INSTITUT NATIONAL
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APPLIQUÉES
ROUEN NORMANDIE

PROCEDURE FOR REFERRAL TO THE SCIENTIFIC INTEGRITY REFEREE (RIS) OF INSA ROUEN NORMANDIE

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Introduction

INSA Rouen Normandie has adopted the procedure for referring matters to the Scientific Integrity Officer (RIS) of INSA Rouen Normandie, in application of Decree No. 2021-1572 of December 3, 2021 relating to compliance with the requirements of scientific integrity by public establishments contributing to the public research service and foundations recognized as being of public utility whose main activity is public research.

This document is based on the procedures manual for handling reports relating to scientific integrity, a document validated by the RESINT association of scientific integrity officers in May 2023.

It corresponds to an extraction of a part of this manual of procedures, by introducing some elements facilitating the understanding of the procedure for handling reports relating to scientific integrity (SI) as implemented at INSA Rouen Normandie.

The purpose of this procedure is to define:

- The terms of report of the suspicions of failure to scientific integrity;
- The study of its admissibility;
- The conditions of investigation of the facts;
- The follow-up actions that can be taken;
- Archiving files.

Part 1: Reporting: receipt, admissibility, referral

1. Who can refer to the RIS:

- The director of INSA Rouen Normandie;
- All person acting of good faith, who has awareness of a possible failure to scientific integrity concerning its own institution or any other institution; in the latter case, the RIS will then forward the report to its relevant counterpart.

2. Terms and conditions of report

The report must be made in writing, either by mail or email. It must concern documented facts.

Anonymous reports are not accepted. However, depending on the circumstances, and particularly if the person making the report requests it, stating the reasons of his/her request, including the likely risk of reprisals, complete confidentiality will be guaranteed and the source of the report will remain known only to the RIS. His/her identity, as well as any means that could indirectly establish his/her identification, will be anonymized in the investigation report and its appendices.

The RIS acknowledges receipt of the report in writing to the person who made it, assures him/her, where applicable, of the confidentiality of his/her report and reminds him/her of his/her duty of discretion.

3. Eligibility review by the RIS

Once the report is received, the RIS must proceed to examine its admissibility.

The general eligibility criteria are established based on the concept of scientific integrity, understood as the set of rules and values that must govern research activity to guarantee its honesty and scientific rigor. These include, but are not limited to, the following:

- Data falsification or fabrication;
- Plagiarism;
- Incorrect scientific behavior related to the designation and order of authors;
- Research conducted outside the applicable regulatory framework;
- Erroneous or fraudulent publications;
- Incorrect management of data or hardware;
- Inappropriate behavior in collaborative work;
- Inappropriate behavior regarding opinions/expertise and peer reviews;
- Inappropriate behavior in relation to scientific integrity procedures: allegations of scientific integrity violations without sufficient grounds, concealment or minimization of scientific integrity violations committed by third parties, or discrimination against individuals who have made a report.

Furthermore, for each report, the RIS verifies:

- That he/she is competent to handle this reporting,
- The report should clearly concern a possible breach of scientific integrity. Otherwise, he/she should direct the person to the appropriate relevant contacts.
- That the report is enough characterized, documented, to be able to carry out an investigation procedure.
- That the facts described are not already the subject of disciplinary or judicial proceedings.
- That he/she has no potential conflicts of interest with the initial parties involved, whether the person who filed the report, the direct complainant, or the person implicated (personal or hierarchical relationship with the victim or the perpetrator of the potential wrongdoing, etc.). In the event of a proven conflict of interest, he/she must propose to the director of INSA Rouen Normandie the name of a risk assessment officer from another institution.

When the report is likely to implicate the bodies of INSA Rouen Normandie, or if the director believes that he is himself in a position of conflict of interest, he asks a qualified person not belonging to the establishment to propose another referent to conduct the investigation.

If the report is deemed inadmissible, the RIS informs the author of the report, notifying him in writing of the reasons for the inadmissibility.

If the report is judged admissible, the RIS informs the author of the report and/or the direct plaintiffs, which means any person who considers themselves to have been harmed by the breach of scientific integrity that was the subject of the report.

The RIS then opens an investigation file.

4. The referral

After the investigation is opened, the RIS must inform the person(s) implicated as soon as possible. As an exception, when precautionary measures are necessary to prevent the destruction of evidence relating to the breach, the person(s) implicated will only be informed after these measures have been implemented.

Attached to the information letter, the RIS sends the investigation procedure and any attachments to the report to the person concerned.

The RIS also informs the director of INSA Rouen Normandie of the opening of an investigation file.

If an admissible report concerns several institutions, the RIS that received it contacts the RIS of the other institutions concerned in order to define the terms of their collaboration, which may range from simple ongoing information sharing to a joint investigation. In the latter case, and in the absence of a specific agreement between them on this point, the RIS of registration or main assignment of the person implicated in the report will automatically be the coordinating RIS and will be responsible for conducting the investigation.

