

GUIDELINES ON HANDLING OF RESEARCH MISCONDUCT CASES

January 2022

*Research Grants
Council*

Research Grants Council

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PART 1 INTRODUCTION

Preamble

Hong Kong is an international centre of research excellence. This 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 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. The Terms of Reference of the RGC make clear that it is the responsibility 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. The RGC has jurisdiction on all RGC-funded projects and submitted 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 in relation to its funding 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 penalty 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 review 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 with reference 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. Researchers should adhere to good practices in the conduct of research and observe the research integrity policies and ethical guidelines of the relevant universities / institutions. Researchers applying for or in receipt of RGC funding are required to strictly follow all the guidelines and fulfil all the requirements set out by the RGC. It is the responsibility of the researchers to seek clarification from the Research Office of their affiliated universities / institutions when there is any doubt or uncertainty about the requirements.

PART 2 RESEARCH MISCONDUCT

Common Types and Definitions of Research Misconduct

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

(a) Plagiarism

The intentional or unintentional appropriation of another person's ideas, processes, or results or words (including diagrams, figures, tables, photos, etc.) without providing appropriate credit or acknowledgement.

(b) Self-plagiarism¹

This refers to cases where the researchers reuse their own data or previously published work (including working papers), 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.

(c) Falsification

The manipulation of research materials, equipment or processes, or the altering or omission of data or results such that the research is not accurately represented. For example, the elimination of data which does not support a pre-conceived conclusion or the combination of results from different experiments in order to support a particular conclusion.

(d) Fabrication

Making up data or results and recording or reporting them; for example, the data is fabricated and the research results cannot be reproduced.

¹ 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.

(e) Double-dipping

This involves applying to the RGC for 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.

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

This involves researchers failing 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 form².

(g) Non-disclosure of relationship with nominated reviewers³

This refers to cases where the researchers fail to provide details in the application form in relation to 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.

² 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.

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. Any allegation, irrespective of its source, will be dealt with fairly and seriously by the RGC. The identity of the complainant, who reported any allegations of research misconduct to the RGC, will not be disclosed to the university / institution and the respondent concerned. Prior consent will be sought from the complainant if disclosure of his / her identity is necessary.

Principles of Handling Alleged Research Misconduct

12. The following principles will 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 a finding of research misconduct, there needs to be evidence of a significant departure from the accepted practices of the research community;
- (c) the allegation should be substantiated by sufficient evidence;
- (d) the substantiation of an allegation should depend solely on the verifiable facts of the case, not the respondent's intention (as it is difficult to prove one's intention) or other mitigating factors; and
- (e) any mitigating 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 if the allegation is substantiated.

PART 3 DISCIPLINARY COMMITTEES

Structure

13. The RGC has established two Disciplinary Committees (DCs), namely DC (Investigation) and DC (Review)⁴, to handle alleged research misconduct cases and review cases respectively.

Terms of Reference of DC (Investigation)

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

- (a) to advise the RGC on policies and procedures regarding the handling and investigation of alleged research misconduct cases 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 alleged research misconduct case to carry out the investigation;
- (d) to consider the findings and recommendations of the IWG in each case;
- (e) to recommend to the RGC whether the allegations should be deemed substantiated or not; and
- (f) to recommend to the RGC the level of penalty to be imposed in the case of substantiated allegations.

⁴ The RGC approved at its meeting in June 2021 to rename the “DC (Appeal)” to “DC (Review)” and the “Appeal Board” to “Review Board”.

Terms of Reference of DC (Review)

15. The terms of reference of the DC (Review) are as follows:

- (a) to advise on policies and procedures regarding the handling of review cases against the substantiation decision of the RGC and / or the level of penalty imposed, and review such policies and procedures as and when necessary;
- (b) to appoint experts to the Review Board to be formed for each review case to carry out the investigation;
- (c) to consider the findings and recommendations of the Review Board in each case; and
- (d) to make recommendations to the RGC on whether the original decision on a research misconduct case 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 (Review)

16. The composition of membership of each DC is as follows:

- (a) five non-local Members;
- (b) at least one of these Members should be a non-RGC / Committee / Panel Member;
- (c) at least one of these Members should be an RGC / Committee / Panel Member; and
- (d) a Chair for the DC is appointed from within the membership.

