

Tuesday late morning session Track C, Tuesday, Sep 23 2025, 11:30-13:00

Location: Seminar 5

Session: Trust in Science

Chair: Anni Sairio

OR-15

Research Misconduct and the Law: Complementary, Underutilised or Misunderstood?

Kritika Sharma

Luxembourg Agency for Research Integrity, Luxembourg

This paper aims at analysing the interconnection between the law and research misconduct, particularly with a focus on cases of serious research misconduct. The overarching aim is to understand how existing and prospective legal procedures can strengthen institutional initiatives towards safeguarding 'open, safe and inclusive research environments'. The objective of this paper is to understand what the law can and cannot do in relation to cases of serious research misconduct to determine whether it can have a positive and reinforcing role, one that might currently be underutilised. With this aim in view, this paper is divided into three parts. First, it sets out the ambit of the law with relevance for cases of research misconduct. This involves setting out what the law already does, pertaining to both civil and criminal matters, distinguishing between these clearly. It also sets out what the law does not yet do, in relation to such cases. Second, this paper highlights the reasons for which existing avenues within the law may not yet be fully utilised. It highlights three reasons for this. These include the lack of awareness and understanding of the potential of engaging with legal measures, and lack of appropriate trigger mechanisms for initiating legal proceedings in potential criminal cases and finally a reluctance towards initiating civil proceedings and the cost of such proceedings. Finally, in the third section this paper suggests proposals to address each of these issues in order to promote reliance on the law in addressing cases of research misconduct. These suggestions are based on the premise that such reliance on the law should be complementary to existing (and non-legal) channels to deal with research misconduct and should reinforce instead of replace existing mechanisms. These proposals involve first, including the topic of available legal avenues as part of the research integrity curriculum, as well as training of staff. Second, this paper suggests revising staff codes of conduct to include trigger mechanisms to initiate legal proceedings if and when necessary, in egregious cases of research misconduct. Finally, the paper suggests an emphasis on the need to document and report on any alleged breach of the law discovered through investigations conducted for alleged research misconduct.