The ENRIO Handbook on Whistleblower Protection in Research – Critical Feedback and Future Challenges

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**8th World Conference on Research Integrity
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European Network of Research Integrity Offices

Founded in 2007 as informal network:

- 31 member organisations within 23 European countries
- ENRIO's website as a resource: „Country reports", case studies, guidelines…
- **Working groups on diverse RI and RE topics:**
  - ▶ Training in RI
  - ▶ Ethics in humanities & social sciences
  - ▶ Investigation of research misconduct
  - ▶ **Protection of whistleblowers**
  - ▶ …

Research integrity in Europe

Please choose a country…

http://www.enrio.eu/

Home > Handbook of Academic Integrity > Living reference work entry

ENRIO's Leading Pathway to Research Integrity Promotion

Living reference work entry | First Online: 17 May 2023

pp 1–18 | Cite this living reference work entry

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The Whistleblowing Working Group

- **Active since 2016** (in parallel to the "Investigation" Working Group*)
- Aim: **"ENRIO statement on Whistleblowing in Research"**
- ENRIO meetings: brainstorming/discussing different aspects of whistleblowing in research
- Working Group revived in **November, 2021**

Drafting Group

- Katrina Bramstedt (previously LARI Luxemburg)
- Jan Brocher (Germany)
- Hjördis Czesnick (Germany)
- Eva Korus (Austria)
- Helga Nolte (Germany)
- Urša Opara (Slovenia)
- Bert Seghers (Belgium)
- Loreta Tauginienė (Lithuania)
- Advisors/Reviewers: Zoe Hammatt (Hawaii) & Maura Hiney (Ireland)

- ## Challenges:
  - ➤ Multiple target groups
  - ➤ Way more facets to cover
  - ➤ Topic more complex and less straight forward then a procedural guideline

- ## New concept:

"ENRIO Handbook on Whistleblower Protection in Research"

* ENRIO Handbook *Recommendations for the Investigation of Research Misconduct* (2019) http://www.enrio.eu/resources/

Path to Finalization

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➢ **April 2022 – April 2023:**
  - Several drafts and intensive revision (structure/content)

➢ **ENRIO-Meeting April 2023:**
  - Presentation of 3rd draft; reviewed by entire ENRIO-Network;
  - Feedback from members/countries
    - Special attention on the wording ➡ **applicable to all countries/institutions**
      - e.g., using/avoiding "conflict" or "conflict party" describing a whistleblower
      - e.g., "research misconduct" vs. "malpractice" vs. "wrongdoing"

➢ **Finalisation June 2023**
  - Comprising expertise from 20+ ENRIO members; approval by the ENRIO Board; Layout

➢ **Publication on Zenodo end of July 2023**

Published July 2023

July 31, 2023

Report | Open Access

ENRIO Handbook on Whistleblower Protection in Research

European Network of Research Integrity Offices (ENRIO)

This handbook, developed by the European Network of Research Integrity Offices (ENRIO), presents information on best practices regarding the protection of whistleblowers in research. The handbook aims to guide research performing institutions on how to implement a whistleblowing management system. Its contents may also be useful for research funding organisations as they monitor research projects or individual researchers and receive communications related to potential wrongdoing in funded research. The handbook is also directed at researchers, the interested public and potential whistleblowers. It offers some considerations for those contemplating reporting alleged research misconduct, along with potential issues that might arise during and after an investigation.