PART 4 PROCEDURES FOR HANDLING ALLEGED RESEARCH MISCONDUCT

Suspected Research Misconduct Discovered During Application Assessment

17. During the course of the assessment of a funding application, if 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, the Member may request the Secretariat to seek supplementary information from the investigator through the university / institution concerned. The investigator 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 upcoming RGC meeting and refer the case to the DC (Investigation). If not, no further action will be taken.

18. In all cases, the investigator will be given the opportunity to clarify the situation before it is referred to the DC (Investigation). In circumstances where the response of the investigator is received after the Panel's / Committee's meeting, the response will be submitted to the 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. If there is cause to investigate, the investigator concerned will be given seven calendar days to provide a response. If the response is found

unacceptable by the aforementioned parties, the case will be 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.

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 RGC Chair. 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 / review 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 the Investigation Working Group (IWG)

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

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 of the 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 proposal(s) and the institutional investigation report, which usually includes expert evidence, interview records and other relevant documentation. Having considered the materials, each IWG Member should make his / her own recommendation on whether the alleged research misconduct should be substantiated. He / she should also set out his / her observations, findings and conclusions on the case together with supporting justifications.

26. The Head of the 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 template is at **Annex A**. The Head should set out in the report the IWG's observations, findings and conclusions on the case together with supporting justification / evidence. If there is no consensus on the case, the Head 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. Any new information received from the respondent will be submitted to the IWG Members for review on whether their findings and recommendations on the alleged research misconduct need to be reconsidered. If there is still no consensus on the case, the majority view of the IWG Members (including the Head) will deliver the decision.

The Head should set out in the investigation report how the IWG reached its conclusions, particularly when the views of any IWG Members are not adopted.

27. The IWG's report, together with the views of individual IWG Members, will be submitted to the DC (Investigation). The 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 with 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, during the course of the investigation, that the respondent may have committed other research misconduct, the DC (Investigation) may expand the scope of inquiry of the existing 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 response to its recommendations and all other related documents of the case will be submitted to the DC (Investigation) for consideration. To facilitate DC (Investigation) Members' deliberations at the meeting, 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 decision on whether the allegation should be substantiated. This should be a majority view of DC (Investigation) Members (including the Chair). The IWG, comprising Members who are experts in the subject area has already examined the matters-of-fact of the case. The responsibility of the DC (Investigation) is to examine the matters-of-law of the case. If the DC (Investigation) finds that there is insufficient information / justification provided in the IWG's investigation report, so that DC (Investigation) cannot come to a conclusion on the case or cannot 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 with a copy of the IWG's revised investigation report and will be given another opportunity to make his / her final response, 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 (below). The document sets out the factors that should be taken into account during the consideration of the level of penalty and provides a range of penalties for each type of research misconduct. The Secretariat will also provide the outcomes of previous relevant cases (precedent) for Members’ reference if applicable. The level of penalty recommended by the DC (Investigation) should be commensurate with that of precedent 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 Chair) will deliver the decision.

Submission of Investigation Report by DC (Investigation)

32. After the meeting, the DC (Investigation) should prepare a report setting out its deliberations 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 template 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 have not been 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 final decision. DC (Investigation) Members, who are also RGC Members, will be invited to present the recommendations of the DC (Investigation) at the RGC meeting. In cases where the DC (Investigation)’s report can only be completed after the RGC meeting, the report will be circulated to 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 the RGC's endorsement, the Secretariat will inform the respondent and the university / institution concerned of the RGC's decisions, and that there is a right to request for a review of the RGC's decision. The request for review 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 request. All the information / documents received by the Secretariat will be submitted to the DC (Review) for consideration.

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

PART 6 PROCEDURES FOR HANDLING REVIEW CASES

Formation of Review Board

36. The DC (Review) oversees the conduct of investigations of review cases, including the appointment of experts to the Review Board formed to investigate each review case.

37. A Review Board normally comprises three RGC / Panel / Committee Members to re-examine the case. The membership must be different from the IWG to re-examine the case. Review 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 of the Review Board. Experts outside the RGC may be appointed to the Review Board if necessary.

Responsibilities of Review Board

38. The Review Board will impartially examine the grounds of review and any new evidence submitted by the respondent, the previous decision and all associated documentation of the RGC on the substantiation of the alleged misconduct and the level of penalty imposed.

