



# **RULES OF PROCEDURE FOR THE NATIONAL COMMISSION FOR RESEARCH INTEGRITY (CRI)**

## **ROLES AND RESPONSIBILITIES OF THE CRI AND LARI MEMBER ORGANIZATIONS**

*- Approved by the Member Organizations of LARI on 12 June 2024 -*

### **1. Preamble**

#### Article 1.1

The Luxembourg Agency for Research Integrity (LARI) is a non-profit organization (ASBL), established under the law of 21 April 1928, such as amended, on non-profit organizations and foundations. The Founding Members of LARI are:

- The Luxembourg National Research Fund (FNR)
- The University of Luxembourg
- The Luxembourg Institute of Science and Technology (LIST)
- The Luxembourg Institute of Health (LIH)
- The Luxembourg Institute of Socio-Economic Research (LISER)

#### Article 1.2

LARI and its Member Organizations subscribe to the principles laid out in the latest version of the European Code of Conduct for Research Integrity adopted and published by ALLEA.

#### Article 1.3

Under Article 7 of its Statutes, LARI established a National Commission for Research Integrity (CRI).

#### Article 1.4

The present document defines the mission and operational framework of the CRI. It also defines the responsibilities of LARI Member Organizations in relation to the conduct and outcomes of CRI investigations.

## **2. Remit and general principles of the CRI**

#### Article 2.1

The mission of the CRI is to:

- (i) Support LARI in the promotion of research integrity and best research practice, as well as in the prevention and correction of research misconduct.
- (ii) Ensure independent inquiry and investigation of alleged research misconduct.
- (iii) Support the further integration of research integrity principles in policies for the Luxembourgish research community.

Research misconduct is defined in Article 4.1. The terms “allegation” and “alleged” refer to claims that are backed up by some evidence.

#### Article 2.2

The present document defines research misconduct as encompassing one or more of the following:

- (i) Fabrication, falsification, and/or plagiarism in proposing, performing, or reviewing research, or in reporting research results.
  - a. Fabrication is making up data or results and recording them as if they were real.
  - b. Falsification is manipulating research materials, equipment, images, or processes, or changing, omitting, or suppressing data or results without justification.
  - c. Plagiarism is using other people’s words, work, or ideas without giving proper credit to the original source.
- (ii) Other unacceptable research practices that may distort the research record or damage the integrity of the research process or of researchers.

Forms of misconduct other than research misconduct fall outside the remit of the CRI. These include, but are not limited to, inappropriate personal behaviour (e.g., workplace intimidation, discrimination, bullying, sexual harassment), financial fraud, bribery, or corruption. In general, the CRI will also not undertake actions that will conflict with the mandate of other authorities.

#### Article 2.3

The CRI shall assess all cases of alleged research misconduct occurring in a Member Organization of LARI and in any other organization if the research to which the case refers is funded by the FNR.

#### Article 2.4

The Member Organizations of LARI commit to report without undue delay all credible allegations of research misconduct detected in their organization and fully delegate to the CRI further inquiries and the investigation of each case.

#### Article 2.5

The remit of other bodies related to safeguarding responsible conduct of research at LARI Member Organizations, such as institutional ombudspersons and ethics review boards, shall not unduly interfere with the remit of the CRI. In particular, these bodies shall not conduct investigations of allegations of research misconduct. Whenever they have reason to believe that research misconduct may have occurred, they shall promptly delegate further inquiries and the investigation to the CRI.

#### Article 2.6

The Member Organizations of LARI commit to ensure extensive cooperation with the CRI in cases where a procedure is initiated, in particular by making all required information available.

#### Article 2.7

The CRI handles cases of alleged research misconduct according to internationally recognized best practices, in particular by respecting the principles laid down in the European Code of Conduct for Research Integrity.

### **3. Composition of the CRI**

#### Article 3.1

The CRI shall comprise at least three members. They are nominated by the Board of LARI for a maximum term of three years. The board of LARI will request assent from the Minister in charge of publicly funded research for the proposed CRI members.

#### Article 3.2

CRI members may be appointed at most for three consecutive terms.

#### Article 3.3

A CRI member may be dismissed before the end of their term following a unanimous decision by the Board of LARI. The Board of LARI will request assent from the Minister in charge of publicly funded

research. The CRI will be invited by the Board of LARI to make a statement, which will be forwarded to the Minister.

#### Article 3.4

CRI members are chosen according to criteria that minimize the likelihood that conflicts of interest (such as defined in Article 5.6) may occur. Anyone who has a substantive conflict of interest, including those who were affiliated, held position, or had a business relationship with a LARI Member Organization and/or an organization benefitting from funding of the FNR, are not eligible for membership in the CRI.

#### Article 3.5

The members of the CRI shall have senior expertise in the field of research integrity, acquired through academic or public roles.

