

Order No 9/2018
of the Director of the National Science Centre
amending the investigation procedure for breaches of the principles of research
integrity
of 6 February 2018

§1

Pursuant to §2 (4) of the Organisational Regulations of the National Science Centre's Office and the scope of tasks of the Scientific Coordinators of the National Science Centre of 1 February 2018, it is hereby ordered as follows:

§ 2.

The Investigation procedure for breaches of the principles of research integrity and applying for research funding in proposals, research projects, post-doctoral fellowships and doctoral scholarships recommended for funding in calls for proposals announced by the National Science Centre after 14 March 2016 attached to Order No 22/2016 of the Director of the National Science Centre of 15 June 2016 as Annex 1, is hereby amended.

§ 3.

The following §2 (6) shall be added:

“A Committee member who is an NCN officer shall be excluded from the investigation procedure if a suspected breach of research integrity is reported by an NCN officer subordinated to him.”

The numbering of §2 shall be amended, whereby §2 (6) – (8) shall become §2 (7) - (9) respectively.

§4.

The procedure referred to in § 2 is attached hereto as Annex 1.

§ 5.

The Order shall come into force on the date of its signature.

Director of the National Science Centre

Annex 1 to Order No 9/2018
of the Director of the National
Science Centre amending the
investigation procedure for
breaches of the principles of
research integrity
of 6 February 2018

INVESTIGATION PROCEDURE FOR BREACHES OF THE PRINCIPLES OF RESEARCH INTEGRITY AND APPLYING FOR RESEARCH FINANCING

§ 1. Terms

Whenever the procedure refers to:

NCN, it shall mean the National Science Centre;

Institution, it shall mean a research institution for the purposes of the Act on the Principles of Funding Science of 30 April 2010 (Journal of Laws of 2010, No 96, Item 615), which is party to a funding agreement for a research project, doctoral scholarship or post-doctoral fellowship;

Project, it shall mean a research project or endeavour carried out pursuant to Article 20 (1) (2) of the Act on the National Science Centre of 30 April 2010, a post-doctoral fellowship, or a doctoral scholarship funded by the NCN pursuant to a funding agreement;

Director, it shall mean the Director of the National Science Centre;

Suspect, it shall mean a person participating in the Project or submission of the proposal (i.e. the applicant applying as an individual or principal investigator) under calls for proposals announced by the NCN, who is suspected of breaching the principles of research integrity;

Defendant, it shall mean a person who is in breach of research integrity;

Proposal, it shall mean a proposal submitted to the National Science Centre under one of its calls;

Applicants, they shall mean representatives of entities specified in Article 10 (1)-(8) and (10), as well as persons specified in Article 10 (9) of the Act on the Principles of Funding Science, who apply for funding for a research project, post-doctoral fellowship, doctoral scholarship or other research endeavours;

Code, it shall mean the Code of the National Science Centre on Research Integrity and Applying for Research Financing;

Committee, it shall mean the Research Integrity Committee, responsible for the investigation procedure in cases of a suspected breach of research integrity; and

Sanctions, it shall mean the consequences of the breach of the Code, adopted by the NCN Council, laid down in the Code and imposed by the Director.

§ 2. Committee

1. Should a report of a possible breach of research integrity be directly passed on to or identified by the NCN, the NCN shall take measures to investigate the incident in question.
2. The investigation procedure shall be carried out by a Committee appointed by the NCN Director.
3. The Committee shall be appointed for a term of 2 years; the term of the first Committee, however, shall expire on 15 December 2016.
4. The Committee shall consist of 5 members appointed by the Director, including two representatives of the Council.
5. The Committee members shall sign an impartiality and confidentiality agreement.
6. A Committee member who is an NCN officer shall be excluded from the investigation procedure if a suspected breach of research integrity is reported by an NCN officer subordinated to him.
7. A Committee member shall be excluded from the processing of the documents at any stage if there are reasonable doubts as to his/ her impartiality. Any decision to exclude the member shall be taken by the Director.
8. The Committee shall consider each case individually, as soon as possible after the receipt of the report of a possible breach of research integrity.
9. The Committee shall meet in session periodically, in accordance with the agenda of the Council.

§ 3. Report of breaches of research integrity

1. Anyone aware of any breach of research integrity shall report the incident to an NCN officer.
2. The person who reports the breach of research integrity shall remain anonymous to all parties concerned, with an of the Committee members and the Director.
3. Reports of the breach of the principles of research integrity may be passed on to an NCN officer in any form.
4. An NCN officer who receives a report of a breach of research integrity shall notify the Committee thereof and pass on all essential information on the case to the following e-mail address: *rzetelnosc.naukowa@ncn.gov.pl*.

5. Such essential information shall include: the time of an incident that may be considered a breach of research integrity (e.g. at the stage of proposal submission, reporting, or project audit), grounds for suspicion (e.g. providing false information), personal details of the person reporting the incident or other data requested by the Committee.
6. The investigation shall be carried out pursuant to an ordinary or simplified procedure.
7. An ordinary procedure referred to in § 4 and §5 shall be applied in the event of a possible breach at the stage of proposal submission or project implementation.
8. A simplified procedure referred to in § 6 shall be applied only for suspected breaches at the application stage in the event that there is a near certainty that the provisions of the Code have indeed been violated.

