

Agnel Charities
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Code of Conduct for Research and Disciplinary Action

(Acknowledgement: This content has been reproduced from Ph. D ordinance, University of Mumbai, which is applicable as it is being recognized research centre)

1. Preamble

Research is a collective social endeavour and depends heavily on the work of the fellow researchers. The advancement of knowledge in any discipline requires the sharing of knowledge. Hence, research needs commitment to high standards of professional ethics, transparency; and all our claims and findings should be amenable for testing by others. Maintaining high integrity and probity in developing, conducting, reviewing, and communicating research; and at the same time maintaining high quality and robustness of research are, therefore, of prime importance. Failing to follow good research practices violates professional responsibilities. It damages the research processes, degrades relationships among researchers, undermines trust in and the credibility of research, wastes resources and may expose research subjects, users, society or the environment to unnecessary harm. The code of conduct is designed to guide the researchers in their profession.

2. Purpose and Scope

- (a) The objective of the Code is to introduce and maintain high standards of integrity, probity and professionalism in the research being carried out within the University.
- (b) The code applies to all the persons involved in research that is carried out in research centers of the University, i.e. University Departments, Conducted Colleges, Affiliated Colleges and recognized Institutes, including the respective autonomous units.
- (c) The Dean of each faculty or any person appointed by the Vice-Chancellor shall be a **Research Integrity Advisor** for Research being carried out in the Faculty concerned. If any researcher is uncertain about any issue the advice may be sought from him.
- (d) All researchers working within the University must be familiar with the Code and act accordingly.

3. Obligations in curbing misconduct in research

The University and its research centres should –

- (a) develop appropriate research governance policies and revise them from time to time;
- (b) monitor the research activities with respect to the code of conduct and generally accepted norms of the disciplines;
- (c) provide training to the researchers in research methodology and code of conduct of research;
- (d) take steps to prevent and to detect research misconduct;
- (e) respond, investigate, and adjudicate in a fair and timely manner the alleged research misconduct occurred under their jurisdiction;



4. Research work

- (a) Researcher should not undertake research in an area outside his/her expertise and shall not delegate a research project assigned to him/her to a third party not connected with the project.
- (b) Researcher shall conduct research in a highly ethical and professional manner, with honesty and integrity, and scholarly and scientific rigor, ensuring validity, reproducibility, accuracy, and objectivity in the collection, interpretation and reporting of the data, at all stages of the research process, meeting the standards expected by the UGC, University and the funding agencies, with the accepted norms of the discipline;
- (c) All data and records related to research shall be the property of the centre and shall be maintained in a suitably protected, durable, appropriately referenced, and easily accessible format, so that they will be available to other researchers; for specified period; unless confidentiality provisions apply;
 - provided that* it may be shared under any third party agreement;
 - provided further that* the researchers are responsible for ensuring proper security of any confidential material.
- (d) Researcher is accountable, jointly and severally, for the various stages of his/her research from idea to publication/exploitation.
- (e) Any confidential information shall only be used for the purpose for which it was generated, and the researchers shall maintain confidentiality of any information which they access on confidential basis.
- (f) Researcher shall be aware of and adhere to the legal, ethical, regulatory, health, environmental, and safety requirements relevant to the area of research and comply with the conditions stipulated by the state and national regulatory authorities in the relevant areas; and the researcher shall obtain relevant approvals, permits, and licenses, as required, from appropriate regulatory bodies/agencies before commencing research.
 - provided that* the specific responsibilities may be delegated within a group;
 - provided further that* it is made clear at the beginning of the work.
- (g) Researcher should be ready to participate in training to improve own skills and mentoring of others;
- (h) Researcher should be aware of, prior to commencing research, potential harms, risks, and misuse of the research and take due steps in advance to avoid them.
- (i) Researcher should handle the research subjects, such as human, animal, cultural, biological, environmental or physical, with respect and care.
- (j) Researcher shall not make or attempt to make unlawful profits from his/her participation in or knowledge of research being/has been conducted at the centre, beyond what is permitted.
- (k) Researcher must respect other researchers, society, ecosystems, cultural heritage and the environment.
- (l) Researcher shall not deliberately and wilfully suppress the previous relevant work and claim originality or avoid quoting previous work contrary to present results.
- (m) Researcher shall not sequester or significantly damage anybody's or institutional research-related property or impede the progress of other's research.

