / or the Committee Chair, as appropriate, on whether there is cause for further investigation. If it is in the affirmative, the investigator concerned will be given seven calendar days to provide explanations. If the explanations are found not acceptable by the aforementioned parties, the case will be referred to the DC (Investigation) and the university / institution concerned will be requested to initiate a formal investigation and submit an investigation report within 30 calendar days to the RGC.

Investigation by University / Institution

21. The university / institution concerned should form an investigation panel to examine the allegation. The investigation report prepared by the investigation panel should include the representations of the respondent, statements of related parties, records of interviews, other supporting documents, as well as the findings and conclusions of the investigation, including whether the allegation should be substantiated or not. The university / institution concerned should also indicate if they accept the investigation report.

Cases Involving Breach of Law

22. If the Panel / Committee Chair and / or the Secretariat considers that the alleged research misconduct case may involve any breach of the law (e.g. deception), the Secretariat will refer the case to the relevant law enforcement agency for action and inform the Chairman, RGC. The Secretariat may seek legal advice if necessary. In the event that the case is under criminal investigation by a law enforcement agency, or is subject to criminal or civil proceedings in court, the RGC will suspend the processing of the alleged research misconduct / appeal until the completion of the criminal investigation or the criminal / civil proceedings. The process will only be resumed if it is confirmed that all criminal investigation or criminal / civil proceedings are completed.

PART 5 FORMAL INVESTIGATION BY DC (INVESTIGATION)

Formation of IWG

23. The DC (Investigation) oversees the conduct of investigations of alleged research cases, including the appointment of experts to the IWG to be formed for each research misconduct case to carry out investigation into the allegations.

24. An IWG normally comprises three RGC / Committee / Panel Members who are experts in the subject area, familiar with the RGC assessment procedures, and have no conflicts of interest with the researchers under investigation. One of the Members (usually the most senior Member in the RGC / Committee / Panel) will be assigned the role of Head, IWG. Experts outside the RGC may be appointed to the IWG as and when necessary.

Responsibilities of IWG

25. The responsibilities of the IWG are to impartially examine the written representations of the respondent and related parties, the research proposals and the institutional investigation report, which usually includes expert evidence, interview records and other relevant documents. Having considered the related documents, each IWG Member should make his / her own recommendation on whether the alleged research misconduct is substantiated. He / She should also set out his / her observations, findings and conclusions on the case together with supporting justifications.

26. Head, IWG is responsible for preparing an investigation report on behalf of the IWG, taking into consideration the views of the IWG Members. A report form is at **Annex A**. The Head, IWG should set out in the report the IWG's observations, findings and conclusions on the case together with supporting justifications / evidence. If there is no consensus on the case, the Head, IWG may request IWG Members to provide further justifications to support their recommendations, and / or seek further clarification from the respondent and / or the university / institution concerned through the Secretariat, if necessary. Any new information received from the respondent will be submitted to the IWG Members for re-consideration on whether their findings

and recommendations on the alleged research misconduct need to be revised. If there is still no consensus on the case, the majority view of the IWG Members (including the Head, IWG) will form the decision. The Head, IWG should set out in the investigation report how the IWG comes to the conclusions, particularly when the views of any IWG Members are not adopted. The IWG's investigation report should include:

- i. the specific allegations
- ii. the investigators found responsible for the allegations (e.g. the PI and / or the Co-PI(s))
- iii. case description
- iv. list of evidence examined
- v. findings / observations
- vi. conclusions / recommendations together with supporting justifications / evidence

27. The IWG's investigation report, together with the views of individual IWG Members, will be submitted to the DC (Investigation). Views of the DC (Investigation) will be sought on whether further information / clarification is required from the IWG. For the sake of fairness, the respondent will be provided a copy of the IWG's investigation report (with the names of individuals involved redacted) and will be given an opportunity to make his / her final representations before the case is considered and discussed by the DC (Investigation).

28. If the IWG suspects that the respondent may have committed other research misconduct during the course of the investigation, the DC (Investigation) may expand the scope of inquiry of the IWG, or appoint another IWG to look into the new allegations.