#### Article 3.6

The Board of LARI shall appoint one member of the CRI to serve as Chair and one member to serve as Vice-Chair for a term of three years. The members serving as Chair and Vice-Chair may be re-appointed for a maximum of three consecutive three-year terms.

#### Article 3.7

The duties of the Chair of the CRI shall include external representation in relevant national and international bodies, advisory membership in the Board of LARI, and reporting on the CRI's activities to the Board of LARI once per year.

#### Article 3.8

The Vice-Chair is entrusted with all the powers and duties of the Chair whenever the latter is unavailable or otherwise unable to perform her/his tasks.

#### Article 3.9

The Secretary-General of LARI acts as an advisor to the CRI. S/he provides organizational support and advisory support to the CRI. S/he has no voting rights and is bound by the same confidentiality rules as the members of the CRI.

#### **4. Competences of the CRI**

##### Article 4.1

The CRI shall have the following duties and powers:

- (i) Initiate an inquiry in cases of alleged research misconduct.
- (ii) Investigate cases of alleged research misconduct.
- (iii) Prepare reports based on investigations of cases of alleged research misconduct and recommend corrective, restorative, and preventive measures.
- (iv) Report evidence of problems with research integrity at LARI Member Organizations or in research funded by the FNR.
- (v) Contribute to the continued improvement of measures to prevent research misconduct at LARI Member Organizations and in research funded by the FNR.
- (vi) Advise all LARI Member Organizations on how to bolster a culture of research integrity, including providing advice on related policies and procedures.

##### Article 4.2

The members of the CRI shall perform their duties in complete independence and will not take any instructions from the Board of LARI or from LARI Member Organizations during inquiries into and investigations of cases of alleged research misconduct (cf. Sections 7-12).

#### **5. Procedural principles of the CRI**

##### Article 5.1

The CRI shall convene whenever necessary. The Chair may announce a CRI meeting along with the accompanying agenda at any time. The Chair of the CRI shall convene a meeting within seven business days if two members of the CRI submit a request for a meeting along with a draft agenda.

##### Article 5.2

At least a simple majority of CRI members must be in attendance to constitute a quorum. The quorum can be raised to two thirds upon reasoned request by the Chair of the CRI or the Secretary-General of LARI. Members are allowed to participate in meetings remotely, via videoconference or teleconference. Resolutions shall be taken by a simple majority of votes. Where voting results in a tie, the Chair, or, if the Chair is not in attendance, the Vice-Chair shall have the deciding vote.

##### Article 5.3

If required, the CRI may also make decisions in the form of circular resolutions in lieu of a meeting. Such motions are to be approved by the Chair and sent to all members of the CRI in writing or

electronically along with the specification of a deadline for responses at least one week in the future. A motion is considered approved if the required majority of CRI members vote in favour of it within the specified period. However, a resolution shall not be considered approved in cases where one or more CRI members request a discussion of the motion, in which case a meeting will be scheduled.

#### Article 5.4

Agendas and action briefings of all CRI meetings are to be drafted and recorded by the Secretary-General and distributed to participants for validation and to those absent for information.

#### Article 5.5

The members of the CRI and, more generally, all individuals that have access to information in the framework of the CRI's proceedings (e.g., members of the LARI secretariat, external advisors, and experts) shall maintain strict confidentiality to protect all persons involved. The investigation procedures of the CRI shall not be public; in particular, the parties involved in procedures shall not have the right to inspect the CRI's written records or documents. The CRI members take all reasonable and legally required steps to ensure that any information related to their activity is kept in a secure place and in due course is disposed of in a secure fashion. The retention period is 30 years for Final Reports and 10 years for all other documents.

#### Article 5.6

The members of the CRI must declare any personal, professional, or financial conflicts of interest (real or perceived) that they may have in relation to a particular case, e.g., if they involve close associates or supervisors (actual or former), a member (actual or former) from their organization or company, a first- or second degree relative, or any other person with whom there is or has been close relationship (professional or personal). Conflicts of interest of CRI members must be declared to the Chair of the CRI. If the Chair is in a conflict of interest, s/he will temporarily recuse from the role and hand over the chair to the Vice-Chair.

#### Article 5.7

The Chair assesses whether there is a conflict of interest (s/he may consult the other members of the CRI) and ensures that appropriate measures are taken, which will usually consist in excluding the CRI member likely to be affected by a conflict of interest from the entire procedure of the case. A written record must be kept of the actual or potential conflict of interest and the steps that were taken to manage it.

### Article 5.8

If the CRI or individual CRI members come under any pressure whatsoever from individuals or institutions involved in a case, they must immediately notify the Board of LARI, who will take appropriate measures to protect the CRI's reputation and LARI's interests.