§ 4. Preliminary investigation procedure at the NCN

Ordinary procedure

1. Once the Committee receives a report of a possible breach of research integrity, it shall appoint a person among its members who shall analyse the documents held by the NCN or other documents available to the public (e.g. publications) that may be connected with the case within 21 days from the receipt of the above-mentioned report.
2. The appointed Committee member shall present his/ her findings during a Committee meeting. The Committee shall draw up minutes of the meeting, including their recommendations for the Director with regard to the reasonable grounds, or lack thereof, for initiating a preliminary investigation procedure. Any decision on the recommendations shall be taken by vote and approved by the majority of the Committee members.
3. Based on the Committee's recommendations, the Director shall notify the Suspect and his/ her Employer or the Head of the Host Institution for the project or other research endeavour (in writing) that there might have been a breach of research integrity and request them to provide the NCN with explanations within at least 7 days.
4. The burden of proof that the breach of research integrity did not result from a lack of due diligence or intentional action rests with the Suspect.
5. If no explanations are provided, it shall be interpreted against the Suspect and the investigation of all identified breaches shall be continued pursuant to § 5.
6. In justified cases, the Committee may request that the Suspect visit the NCN in order to provide additional verbal explanations or documents relevant to the case. The

Suspect shall have the right to provide explanations in person if so is requested by the Committee.

7. Based on the explanations, the Director may:
 - a) accept the explanations in full and close the preliminary investigation, concluding that there has been no breach of research integrity and refraining from any sanctions;
 - b) accept the explanations in part and continue the investigation within the scope to be clarified;
 - c) reject the explanations and continue the investigation in full, and notify the Committee thereof in writing.
8. The investigation procedure shall be carried out pursuant to § 5.
9. If the applicable provisions require any such incident to be reported to the relevant authorities, the Director shall do so without any delay.

§ 5. NCN's investigation procedure

Ordinary procedure – sanctions

1. The Director shall notify the Defendant in writing that an investigation into possible breaches of research integrity has been initiated and request a response to the charges within at least 7 days.
2. Having analysed the evidence, the Committee members shall clearly identify the nature of the breach, consider the mitigating or aggravating factors (see: Point 4 below), and rule that:
 - a) the breach of research integrity occurred as a result of deliberate, conscious intent or lack of due diligence;
 - b) there was a breach of good practices accepted in the discipline in question.
3. In justified cases, the Committee may request that the Defendant visit the NCN in order to provide additional verbal explanations or documents relevant to the case. The Defendant shall have the right to provide explanations in person if so is requested by the Committee.
4. The following mitigating/ aggravating factors shall impact the Director's decision to impose sanctions:
 - a) **Knowledge, intentional vs unintentional action.** Did the Defendant know that he/she was in breach of research integrity, were his/her actions intentional or reckless?
 - b) **Incidental vs repeated action.** Was the breach of research integrity a one-off/isolated incident or a recurring event?

- c) **Impact.** Did the breach of research integrity have a significant impact on: the positive review of the proposal or report, the subject matter of the research, other researchers, the institution, public health and safety, or a waste of public funds?
 - d) **Admission of guilt and responsibility.** Did the Defendant take responsibility for the breach by:
 - admitting the breach;
 - cooperating in the investigation procedure;
 - expressing regret and awareness of the gravity of his/her breach;
 - taking measures to make amends or prevent further irregularities.
 - e) **Failure to accept responsibility.** Does the Defendant assign the blame to others instead of accepting his/ her responsibility for the breach?
 - f) **Motives.** Does the Defendant take revenge on the person who reported the breach, witnesses, Committee members or other persons?
 - g) **Other factors.** Other circumstances relevant to the case, e.g. a decision of a disciplinary committee.
5. Having analysed the entire evidence related to the suspected breach of research integrity, including factors specified in Point 4, the Committee shall provide the Director with a report comprising:
 - a) description of the incident;
 - b) list of evidence;
 - c) analysis of the evidence (e.g. a similarity report from the iThenticate anti-plagiarism software);
 - d) conclusions;
 - e) recommendations, including possible sanctions in accordance with the list specified by the Code.
6. The Committee may model its sanctions on decisions of other research-funding agencies, in accordance with the accepted worldwide practice.
7. Based on the report, the Director may decide to impose sanctions on the Defendant and shall notify the latter thereof in a written Decision.
8. The Director shall also send copies of the Decision to the employer of the Defendant or the Head of the Host Institution for the project or other research endeavour. In the case of international projects, the Director shall notify the foreign Lead Agency of the breach of research integrity in the research proposal or project.
9. The Defendant shall have the right to submit reservations to the Director's Decision within 7 days of the receipt thereof.

§ 6. NCN's investigation procedure

Simplified procedure

1. A Scientific Coordinator who identifies a near-certain breach of research integrity at the stage of eligibility check may consider it a justified reason to reject the proposal as ineligible.
2. Should the Coordinator reject a proposal on the grounds of an identified breach of research integrity, he/ she shall notify the Committee thereof in writing pursuant to § 3 hereof.
3. At any other stage of proposal evaluation procedure, a Scientific Coordinator or Expert Team may identify a near-certain breach of research integrity and consider it a justified reason to disqualify the proposal from further stages of evaluation in which case the Coordinator shall notify the Committee thereof pursuant to § 3 hereof.
4. The Applicant shall have the right to appeal against the negative decision of the Director to the Committee of Appeals of the NCN in accordance with general provisions.
5. If the Committee rules that the grounds for the rejection of the proposal as ineligible were justified, § 5 shall apply.
6. The Scientific Coordinator may also notify the Committee of possible breaches of the Code committed by Experts or reviewers evaluating proposals in which case the relevant provisions hereof shall then apply.

Director of the National Science Centre