Consideration of IWG’s Recommendation by DC (Investigation)

29. The IWG’s investigation report, the respondent’s final representations and all other related documents of the case will be submitted to the DC (Investigation) for examination. A meeting or tele-conference will be conducted for DC (Investigation) Members to discuss the case. To facilitate discussion, the Secretariat will invite Members to provide their preliminary views on the case before the meeting. The Secretariat will consolidate the views for Members’ reference.

30. The DC (Investigation) should come to a conclusion on whether the allegation should be substantiated at the meeting on the basis of the majority view of DC (Investigation) Members (including the Chairman). The IWG, comprising Members who are experts in the subject area has already examined the matters-of-fact of the case concerned. The responsibility of DC (Investigation) is to examine the matters-of-law of the case (e.g. omission of any important piece of evidence during the IWG’s consideration of the case). If the DC (Investigation) finds that there is insufficient information / justifications provided in the IWG’s investigation report, so that DC (Investigation) cannot come to a conclusion on the case or to agree with the IWG’s recommendations, the DC (Investigation) may seek further clarifications from the IWG. For the sake of fairness, on the advice of the DC (Investigation), the respondent may be provided a copy of the IWG’s revised investigation report and will be given another opportunity to make his / her final representations, depending on the nature and extent of the revision.

Consideration of Level of Penalty by DC (Investigation)

31. The DC (Investigation) should also recommend a penalty to be imposed on the respondent if the misconduct allegation is substantiated. The “Guiding Principles for Determining the Level of Penalty” endorsed by the RGC are provided in Part 7 for Members’ reference. The document sets out the factors that should be taken into account during the consideration of the level of penalty and provide for reference a range of penalty for each type of research misconduct. The Secretariat will also provide precedent cases for Members’ reference where applicable. The level of penalty recommended by the DC (Investigation) should be commensurate with that of the precedent cases

unless there are justifiable reasons to support a different penalty. If there is no consensus among Members on the recommended level of penalty, the majority view of Members (including the Chairman, DC (Investigation)) will form the decision.

Submission of Investigation Report by DC (Investigation)

32. After the meeting, the DC (Investigation) should prepare a report setting out its deliberation on the case, including its observations, findings, conclusions and recommendations with supporting justifications on whether the alleged misconduct should be substantiated and, if substantiated, the level of penalty. A report form is at **Annex B**. In the event that the DC (Investigation) comes to a conclusion which is different from the recommendations of the IWG, the DC (Investigation) should set out in the report the reasons why the IWG's recommendations are not adopted. Since the RGC does not have the authority to summon the parties involved in the case to provide evidence, the RGC / DC (Investigation) / IWG Members will not interview the parties involved in the case (other than the respondent and the university / institutional management, as and when necessary) directly. The DC (Investigation) should, based on available information, make a recommendation on whether the misconduct allegation should be substantiated or not and, if substantiated, the penalty to be imposed on the respondent.

33. The DC (Investigation)'s report will be submitted to the RGC for consideration and decision. DC (Investigation) Members, who are also RGC Members, will be invited to present the deliberation and recommendations of the DC (Investigation) at the RGC meeting as and when necessary. In case the DC (Investigation)'s report can only be completed after the RGC meeting, the report will be circulated to the RGC Members in the form of a presumption paper so that an early decision on the case can be made.

Notification of RGC's Decision on Misconduct Allegation

34. Upon RGC's endorsement, the Secretariat will inform the respondent and the university / institution concerned of the RGC's decisions; and inform them that the respondent has the right to appeal against the RGC's

decision. The appeal must be made in writing and submitted to the Secretariat through the university / institution concerned within 14 calendar days from the date of receipt of the notification of RGC's decision. The university / institution concerned should indicate if they support the appeal. All the information / documents received by the Secretariat will be submitted to the DC (Appeal) for consideration.

35. A flowchart summarizing the investigation procedures of alleged misconduct cases is at **Annex E**.

PART 6 PROCEDURES FOR HANDLING APPEAL CASES

Formation of Appeal Board

36. The DC (Appeal) oversees the conduct of investigations of appeal cases, including the appointment of experts to the Appeal Board to be formed for each appeal case to carry out investigation.