5. Collaborative Research

Wherever there is any collaborative project with any outside agency/organization/ individual, a suitable agreement covering all aspects of the project, such as division of work and responsibilities, distribution of resources and facilities, expectations, deliverables, rules and regulations that apply, protection of IPR, publications, handling of possible conflicts, etc. shall be signed between the parties concerned, before the commencement of such a project; and in such a case of collaboration the conditions stipulated in the agreement shall prevail.

6. Conflict of Interest

- (a) "Conflict of Interest" (CI) refers to a situation in which potential reward, financial or otherwise, or other personal consideration may lead to compromise, or appear to compromise the objectivity in the academic, professional and research activities of a researcher and causes deviation from absolute and may directly or indirectly harm the interest of the University/Institute/College. Mere appearance of such a conflict may be as serious and potentially damaging as the actual distortion of objectivity.
- (b) Research must be carried out in an objective manner free from any CI. Researcher should be aware of any actual or perceived CI during any stage of research, such as grant application, research proposal, research work, publication, media report, application/exploitation, personal awards and benefits, etc.; and must disclose and address the same.
- (c) Professionally-related outside activities, such as consulting/advising, textbook authorship, involvement with professional societies, funding, patenting, and working on review committees, etc., should be done in such a way that there will be no CI relating to a researcher's distribution of work/time between obligations to his/her academic appointment and his/her commitment to "outside" activities.
- (d) Researcher shall not accept any compensation, financial or otherwise, from more than one party for the same service/project/process/product, unless the circumstances are fully disclosed to, and agreed to, by all the parties concerned.
- (e) Researcher shall not solicit nor accept any benefit, financial or other valuable considerations, directly or indirectly, from material or equipment suppliers, contractors, their agents, or other parties, dealing with the Centre/University; or employers in connection with work for which he/she shall be responsible; or specify certain products.

7. Intellectual Property Right (IPR)

The IPR on the research work carried out at a research centre, shall be managed and protected by the centre, researchers and sponsors in accordance with the University Policies and the respective contractual agreements.

8. Research Scholars/Research Staff

- (a) Research supervisor/Group leader is expected to provide his/her students/research staff adequate guidance in conducting research and also to provide the required facilities.
- (b) Research supervisor shall not mentally torture, bully, or exploit the research students/research staff and shall not assign any work to them for personal benefits.
- (c) The researcher shall not take undue advantage of his/her seniority, position, power and take undue credit of somebody else's research, such as claiming authorship in publication, including one's name as innovator in patent, making oneself as a co-investigator in a project



OR Ignoring overt violation of research integrity by others, covering up some one's act/response to misconduct.

9. Research Publications

- (a) Researcher should publish the results of research in an open, honest, transparent and accurate manner.
- (b) The research publications based on the work carried out at a research centre and by any researchers associated with the centre must carry the address of the centre as place of work and for correspondence; and all authors should agree on the sequence of authorship
- (c) The authorship should be based only on significant intellectual contributions to the conception, design, and analysis or interpretation of the results; and against the collection of data and other routine work; and no honorary/obligatory authorship should be awarded.
- (d) All the authors are fully responsible for the content of their publications, unless otherwise specified.
- (e) The authors must acknowledge important work and intellectual contribution of others, including collaborators, assistant, and sources of funding in appropriate form; any financial sponsorship that carries an embargo on naming of the sponsor should be avoided.
- (f) **Multiple submission:** Researcher shall not submit/publish multiple full research papers with almost the same content, same research findings/results, same conclusions, or same findings; *provided that* when two publications have substantially similar work, there must be full cross-referencing and disclosure to the editors concerned;
Provided further that this may be allowed if there are reasons to do so and that has been explicitly mentioned and where permission to do so has been obtained from the publishers;
Provided further that this condition does not apply where a complete work grew out of a preliminary publication and this is fully acknowledged (i.e. abstract, conference proceedings);
Provided further that publication of the same material translated into different languages may be acceptable provided that the original source is fully acknowledged
Provided further that republication of any control data is not acceptable unless a full justification is provided to and accepted by the journal editor.
- (g) Researcher while declaring/submitting his/her publication information must mention accurately the state of publication – submitted, under review, accepted for publications, in press; with proper proof. .
- (h) Researchers should not establish or support journals that undermine the quality of research such as 'Predatory journals', 'fake journals'.
- (i) Before communicating any research results or claims in public arena, the researchers must ensure that the findings have been thoroughly verified, peer reviewed, their impact on various stake holders have been taken into account, and if required necessary permissions from the concerned authorities including the University have been procured.
- 4 (j) Researchers must comply with the ethical standards of the journals in which they publish.
- (k) Researcher must retract as soon as possible his/her published research when found to be flawed.