## **6. Reporting allegations of research misconduct to the CRI**

### Article 6.1

The CRI may be called upon by anyone with knowledge of, or reasonable grounds to, suspect a case of research misconduct occurring in a LARI Member Organization or in research funded by the FNR. Allegations must be submitted in writing to the Secretary-General of LARI, with due indication of the specific facts of the case and the alleged research misconduct. The Secretary-General of LARI informs the Chair of the CRI without delay.

### Article 6.2

The CRI commits to protect the reporting person or organization (whistleblower protection). The CRI will consider anonymous allegations if they are supported by sufficient evidence to allow for an initial inquiry as specified in Section 7 and whenever legal obligations require so.

### Article 6.3

The CRI may, on its own initiative, formulate an allegation based on information that suggests grounds for possible research misconduct after informing the head of the LARI Member Organization involved in the allegation.

## **7. Initial inquiries of the CRI**

### Article 7.1

The Chair and Vice-Chair of the CRI assess whether an allegation falls within the scope of the CRI's remit, as defined in Articles 2.1, 2.2, and 2.3, and the credibility of the allegation. To this effect, they may consult the CRI.

### Article 7.2

The Secretary-General of LARI, in close consultation with the Chair and Vice-Chair of the CRI, may communicate with the person(s) or organization(s) that have reported an allegation, to gather sufficient information to decide whether the case falls within the scope of the CRI's remit.

### Article 7.3

The CRI will not take any further action after the end of an inquiry if:

- (i) The case falls outside the scope of the CRI's remit.
- (ii) The CRI concludes that the allegations are frivolous.
- (iii) The allegations refer to a case that CRI did investigate in the past and there is no substantial new evidence.

If CRI decides not to take any further action because of one or more of the reasons mentioned above, the Secretary-General of LARI will inform the person(s) or organization(s) that have reported the case within 30 business days.

## **8. Launch of an investigation by the CRI**

### Article 8.1

Based on the available information, the CRI may take the following resolutions:

- (i) Launch of an investigation by assignment of the case to one CRI member who will lead the investigation (ideally the member whose area of expertise is most closely related to the case), referred to below as the First Reader, and to a second CRI member who will have a supporting role, referred to below as the Second Reader.
- (ii) Non-initiation of an investigation, with appropriate justification, or referral of the case to a more appropriate authority.
- (iii) Suspension of the case, e.g., in cases where administrative, civil, or criminal procedures have been initiated.

### Article 8.2

The CRI will communicate its decision to launch an investigation to:

- (i) The Board of LARI
- (ii) The person(s) or organization(s) that reported the case (referred to below as the Complainant)
- (iii) The LARI Member Organization(s) directly involved in the case (if it is not the Complainant)
- (iv) The person(s) to whom the allegation refers (referred to below as the Respondent)

### Article 8.3

Notwithstanding Article 8.2, the CRI may deem it necessary not to communicate its decision to launch an investigation to all or some of the parties listed therein if such a communication could jeopardize the investigation.



## **9. Investigation procedure of the CRI**

### Article 9.1

With the administrative support of the Secretary-General of LARI, the First and Second Reader shall obtain opinions and statements from the Respondent(s).

### Article 9.2

The CRI may obtain expert opinions from specialists in the relevant field. These experts can assist in an advisory capacity at meetings of the CRI, at the CRI's request. The external experts are bound by the same confidentiality rules as CRI members (cf. Article 5.5) and must declare any conflict of interest (cf. Articles 5.6 and 5.7).

### Article 9.3

If an adequate assessment of the facts is not possible based on the materials submitted, the CRI may request additional statements from involved persons and/or institutions as well as access to any documents and evidence necessary for the due progress of the investigation in conformity with applicable legislation and Data Sharing Agreements between LARI and its Member Organizations. The CRI may also demand a hearing and/or site visits/audits with interviews.

### Article 9.4

At any stage of an investigation, the CRI may issue recommendations to the involved LARI Member Organization(s) to take actions that are likely to help in the assessment of the case (e.g., repeating measurements or experiments).

### Article 9.5

At any stage of an investigation, the CRI may issue recommendations to the involved LARI Member Organization(s) to take appropriate protective measures (e.g., securing data and notebooks, temporarily banning a researcher under suspicion from accessing certain premises) if there is a risk that data or other evidence may be tampered with or if there is a reasonable risk of retaliation against others (e.g., against subordinates or witnesses).

### Article 9.6

If an investigation involves research conducted with funding from the FNR, the CRI may also, at any stage of the investigation, issue recommendations to the FNR to take appropriate protective measures as specified in a Memorandum of Understanding between the FNR and LARI. The Memorandum of Understanding shall be public.

#### Article 9.7

The CRI may resolve to suspend an investigation at any stage with due justification (e.g., in cases where administrative, civil, or criminal procedures have been initiated).