37. An Appeal Board normally comprises three RGC / Panel / Committee Members with membership different from that of the IWG to re-examine the case. Appeal Board Members are experts in the subject area, familiar with the RGC assessment procedures, and have no conflicts of interest with the researchers under investigation. One of the Members (usually the most senior Member in the RGC / Panel / Committee) will be assigned the role of Head, Appeal Board. Experts outside the RGC may be appointed to the Appeal Board as and when necessary.

Responsibilities of Appeal Board

38. The responsibilities of the Appeal Board are to impartially examine the grounds of appeal and new evidence submitted by the appellant, previous decision of the RGC on the substantiation of the alleged misconduct and the level of penalty imposed as well as the justifications for such decision, and all other documents related to the case, including the “Guiding Principles for Determining the Level of Penalty” in Part 7 and the precedent cases provided by the Secretariat.

39. Since any case that reaches the Appeal Board has been examined thoroughly by the IWG (Members of which are also experts in the subject area), DC (Investigation) and RGC, the previous decision of the case, including the substantiation of research misconduct and / or the level of penalty imposed can only be overturned / modified if the appellant can provide new justifiable reasons / evidence that have not been considered by the IWG / DC (Investigation) / RGC before; or when there is any omission / error in previous decision making process. Having considered all related documents, each Appeal Board Member should make his / her own recommendation on whether the previous decision of the case, including the substantiation of

research misconduct and / or the level of penalty imposed should be upheld, modified or overturned. He / She should also set out his / her observations, findings and conclusions on the case together with supporting justifications.

40. Head, Appeal Board is responsible for preparing an investigation report on behalf of the Appeal Board, taking into consideration the views of the Appeal Board Members. A report form is at **Annex C**. The Head, Appeal Board should set out in the report the Appeal Board's observations, findings and conclusions on the case together with supporting justifications / evidence. If there is no consensus on the case, the Head, Appeal Board may request Appeal Board Members to provide further justifications to support their recommendations, and / or seek further clarification from the appellant and / or the university / institution concerned through the Secretariat, if necessary. Any new information received from the appellant will be submitted to the Appeal Board Members for re-consideration on whether their findings and recommendations on the appeal case need to be revised. If there is still no consensus on the case, the majority view of the Appeal Board Members (including the Head, Appeal Board) will form the decision. The Head, Appeal Board should set out in the investigation report how the Appeal Board comes to the conclusion, particularly when the views of any Appeal Board Members are not adopted.

41. The Appeal Board's investigation report, together with the views of individual Appeal Board Members, will be submitted to the DC (Appeal). Views of the DC (Appeal) will be sought on whether further information / clarification is required from the Appeal Board. For the sake of fairness, the appellant will be provided a copy of the Appeal Board's investigation report (with the names of individuals involved redacted) and will be given an opportunity to make his / her final representations before the case is considered and discussed by the DC (Appeal).

42. If the Appeal Board suspects that the appellant may have committed other research misconduct during the course of the investigation, the DC (Appeal) may refer the case to the DC (Investigation) to look into the new allegations.

Consideration of Appeal Board's Recommendation by DC (Appeal)

43. The Appeal Board's investigation report, the appellant's grounds of appeal and final representations and all other related documents of the case will be submitted to the DC (Appeal) for examination. A meeting or tele-conference will be conducted for DC (Appeal) Members to discuss the case. To facilitate discussion, the Secretariat will invite Members to provide their preliminary views on the case before the meeting. The Secretariat will consolidate the views for Members' reference.

44. The DC (Appeal) should form a decision on whether the previous decision of the case, including the substantiation of research misconduct and / or the level of penalty imposed should be upheld, modified or overturned at the meeting on the basis of the majority view of DC (Appeal) Members (including the Chairman). Since the Appeal Board has already examined the matters-of-fact of the case concerned, the DC (Appeal) should focus on the matters-of-law of the case. If the DC (Appeal) finds that there is insufficient information / justifications provided in the Appeal Board's investigation report, so that DC (Appeal) Members cannot come to a conclusion on the case or to agree with the Appeal Board's recommendations, the DC (Appeal) may seek further clarifications from the Appeal Board. For the sake of fairness, on the advice of the DC (Appeal), the appellant may be provided a copy of the Appeal Board's revised investigation report and will be given another opportunity to make his / her final representations, depending on the nature and extent of the revision.