The decision on admissibility must normally be taken by mutual agreement between the RIS; this agreement must be recorded in a single document. In the event of disagreement between the RISs on the seriousness of the report, one of the RISs may nevertheless take a decision on admissibility if it considers it justified; it must then inform the other RIS(s) and the author of the report and take sole responsibility for conducting the processing procedure. As a general rule, the RIS of the operator to which the person involved belongs shall inform that

person of the decision on admissibility and of the collective referral to several RIS (specifying which RIS are involved), and shall indicate the name of the coordinating RIS. The date of notification of the referral shall authenticate the start of the investigation.

If the report concerns several related areas (e.g. scientific integrity, professional ethics or data protection), the RIS shall take all appropriate coordination measures to ensure that the report is dealt with in an appropriate manner, consistent with confidentiality requirements.

Part 2: Investigation of case

1. Who accomplishes the investigation?

The investigation of a case means gathering relevant information, examining evidence, and interviewing and/or collecting comments from the individuals involved. It can be conducted in three ways:

- By the RIS alone: if the facts only concern INSA Rouen Normandie;
- By several RIS: if the facts concern several establishments (we then speak of co-investigation);
- By an ad hoc committee: in cases where the matter appears particularly complex or sensitive. In this case, the director of INSA Rouen Normandie will appoint, upon proposal of RIS, a committee composed of experts chosen in reason of their recognized competence in the field concerned by the report.

The RIS is assisted throughout the entire procedure by a secretary provided by the director of INSA Rouen Normandie.

2. Investigation principles

The investigation must be conducted in accordance with the principles listed below:

- **Fairness:** the investigation must be conducted fairly, "taking into account both incriminating and exculpatory evidence", in accordance with the rights of all parties involved and respecting the presumption of innocence for the accused person;
- **Rigor:** the RIS ensures that the facts are established objectively, accurately, and with a focus on the exhaustive collection of all relevant and useful elements for the investigation. ;
- **Confidentiality:** the investigation must be conducted as confidentially as possible. Confidentiality must be respected at all stages of the investigation by all persons involved. This confidentiality is intended in particular to protect those involved in the case. Each person contributing to the handling of the case, including the author of the report, the direct complainant, the accused, any witnesses or experts, is asked to sign a confidentiality agreement in advance, which will be valid for the entire duration of the proceedings from the date of signature.;
- **Absence of link of interest:** the RIS ensures that himself, the director of INSA and any experts consulted have no conflict of interest in relation to the case and requires them to complete a declaration of interests. In this regard, the parties involved, whether defendants or plaintiffs, may refer any situation they consider to constitute a conflict of interest that could prejudice the proper conduct of the proceedings to the director of INSA Rouen Normandie;
- **Contradictory:** this implies, for the benefit of the person implicated, the right to be informed of the existence of an investigation into a report of misconduct concerning them, to have access to all the documents in the file on which the final report will be based, to be heard and to be able to present their arguments, in writing or orally if hearings are held.
- **Transparency:** the RIS ensures that the processing stages of the case are known by the stakeholders, and that the protagonists, whether accused or complainant, are regularly informed of the progress of the case.

The investigation is carried out within a "reasonable" timeframe and, if delays are expected, the parties involved, the accused and the complainant, are informed.

3. Experts intervention

If the RIS deems it necessary, he/she may request external experts during the investigation process, according to the terms that will appear relevant to him/her and adapted to the case. These will be specialists in the discipline concerned by the allegation of failure.

4. Auditions

During the investigation, the RIS may, on its own initiative or at their request, audition the parties involved. (Defendant, plaintiff, author of reporting, possible witnesses) as well as any person he deems relevant.

- The summons states that they may refuse the audition itself but submit written observations within a period set by the RIS, which may not be less than 14 calendar days. However, if they fail to appear for the audition, they risk that the RIS examine the case without having heard them, the principle of adversarial proceedings being deemed respected.
- The summons also states that those being questioned have the right to be accompanied during the audition by a staff representative or a union representative. In this case, this protagonist must previously inform the RIS by indicating the person's name and title. This person is then bounded by a commitment to confidentiality.
- The person in question may request to be assisted by a lawyer.
- The auditions are recorded for the purpose of preparing a report of this audition, and the people being heard are informed of this at the beginning of the audition; this report will be deleted after final validation.
- Those being questioned are also informed at the beginning of the audition that, depending on the conclusions of the procedure, the audition may be referred to the competent disciplinary section.
- Following the audition, a report is written. This report is reviewed by the person interviewed, who may make comments regarding form or content. In the latter case, the person's comments will appear as footnotes. page.
- The report is signed by the person interviewed and by the RIS. If there is no response or refusal to sign, this is noted on the report which is signed by the RIS and co-signed by the secretary.
- Auditions are primarily held in person, but may be held remotely with video-conference if special circumstances require it.