10. Misconduct in Research

Research misconduct includes but not limited to, the following acts in proposing, conducting, reviewing, or reporting the research. However, research misconduct does not include any honest errors/differences in interpretation of data.

- (a) Failure to comply with the Code of Conduct of Research of the University and ignorance of the Code cannot be a defense for failure to comply with the code.
- (b) Corrupting or tampering with the self or someone's research materials or records.
- (c) **Obstruction of Investigation of Research Misconduct:** (i) Intentionally withholding or destroying evidence, (ii) falsifying or fabricating evidence, (iii) encouraging, soliciting or giving false testimony, (iv) attempting to intimidate or retaliate against witnesses/potential witnesses or potential leads to witnesses or evidence before, during, or after the commencement of any formal or informal proceeding.
- (d) Failure to cooperate with any enquiry of misconduct, to report known suspected misconduct, destruction of evidence related to any misconduct, knowingly making false allegation of misconduct, vindictive action against any person reporting misconduct.
- (e) Diverting research funds earmarked for specific project to any activity other than the activity for which they have not been released or inappropriate use of the research funds.
- (f) **Falsification:** Stating or presenting a material of significant falsehood/ manipulation, or omitting a fact so that what is stated or presented as a whole states or presents a material of significant falsehood.
- (g) Intentional violation of rules regarding the safety of materials/equipment/ instruments used, and inappropriate use of materials/chemicals/resources and instruments used.
- (h) **Fabrication:** Reporting of experiments/studies/surveys never conducted or reporting results which were never obtained.

11. Reporting of Misconduct

- (a) Any person ("Complainant"), such as, a person involved in the research or a researcher/student/employee working in the research centre or a person directly affected, or the Head of Research Centre or any officer representing the Head, who has reasonable grounds to believe that a researcher ("Respondent") is acting or has acted contrary to the Code of Conduct of Research or has committed an act of misconduct, may report the same, with supporting documents, in writing to the Head of research centre. Any officer of the University as well as the in-charge thesis section may also *suo motu* make such a complaint to the Dean of the Faculty concerned.
- (b) If the complaint is against the Head of Centre/institute or against the management of college/institute the complaint may be submitted to the University.
- (c) If the act of misconduct is likely to harm any persons/animals /environment/property/society, the Head of Centre, in consultation with the research leader/Head of Department, shall take urgent action/ corrective steps which he/she deems necessary.
- (d) The written complaint should be submitted along with prescribed fee, if any, and should contain a statement indicating how the act of respondent/s has affected or may affect or hurt individual or the centre or the university in any way.

- (e) If the case is of criminal nature and requires legal action, the case may be referred to appropriate Government investigative agency, on recommendation of the respective redressal cell.

12. Investigation of Misconduct

(a) The Head of Research centre shall constitute **Departmental Academic Integrity Panel (DAIP)** with the following composition

(i) Chairman - Head of the Department

(ii) Member - Senior academician from outside the department, to be nominated by the head of HEI.

(iii) Member - A person well versed with anti-plagiarism tools, to be nominated by the Head of the Department.

The committee may co-opt additional member/s, if deemed fit. The tenure of the members in respect of points (ii) and (iii) shall be two years. The quorum for the meetings shall be 2 out of 3 members (including Chairman).

(b) The V.C./Head of Research Centre shall constitute **Institutional Academic Integrity Panel (IAIP)** with the following composition.

(i) Chairman - Pro-VC/Dean/Senior Academician of the HEI.

(ii) Member - Senior Academician other than Chairman, to be nominated by the Head of HEI.

(iii) Member - One member nominated by the Head of HEI from outside the HEI

(iv) Member - A person well versed with anti-plagiarism tools, to be nominated by the Head of the HEI.

The committee may co-opt additional member/s, if deemed fit. The Chairman of DAIP and IAIP shall not be the same. The tenure of the Committee members including Chairman shall be three years. The quorum for the meetings shall be 3 out of 4 members (including Chairman).

(c) All complaints involving any research misconduct, including cases of plagiarism, shall be submitted to Departmental Academic Integrity panel (DAIP).

(d) If the Competent Authority is convinced that continuation of the accused in service may have any detrimental effect on the case or centre, the Authority may put him/her under suspension as per the provisions in the respective rules.

(e) If the DAIP finds that there is a *prima facie* case of misconduct committed by the respondent and the case is serious enough to inflict any penalties, the DAIP shall issue a notice to the researcher in writing along with the imputation(s) of misconduct and require him/her to *show cause* as to why the action proposed not be taken against him/her and give reasonable opportunity to the respondent to furnish the explanation.