Submission of Investigation Report by DC (Appeal)

45. After the meeting, the DC (Appeal) should prepare a report setting out its deliberation on the case, including its observations, findings, conclusions and recommendations on whether the previous decision of the case, including the substantiation of research misconduct and / or the level of penalty imposed should be upheld, modified or overturned with supporting justifications. A report form is at **Annex D**. In the event that the DC (Appeal) comes to a conclusion which is different from the recommendations of the Appeal Board, the DC (Appeal) should set out in the report the reasons why the Appeal Board's recommendations are not adopted. Since the RGC does not have the authority to

summon the parties involved in the case to provide evidence, the RGC / DC (Appeal) / Appeal Board Members will not interview the parties involved in the case (other than the appellant and university / institutional management, as and when necessary) directly. The DC (Appeal) should, based on the information available, make a recommendation on whether the previous decision of the case, including the substantiation of research misconduct and / or the level of penalty imposed should be upheld, modified or overturned. The report will be submitted to the RGC for consideration and decision. DC (Appeal) Members, who are also RGC Members, will be invited to present the deliberation and recommendations of the DC (Appeal) at the RGC meeting as and when necessary. In case the DC (Appeal)'s report can only be completed after the RGC meeting, the report will be circulated to the RGC Members in the form of a presumption paper so that an early decision on the case can be made. The decision of the RGC will be final. In other words, further appeals will not be entertained.

Notification of RGC's Decision on Appeal Submitted by Appellant

46. Upon RGC's endorsement, the Secretariat will inform the appellant and the university / institution concerned of the RGC's decisions.

47. A flowchart summarizing the investigation procedures of appeal cases is at **Annex E**.

PART 7 PENALTY

Guiding Principles for Determining the Level of Penalty

48. The guiding principles endorsed by the RGC are provided in the ensuing paragraphs which set out the factors that should be taken into account during the consideration of the level of penalty for misconduct cases and provide for reference a range of penalty for each type of research misconduct.

Factors for consideration of level of penalty

49. The following factors should be taken into account, as appropriate, when considering the penalty to be imposed on the respondent:

- (a) the nature of misconduct (e.g. the penalty for plagiarism / double-dipping should in general be heavier than non-disclosure of similar / related research work);
- (b) the gravity of the case (e.g. in the case of plagiarism, the penalty for quoting a substantial part of another person's publication without citation should in general be heavier than quoting one or two sentences without citation);
- (c) the intent of the respondent to commit the misconduct (e.g. a researcher who has deliberate intent to act or commit the misconduct should receive a heavier penalty than a researcher who committed the misconduct out of sloppiness or due to misinterpretation of the requirements);
- (d) the research experience of the respondent (e.g. an experienced researcher should in general receive a heavier penalty than an inexperienced researcher);
- (e) the disciplinary record of the respondent (e.g. a researcher who has committed similar misconduct before should in general receive a heavier penalty than a researcher with no disciplinary record);

- (f) the attitude of the respondent towards the allegation (e.g. a researcher who pleaded guilty or showed remorse to the misconduct may receive a lighter penalty);
- (g) the penalty imposed in precedent cases; and
- (h) any other factors considered appropriate by the DC (Investigation) / DC (Appeal).

Scale of penalty

50. The seven-point scale of penalty endorsed by the RGC ranges from “warning letter”, i.e. the lightest level of penalty, to “debarment from all research funding schemes administered by the UGC / RGC in all capacities for five years plus disqualification of all submitted funding applications in all capacities”, i.e. the heaviest level of penalty, which is illustrated in the table below:

Scale of Penalty						
<i>Lightest</i>		→	→		<i>Heaviest</i>	
Warning letter	Warning letter plus disqualification of the related funding application in the concerned funding exercise	Debarment from all research funding schemes administered by the UGC / RGC in all capacities for				
		1 year	2 years	3 years	4 years	5 years
		plus disqualification of all submitted applications in all capacities				

Range of penalty for each type of research misconduct

51. A range of penalty for each type of research misconduct is provided below for reference:

(a) Plagiarism

From the lightest:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for two years plus disqualification of all submitted applications in all capacities”

Example: A PI failed to provide the source of a figure in the research proposal. The PI said he / she had asked his / her post-doctorate fellows to remove the figure before submitting the application to the RGC. He / She claimed he / she signed the application on the understanding that the figure was removed. Since the figure was not mentioned in the text of the proposal, the RGC considered that the PI’s failure to acknowledge the source of the figure was not intentional. As it was only an oversight of the PI, the RGC imposed a light penalty on him / her under plagiarism.