The RIS may also request written observations from the initial protagonists within a period he/she determines in his/her request, which may not be less than 7 calendar days.

The RIS may finally submit written requests to additional parties, who may then respond in writing within a time limit specified in the request. They also must first sign a confidentiality agreement.

Following their audition, the protagonists, defendants, complainants, witnesses or experts, have the opportunity to address to the RIS all document that they estimate useful for the investigation, which will be annexed to their own audition.

5. Establishment of the investigation report

Once he/she considers that he/she has gathered all the necessary elements, the RIS drafts an investigation report. It is intended for the person authorized to make a decision on the action to be taken in response to the report's conclusions, i.e. the director of INSA Rouen Normandie or another relevant institution.

The latter must:

- Recall all the facts concerning the report, in particular: the date, origin and reason for the report, notification of the report's admissibility, the date of referral, the referral letter, the list of individuals or legal entities involved in the case, a precise chronology of events, a list and description of the reported events, and a declaration of absence of conflicts of interest by the RIS.
- Include a list of the steps taken.
- Include, in an appendix, copies of the documents used in the investigation; the minutes of the auditions held, as well as copies of all written exchanges that provided the necessary information to establish the facts, and the corresponding confidentiality statements.
- Include an analysis of the scientific assessment of the alleged facts and a characterization of their seriousness in relation to best practices and any standards applicable to the discipline concerned.
- In its conclusions, the RIS may make recommendations or suggest ways of disseminating the investigation report or possible corrective measures.
- This report shall be signed by the RIS.

A preliminary report is sent to the person accused, the person who made the report and, where applicable, the direct complainant, subject to the signing of a confidentiality agreement. This report must be delivered in person and signed for, but if the situation requires it, the report may be sent via a secure link.

This transmission is accompanied by a written communication (email or letter) informing them that they have seven days to submit their comments, which, if they relate to the substance of the report, will be included in the final version.

The final version of the report is sent to the director of INSA Rouen Normandie, after signing a confidentiality agreement. This action concludes the procedure conducted by the RIS.

The director of INSA Rouen Normandie then decides on the method of dissemination and which parts of the report to be distributed:

- **Retention of the report:** the final report remains in the hands of the RIS who prepared it and the director of INSA Rouen Normandie, who is the sole recipient. ;
- **Confidential dissemination:** In addition to the RIS and the Director of INSA Rouen Normandie, the final version of the investigation report is sent to the parties involved in the case, whether accused or complainant (with a prior confidentiality agreement), and to any other person chosen by the Director of INSA Rouen Normandie, including, if the situation requires it, the chair of the disciplinary section responsible for the referral;
- **There broadcast public:** Subject to applicable legal provisions, the final report of an investigation may be made public, anonymized or otherwise, by any means deemed appropriate: publication on the INSA Rouen Normandie website, press release, publication on other websites, etc. In the event of public disclosure, certain parts of the report may not be published.

The director of INSA Rouen Normandie informs the RIS in writing of his decision, as well as the person who is the subject of the report and the person who made the report.

Part 3: The follow-up actions of the investigation

1. Follow-up actions

While the RIS may make recommendations, particularly scientific ones, the decision and choice of follow-up actions are the responsibility of the head of the institution(s) concerned.

In the absence of any breach of scientific integrity:
These follow-up actions may include actions that may be necessary to rehabilitate the person wrongly accused: public communication of the conclusions of the investigation, certification by the institution of the innocence of the person accused;

In the event of a proven breach, the following measures may be taken:

- Scientists: withdrawal of the article that is the subject of the breach, corrections to the article or work, measures concerning a research programme, etc.;
- Disciplinary: referral of the competent disciplinary section by the director of INSA Rouen Normandy;
- Support services: training, awareness-raising, tutoring, mobility, etc.
- General: implementation of any recommendations from the RIS concerning the institution's policy (scientific or organizational measures, awareness-raising actions, etc.)

Completely independent of the conclusions and any recommendations made by the RIS, the director of INSA Rouen Normandie decides on the action to be taken on the report. He informs the RIS and the parties involved (complainant and accused) in writing of his decision.

This could be the same letter that mentions the procedures for disseminating the investigation report.

2. Archiving

All investigative documents and their appendices (the evidence on which the investigation was based) are archived under the responsibility of the RIS in his/her dedicated and secure computer space. They are accessible only to the current RIS and their successors, as well as the secretary assigned to monitor RIS files, who thus ensure that they are only transmitted to authorized persons.

Official emails or emails with probative value will also be archived in the same secure space.

3. Legal remedies

The procedure does not provide for the possibility of appealing the conclusions of the final report, nor for a counter-investigation. However, those responsible for a proven breach and subject to sanctions have access to the remedies associated with their status and the nature of those sanctions (administrative or judicial appeal).