(f) The respondent is required to submit a written response within 15 clear days from the date of the notice.

(g) The DAIP may give due consideration to the response and after going through all the documents and evidence(s), determine whether there is an act of misconduct.

(h) The DAIP shall follow the principles of natural justice while investigating the allegations and the investigations should be conducted in fair manner, confidentially, expediently, and should be free from any conflict of interest.

- (i) The DAIP shall be provided access to materials that are required for the investigation and permitted to interview the complainant, the respondent, and any other persons whom the committee considers necessary to obtain necessary information.
- (j) The DAIP shall assess the level of misconduct committed and recommend to the IAIP penalty/ies accordingly.
- (k) The report of the DAIP should contain – article(s) of charge(s) and the statement of imputation(s) of misconduct, the defence of the respondent in respect of each article of charge; assessment of the evidences in respect of the articles of charge; and proceedings of the investigation, the basis on which the conclusions are reached, the findings on each article of charge and the reasons thereof, any penalties recommended, and further recommendations
- (l) The DAIP should submit its report, accompanied by all the relevant documents, confidentially to the Competent Authority within a period of 45 days from the date of receipt of the complaint/initiation of the proceedings.
- (m) The competent authority shall place the report before the IAIP for further action.
- (n) The IAIP shall consider the recommendations of the DAIP, and shall also investigate the case; the IAIP shall follow the principles of natural justice while deciding about the allegations.
- (o) The IAIP shall have the power to review the recommendations of the DAIP including the penalties with due justification.
- (p) The IAIP shall send the report after the investigation and the recommendation on penalties to be imposed to the Head of the centre, within a period of 45 days from the date of receipt of the recommendation of the DAIP.
- (q) The IAIP shall provide a copy of the report to the person(s) against whom inquiry report is submitted.
- (r) If the findings indicate that there are no reasonable grounds for the allegation, the IAIP may recommend dismissal of the complaint and may recommend any due action to be taken; *provided that* if the IAIP finds that the complaint was made with *mala fide* intent, it may recommend disciplinary action against the complainant.
- (s) If the complainant/respondent in an affiliated college/recognized institute is not satisfied with the decision of the respective IAIP, he/she may appeal to the IAIP of the University, *provided that* in all cases of misconduct the decision of the IAIP of the University shall be final.
- (t) After receiving the report of the IAIP, the competent authority shall award appropriate penalty to the respondent found guilty.
- (u) Suitable disciplinary action may also be taken against anybody who attempts to influence, victimize, or intimidate the complainant/s or witnesses or tries to influence the proceedings.
- (v) Any punitive action taken will be communicated to the person found guilty and will be entered in his/her personal file and service book, and appropriate follow up actions will be taken.
- (w) Even if the Respondent resigns from, or otherwise leaves the Centre, the complaint is nevertheless investigated as far as possible according to this procedure.
- (x) In any instance of alleged or suspected research misconduct by a person not connected with the centre/university in a research activity conducted in collaboration with outside institution/agency, the matter shall be referred to the head of the institution/agency concerned, and the Competent Authority may direct that the collaborative research activity be amended, reduced, or discontinued, if needed.



13. Penalties

- (a) Without prejudice to the provisions of any law in force for the time being, the penalties prescribed under the University rules of disciplinary action may, for good and sufficient reasons, be imposed on the researcher found guilty of misconduct.
 - (b) The penalty to be imposed shall essentially be commensurate with the severity or gravity of the misconduct committed. For acts of repeated misconduct, more severe punishments may be awarded.
 - (c) The penalties for the cases of plagiarism shall be as per the respective rules.
 - (d) The penalties may include one or a combination of the following:
 - (1) **Minor Penalties:** (i) censure, (ii) fine, (iii) suspension of guide ship for specified period, (iv) retraction of reported work; (iii) withholding of increment of pay for specific period without affect subsequent increment(s), (iv) recovery of losses caused.
 - (2) **Major Penalties:** (i) retraction of degree or any award (ii) stoppage of increment, with or without effect on future increments, (ii) reduction to a lower scale of pay, grade, post or service, (iii) compulsory retirement, (iv) termination of/dismissal from/ removal from service (this does not apply to any person appointed on probation and temporary person or to a person likely to retire),
- (Explanation:** the meaning of these actions shall be as per those given in the disciplinary rules and/or clarified in the disciplinary order issued by the authority).