To the heaviest:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for five years plus disqualification of all submitted applications in all capacities”

Example: The proposal submitted by a PI was substantially similar to a published article in terms of research question, research design, key research variables and measuring tools. There were areas of overlap between the proposal and the article and some wordings of two documents were exactly the same. Since the PI had mentioned the previous research work of the authors of that article in the proposal, the RGC considered that the PI’s denial of having read that particular article prior to his / her submission of proposal was not credible. As the PI had deliberate intent to commit the

misconduct, the RGC imposed a heavy penalty on him / her.

(b) Falsification

From the lightest:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for one year plus disqualification of all submitted applications in all capacities”

To the heaviest:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for five years plus disqualification of all submitted applications in all capacities”

(There is no substantiated case on falsification.)

(c) Fabrication

One level of penalty:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for five years plus disqualification of all submitted applications in all capacities”

(There is no substantiated case on fabrication.)

(d) Double-dipping

One level of penalty:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for five years plus disqualification of all submitted applications in all capacities”

(There is no substantiated case on double-dipping.)

- (e) Non-disclosure of similar / related research work in the application

From the lightest:

“warning letter plus disqualification of related funding application in the concerned exercise”

Example: A working paper available on the internet was found similar to the proposal submitted by a PI. The PI explained that the working paper did not exist when the proposal was submitted to the RGC in November. He / She did not submit any information update to the RGC by the deadline in the following April as he / she thought that updates were only required if there was significant change to the proposal. The RGC considered that the proposal was an extension of the line of research of the working paper. Since the PI had mentioned the data collection for the period from 2000 to 2012 in the proposal, the RGC considered that the PI had no intention to hide the working paper. As it was not a deliberate attempt of the PI to mislead the RGC, the RGC imposed a light penalty on him / her under non-disclosure of similar / related research work in the application.

To the heaviest:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for two years plus disqualification of all submitted applications in all capacities”

Example: It was found in the completion report of a funded project that the research output consisted of a paper which was first submitted to a journal more than two years before commencement of the project. The RGC considered that the PI submitted a funding proposal involving research work that was substantially completed. Since the PI, who was an “old hand” in applying for RGC funding, deliberately withheld the information in the application, the RGC imposed a heavy penalty on him / her.

(f) Self-plagiarism

From the lightest:

“warning letter plus disqualification of related funding application in the concerned exercise”

To the heaviest:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for two years plus disqualification of all submitted applications in all capacities”

(There is no substantiated case on self-plagiarism.)

(g) Non-disclosure of relationship with nominated reviewers⁴

From the lightest:

“warning letter”

Example: The Co-I nominated an external reviewer in the proposal but failed to declare his /her relationship with that reviewer. During the assessment, the external reviewer declared that he / she had co-authored publications with the Co-I more than seven years ago. Since the Co-I had mentioned one of the co-authored publications in the curriculum vitae section of the application form, the RGC considered that the Co-I had no intention to hide his / her co-authorship with the reviewer in the application. The RGC eventually issued a warning letter to the Co-I.

To the heaviest:

“debarment from all research funding schemes administered by the

⁴ The RGC decided at its meeting in December 2016 that the section for the Principal Investigators to nominate external reviewers in the application forms would be obsolete starting from the 2017/18 exercise. In this connection, there will be no further instances of alleged “non-disclosure of relationship with nominated reviewers”. This new policy will not be retroactively applied to alleged misconduct cases found in previous exercises. Investigation of such cases will still be carried out according to these stipulated guidelines.