#### Article 9.8

In general, the CRI should aim at completing an investigation within a timeframe of five months from the launch of the investigation, unless legal obligations require otherwise. If the duration of an investigation exceeds five months or a pertinent legally specified timeframe, the Secretary-General of LARI shall update, monthly, the parties defined in Article 8.2 and, where and to the extent legally required, other parties. Cases encompassing allegations which must be investigated according to a legally specified timeframe as well as allegations where no such legal obligation applies, may be split up into two investigations.

### **10. Preparation of Final Reports of the CRI**

#### Article 10.1

The First Reader in an investigation shall report on findings and discuss the progress of the investigation at each CRI meeting. Upon completion of the investigation, the First Reader shall compose, in collaboration with the Second Reader, a draft of the Final Assessment of the results of the investigation. This draft shall be presented to the other CRI members for discussion and approval, before a detailed Final Report will be drafted.

#### Article 10.2

In cases where other members of the CRI disagree with the Final Assessment, the Final Assessment will be discussed and amended or adjusted as necessary, or the investigation will resume in accordance with the procedure specified in Article 10.3. In case of a split disagreement between CRI members, the First Reader and the Second Reader shall rule on the issue. If the First and Second Reader disagree, the Chair shall decide. If the Chair is not in attendance, the Vice-Chair shall decide.

#### Article 10.3

If the CRI concludes that further investigations are required to come to a sound Final Assessment, the corresponding resolution must include a description of the additional investigations required as well as a reasonable time-period within which the investigation shall be concluded.

#### Article 10.4

The First and Second Reader, in close collaboration with the Secretary-General of LARI, draft the Final Report, in accordance with the Final Assessment as agreed on following the procedures in Articles 10.2 and, where applicable, 10.3.

#### Article 10.5

Decisions with respect to the Final Report are, whenever possible, taken consensually by all members of the CRI. If no consensus can be reached, the Chair shall proceed to a vote. Approval requires a majority of two thirds of the CRI members. Should a split vote be recorded, a note may be included in the report on differing opinions.

#### Article 10.6

Final Reports shall contain the following information:

- (i) A summary of the results of the investigation.
- (ii) An assessment of the results of the investigation, including a clear statement whether research misconduct had occurred.
- (iii) An evaluation of the severity of the research misconduct if it had occurred.
- (iv) Recommendations on corrective, restorative, and/or preventive measures for the parties involved.
- (v) Lessons learned from the investigation, especially regarding measures that could have prevented the research misconduct if it had occurred.

To ensure that recommended corrective and restorative measures (e.g., sanctions or retractions of publications) are fair, proportionate, and comparable across similar cases, Final Reports must unambiguously state the gravity of the research misconduct and contain clear recommendations on how to rectify research integrity violations.

#### Article 10.7

The CRI may resume investigating a case that it has already closed if substantial new evidence has become available since the completion of the original investigation. Every resumed investigation will follow the same procedures specified in Sections 7-12 as usual investigations.

### **11. Communication of Final Reports of the CRI**

#### Article 11.1

Final Reports are strictly confidential documents. They are first and foremost prepared by the CRI for the LARI Member Organization(s) involved in a case. Communications of Final Reports are confidential and strictly regulated according to the rules in this Section.

### Article 11.2

Final Reports are to be sent to the LARI Member Organization(s) involved in the case, including FNR, should the research under investigation be funded by FNR. LARI Member Organization(s) shall communicate the report at least to the person against whom the allegation was made and duly inform all parties whose collaboration is necessary to implement remedial actions.

### Article 11.3

A copy of the Final Report, without personal identifiers, shall be sent to the Board of LARI.

### Article 11.4

The submission of the Final Report shall mark the end of the CRI's investigation. The parties with whom the CRI had communicated during the investigation will be informed by the CRI that the investigation has been concluded and will be given the names of the LARI Member Organization(s) that have received the Final Report.

### Article 11.5

Lessons learned from a case that may inspire future practices or policies to promote research integrity and prevent research misconduct shall be compiled by the CRI and made available for educational purposes.

## **12. Institutional feedback from LARI Member Organizations on Final Reports of the CRI**

### Article 12.1

LARI Member Organizations shall inform LARI in a timely manner on actions taken by them in response to the recommendations of the CRI as described in Final Reports.

### Article 12.2

Notwithstanding Articles 11.1 and 11.2, if an investigation concludes that research misconduct did occur and has affected scientific publications, it is the duty of LARI to ensure that the scientific literature is corrected. In the first instance, the CRI will recommend in the Final Report that the authors of the publications request the necessary corrections or retractions. The LARI Member Organization(s) that receive the Final Report must inform LARI whether authors have been asked to request the necessary corrections or retractions and inform LARI within a reasonable timeframe whether they have followed the recommendation. However, if no actions are taken in a reasonable timeframe and without proper justification, LARI will ensure that steps are taken to inform the editors of the journal where the publication(s) warranting correction was/were published.