39. Since any case that reaches the Review 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 can only be revised (i) if the respondent can provide new justifiable reasons / evidence that have not been considered by the IWG / DC (Investigation) / RGC before; and/or (ii) when there has been an error in the previous decision making process. Having considered all related documents, individual Review Board Members should make his / her own recommendation on whether the previous outcome 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. The Head of the Review Board is responsible for preparing an investigation report on behalf of the Review Board, taking into consideration the views of the Review Board Members. A report form template is at **Annex C**. The Head should set out in the report the Review Board's observations, findings and conclusions

on the case together with supporting justification / evidence. If there is no consensus on the case, the Head may request Review Board 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. Any new information received from the respondent will be submitted to the Review Board Members for review on whether their findings and recommendations need to be re-considered. If there is still no consensus on the case, the majority view of the Review Board Members (including the Head) will determine the decision. The Head should set out in the investigation report how the Review Board reached its conclusion, particularly when the views of any Review Board Members are not adopted.

41. The Review Board's investigation report, together with the views of individual Review Board Members, will be submitted to the DC (Review). The views of the DC (Review) will be sought on whether further information / clarification is required from the Review Board. For the sake of fairness, the respondent will be provided with a copy of the Review 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 (Review).

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

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

43. The Review Board's investigation report, the respondent's grounds of review, final representations and all other related documents of the case will be submitted to the DC (Review) for review. To facilitate discussion at the meeting of the DC (Review), the Secretariat will invite Members to provide their preliminary views on the case prior to the meeting. The Secretariat will consolidate the views for Members' reference.

44. The DC (Review) should reach a decision on whether the previous outcome of the case, including the substantiation of research misconduct and / or the level of penalty imposed should be upheld, modified or overturned. The decision will be based on the majority view of DC (Review) Members (including the Chair). Since the Review Board has already examined the matters-of-fact of the case, the

DC (Review) should focus on the matters-of-law of the case. If the DC (Review) finds that there is insufficient information / justification provided in the Review Board's investigation report, so that DC (Review) Members cannot come to a conclusion on the case or cannot agree with the Review Board's recommendations, the DC (Review) may seek further clarifications from the Review Board. For the sake of fairness, on the advice of the DC (Review), the respondent may be provided with a copy of the Review 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 (Review)

45. The DC (Review) should prepare a report setting out its deliberations on the case, including its observations, findings, conclusions and recommendations on whether the previous outcome of the case should be upheld, modified or overturned with supporting justifications. A report form template is at **Annex D**. In the event that the DC (Review) comes to a conclusion which is different from the recommendations of the Review Board, the DC (Review) should set out in the report the reasons why the Review Board's recommendations have not been adopted. Since the RGC does not have the authority to summon the parties involved in the case to provide evidence, the RGC / DC (Review) / Review Board Members will not interview the parties involved in the case (other than the respondent and university / institutional management, as and when necessary) directly. The DC (Review) should, based on the information available, make a recommendation on whether the previous outcome of the case should be upheld, modified or overturned. The report will be submitted to the RGC for consideration and decision. DC (Review) Members, who are also RGC Members, will be invited to present the recommendations of the DC (Review) at the RGC meeting. In cases where the DC (Review)'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.

46. The decision of the RGC on the DC (Review)'s recommendations will be final: no further reviews will be permitted.

Notification of RGC's Decision on Review

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

48. A flowchart summarizing the investigation procedures of review cases is at **Annex E**.

PART 7 PENALTY

Guiding Principles for Determining the Level of Penalty

49. The guiding principles endorsed by the RGC set out the factors that should be taken into account during the consideration of the level of penalty for misconduct cases. They provide reference to the range of penalty for each type of research misconduct.

Factors for consideration of level of penalty

50. 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 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 (Review).

Scale of penalty

51. 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 funding exercises / rounds plus disqualification of all submitted funding applications in all capacities”, i.e. the heaviest level of penalty⁵, 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 funding exercise/ round	2 funding exercises/ rounds	3 funding exercises/ rounds	4 funding exercises/ rounds	5 funding exercises/ rounds
		plus disqualification of all submitted applications in all capacities				

⁵ The RGC decided at its meeting in December 2021 to revise the description of penalty from “*debarment from all research funding schemes administered by the UGC / RGC in all capacities for one to five years plus disqualification of all submitted funding applications in all capacities*” to “*debarment from all research funding schemes administered by the UGC / RGC in all capacities for one to five funding exercises / rounds plus disqualification of all submitted funding applications in all capacities*” in order not to unnecessarily magnify the effect of penalty on researchers.