UGC / RGC in all capacities for two years plus disqualification of all submitted applications in all capacities”

Example: The Co-I nominated an external reviewer in the proposal but failed to declare his / her relationship with that reviewer. During the assessment, the external reviewer declared that the Co-I was his / her PhD student and had co-authored journal papers with him / her. Upon RGC’s enquiry, the Co-I finally disclosed his / her relationship with the external reviewer and admitted that he / she had co-authored 11 journal papers and a book chapter with the reviewer. In view that the Co-I, who had extensive experience in applying for RGC funding, deliberately omitted to disclose his / her advisee and advisor relationship and co-authorship with the reviewer, the RGC imposed a heavy penalty on him / her.

52. As the types of research misconduct listed above are not exhaustive, the RGC will review and update the list as and when appropriate.

53. For on-going projects involving research misconduct, the DC (Investigation) will consider whether the projects concerned should be terminated if the misconduct is serious enough to warrant such an action, e.g. double dipping, plagiarism with a substantial part of the work copying from the work of other researchers, etc., and then make recommendations to the RGC for consideration and approval.

Effective Date of Penalty

54. The debarment penalty should take effect from the date when the misconduct case was found substantiated by the RGC. For example, if an alleged impropriety was found substantiated by the RGC in the meeting held on 8 December 2018 and was eventually given a penalty of “debarment from all research funding schemes administered by the UGC / RGC in all capacities for one year plus disqualification of all submitted applications in all capacities”, the debarment period would be from 8 December 2018 to 7 December 2019. In addition, all the applications submitted by the respondent before the debarment period would be disqualified. The respondent may submit funding application, in any capacities, to the UGC / RGC from 8 December 2019.

Disciplinary / Penalty Record

55. If the respondent is found substantiated of research misconduct in future, his / her past disciplinary / penalty record will be one of the factors for consideration by the DC (Investigation) on the level of penalty imposed.

56. The disciplinary / penalty record of the respondent will not be disclosed to the reviewer or Members of the assessment panel / committee.

PART 8 RELATED ADMINISTRATIVE MEASURES

Withholding Release of RGC Grants / Freezing of Project Account

57. Prior to the conclusion of the alleged research misconduct case, the Secretariat will withhold the release of grant to the related proposal(s) of the respondent that is / are recommended for funding. For on-going projects of the respondent, on the recommendation of the Project Shepherd and / or the Panel Chair; or the concerned M&A Panel Head and / or the Committee Chair, as appropriate, the respondent may be required to suspend the research and freeze the project account until further notice.

Code of Conduct and Conflicts of Interest

58. DC (Investigation) / DC (Appeal) / IWG / Appeal Board Members are appointed in their personal capacity. They should in no way represent their own institutions or any organizations. To uphold public trust and protect public interest, it is important for Members to handle the alleged misconduct / appeal cases in a just and impartial manner. Members should observe RGC's "Code of Conduct" available at the RGC website.

59. Members should declare their interest immediately when they are invited to handle the alleged misconduct / appeal cases. If any DC (Investigation) / DC (Appeal) Member has perceived conflicts of interest with the researchers being investigated, the Member concerned should be excused from the investigation process and the relevant parts of the meeting. If any IWG / Appeal Board Member has perceived conflicts of interest, the DC (Investigation) / DC (Appeal) will appoint another member as replacement.

Confidentiality and Transparency

60. In line with the practice of the UGC-funded universities in handling research misconduct cases, all alleged misconduct / appeal cases are handled by the RGC on a confidential basis. All information / documents related to the investigation of the alleged misconduct / appeal cases should not be disclosed; and should be disposed of after the completion of the investigation.

61. To enhance public accountability and transparency of RGC's handling of such cases, the RGC will publish the latest statistics on RGC's handling of alleged misconduct cases and the summaries of RGC's decisions on substantiated misconduct cases with the names of individuals involved redacted.

Personal Data (Privacy) Ordinance

62. Under the Personal Data (Privacy) Ordinance (Cap. 486), the Laws of Hong Kong, written comments on a researcher or his / her alleged misconduct / appeal case may be regarded as personal data and will be released to the data subject upon request. However, the identity of Members will be protected and masked before the information is released to the concerned researcher.

Rules of Procedures

63. Unless otherwise specified in this document, the "Rules of Procedures for the University Grants Committee" shall apply to the DC (Investigation) / DC (Appeal) and the IWG / Appeal Board.

UGC Secretariat
September 2019

Research Grants Council

Investigation Working Group Report

PART I: BACKGROUND INFORMATION

Disciplinary Committee (DC) Case No.

Name of RGC Funding Scheme and Project / Proposal No.

Name of Investigator(s) Involved and Role in Project / Proposal

Alleged Misconduct(s)

Case Description

Members of Investigation Working Group

List of Documents / Evidence Examined

PART II: COMMENTS OF INVESTIGATION WORKING GROUP

Findings / Observations

Conclusions / Recommendations and Supporting Justifications / Evidence

The alleged misconduct(s) is / are considered to be:

Substantiated [for (_____) on alleged misconduct of _____
name of investigator(s) _____]

Not substantiated [for (_____) on alleged misconduct of _____
name of investigator(s) _____]

Justifications:

Other Remarks / Comments

Signature of Head / Member: _____

Name of the Head / Member: _____

Date: _____

Research Grants Council

Disciplinary Committee (Investigation) Report

PART I: BACKGROUND INFORMATION

Disciplinary Committee (DC) Case No.

Name of RGC Funding Scheme and Project / Proposal No.

Name of Investigator(s) Involved and Role in Project / Proposal

Alleged Misconduct(s)

Case Description

Members of Investigation Working Group (IWG)

Findings / Observations and Conclusions / Recommendations of IWG

Final Representations of Respondent(s)

List of Documents / Evidence Examined

PART II: COMMENTS OF DC (INVESTIGATION)

Findings / Observations

Conclusions / Recommendations and Supporting Justifications / Evidence

The alleged misconduct(s) is / are considered to be:

Substantiated [for (_____) on alleged misconduct of _____
name of investigator(s) _____]

Not substantiated [for (_____) on alleged misconduct of _____
name of investigator(s) _____]

Justifications:

Penalty Recommendations and Supporting Justifications / Mitigations (for Alleged Misconduct Recommended to be Substantiated)

Recommended Penalty on:

_____ is _____
(name of investigator(s)) *(level of penalty)*

Justifications:

Other Remarks / Comments

Signature of Chairman / Member: _____

Name of the Chairman / Member: _____

Date: _____

Research Grants Council

Appeal Board Report

PART I: BACKGROUND INFORMATION

Disciplinary Committee (DC) Case No.

Name of RGC Funding Scheme and Project / Proposal No.

Name of Appellant(s) and Role in Project / Proposal

Misconducts(s) Substantiated

Level of Penalty Imposed

Case Description

Grounds of Appeal

Members of Appeal Board

List of Documents / Evidence Examined

PART II: COMMENTS OF APPEAL BOARD

Findings / Observations

Conclusions / Recommendations and Supporting Justifications / Evidence

The original decision on:

(i) the substantiation of alleged misconduct should be

upheld

overturned

(ii) the level of penalty should be

upheld

modified (please provide details: _____)

Justifications:

Other Remarks / Comments

Signature of Head / Member: _____

Name of the Head / Member: _____

Date: _____

Research Grants Council

Disciplinary Committee (Appeal) Report

PART I: BACKGROUND INFORMATION

Disciplinary Committee (DC) Case No.

Name of RGC Funding Scheme and Project / Proposal No.

Name of Appellant(s) and Role in Project / Proposal

Misconduct(s) Substantiated

Level of Penalty Imposed

Case Description

Grounds of Appeal

Members of Appeal Board

Findings / Observations and Conclusions / Recommendations of Appeal Board

Final Representations of Appellant(s)

List of Documents / Evidence Examined

PART II: COMMENTS OF DC (APPEAL)

Findings / Observations

Conclusions / Recommendations and Supporting Justifications / Evidence

The original decision on:

(i) the substantiation of alleged misconduct should be

upheld

overturned

(ii) the level of penalty should be

upheld

modified (please provide details: _____)

Justifications:

Other Remarks / Comments

Signature of Chairman / Member: _____

Name of the Chairman / Member: _____

Date: _____

Flowchart on Procedures for Investigation of Alleged Research Misconduct Cases and Appeal Cases