Range of penalty for each type of research misconduct

52. 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 funding exercises / rounds 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 funding exercises / rounds 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 wording in the two documents was identical. 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) 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 funding exercises / rounds plus disqualification of all submitted applications in all capacities”

(There is no case substantiated solely for the misconduct of self-plagiarism.)

(c) Falsification

From the lightest:

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

(There is no substantiated case of falsification.)

(d) Fabrication

One level of penalty:

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

(There is no substantiated case of fabrication.)

(e) Double-dipping

One level of penalty:

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

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

(f) 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 funding exercises / rounds plus disqualification of all submitted applications in all capacities”

Example: In the completion report of a funded project, it was discovered that the research output consisted of a paper which was first submitted to a journal more than two years before the 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.

(g) Non-disclosure of relationship with nominated reviewers⁶

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.

⁶ 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.

To the heaviest:

“debarment from all research funding schemes administered by the UGC / RGC in all capacities for two funding exercises / rounds 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 the 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 his / her advisee and advisor relationship and co-authorship with the reviewer, the RGC imposed a heavy penalty on him / her.

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

54. 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

55. The penalty should take effect from the date when decision is made by the RGC. When submitting its penalty recommendation to the RGC, the relevant DC should specify the funding exercise(s) / round(s) that the respondent should be debarred from. For example, if the RGC approved DC (Investigation)’s recommendation to debar the respondent from all research funding schemes administered by the UGC / RGC in all capacities for the 2022/23, 2023/24 and 2024/25 funding exercises / rounds and disqualify all his / her submitted applications in all capacities, the respondent will only be allowed to submit

funding application(s), in any capacities, to the UGC / RGC from the 2025/26 funding exercise / round onwards, such as Theme-based Research Scheme (TRS) 2025/26 by September 2024, General Research Fund (GRF) 2025/26 by November 2024 and Collaborative Research Fund (CRF) 2025/26 by February 2025, etc.

Disciplinary / Penalty Record

56. 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 to be imposed.

57. 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

58. Prior to the conclusion of the alleged research misconduct case, the Secretariat will withhold the release of grants to any related proposal(s) of the respondent that are recommended for funding. For on-going projects of the respondent, on the recommendation of the relevant 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

59. DC (Investigation) / DC (Review) / IWG / Review 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 / review cases in a just and impartial manner. Members should observe RGC's "Code of Conduct".

60. Members must declare any conflict of interest immediately when they are invited to handle the alleged misconduct / review cases. If any DC (Investigation) / DC (Review) 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 / Review Board Member has perceived conflicts of interest, the DC (Investigation) / DC (Review) will appoint another member as replacement.

Confidentiality and Transparency

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

62. 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

63. Under the Personal Data (Privacy) Ordinance (Cap. 486), the Laws of Hong Kong, written comments on a researcher or his / her alleged misconduct / review 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

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

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 Chair / Member: _____

Name of the Chair / Member: _____

Date: _____

Research Grants Council

Review Board Report

PART I: BACKGROUND INFORMATION

Disciplinary Committee (DC) Case No.

Name of RGC Funding Scheme and Project / Proposal No.

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

Misconducts(s) Substantiated

Level of Penalty Imposed

Case Description

Grounds of Review

Members of Review Board

List of Documents / Evidence Examined

PART II: COMMENTS OF REVIEW BOARD

Findings / Observations

Conclusions / Recommendations and Supporting Justifications / Evidence

The original decision on:

- (i) the substantiation of alleged misconduct should be

☐

upheld

☐

overturned

- (i) 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 (Review) Report

PART I: BACKGROUND INFORMATION

Disciplinary Committee (DC) Case No.

Name of RGC Funding Scheme and Project / Proposal No.

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

Misconduct(s) Substantiated

Level of Penalty Imposed

Case Description

Grounds of Review

Members of Review Board

Findings / Observations and Conclusions / Recommendations of Review Board

Final Representations of Respondent(s)

List of Documents / Evidence Examined

PART II: COMMENTS OF DC (REVIEW)

Findings / Observations

Conclusions / Recommendations and Supporting Justifications / Evidence

The original decision on:

(ii) the substantiation of alleged misconduct should be

☐ upheld

☐ overturned

(iii) the level of penalty should be

☐ upheld

☐ modified (please provide details:_____)

Justifications:

Other Remarks / Comments

Signature of Chair / Member: _____

Name of the Chair / Member: _____

Date: _____

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