https://zenodo.org/record/8192478
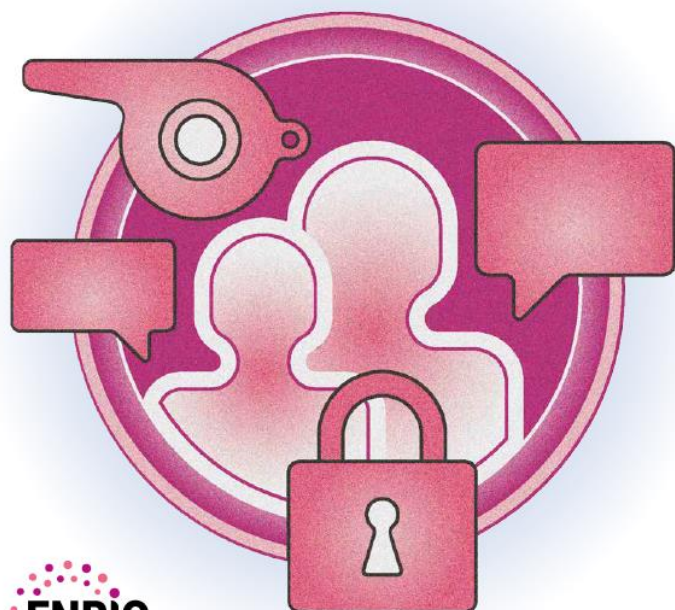
Handbook-Structure Reflects Different Target Groups

CHAPTER 1 | Whistleblowing and Whistleblower Protections – Definitions
CHAPTER 2 | Whistleblowers – Who are they? A Categorization
CHAPTER 3 | Protection of Reporting Persons via **EU Directive 2019/1937**
CHAPTER 4 | Using **ISO37002** to Design a Best Practice Whistleblower Management System
CHAPTER 5 | National Protection of Whistleblowers and Other Persons Involved in the Handling of a
              Case in Europe
CHAPTER 6 | **What Can Research Institutions Do to Protect and Support Whistleblowers?**
CHAPTER 7 | **Aftercare** for Whistleblowers: A Longitudinal Approach
CHAPTER 8 | Which Other Factors Contribute to Whistleblower Protection?
CHAPTER 9 | **(Practical) Tips for Whistleblowers**
CHAPTER 10 | On Being a Whistleblower: From One Who Has Walked the Path

APPENDICES 1, 2: Abbreviations, References
APPENDIX 3:   **Flowchart on Whistleblowing in Research**
APPENDIX 4:   ENRIO Working Group on Whistleblower Protection

Some Highlights

➤ **Checklist**:

  Ways to Protect Whistleblowers in Research

➤ **Core Chapter:**

  What Can Research Institutions Do to

  Protect and Support Whistleblowers?

➤ **Flowchart**:

  Investigation procedure and how to deal

  with whistleblowers in a neutral way –

  An Example from Austria

➤ **Other Factors:**

  • Role of national law and national ministries

  • Role of funders

  • Role of publishers

  • Regulations for cross-border cases

➤ **(Practical) Tips for Whistleblowers**

  Responsibility of Whistleblowers

✓	Checklist: Ways to Protect Whistleblowers in Research	References
	Foster a culture of RI at all levels within the RPO.	Ch. 6, p.21
	Develop an institutional code of conduct for RI including both the institution's values and regulations on the handling of reports of breaches of RI.	Ch. 6, p.22
	Provide RI training for institutional members in order to prevent breaches of RI and also teach how to proceed in cases of alleged wrongdoing or research misconduct.	Ch. 6, p.23
	Ensure that researchers and other members of the institution can get advice on RI, e.g., by appointing RI officers/advisers or ombudspersons.	Ch. 6, p.23, Ch. 6, p.24
	Consider the possibility of anonymous reports of RI breaches to help reduce fear of retaliation if identity is revealed.	Ch. 6, p.26, Ch. 4, p.15
	Consider the installation of a "Whistleblower Management System" (WMS) to securely operationalise RI breach reporting.	Ch. 4, p.15
	Communicate consequences for breaches of confidentiality during and after ombuds procedures or investigations to ensure fair processes.	Ch. 6, p.28
	Provide care and aftercare for whistleblowers and other persons involved.	Ch. 6, p.28, Ch. 7, p.30
	Ensure that the institution follows requirements of the EU Directive "on the protection of persons who report breaches of Union law" [3].	Ch. 3, p.13
	Follow the requirements on whistleblower protection provided by national law.	Ch. 5, p.18
	Check the research funding requirements regarding the upholding of RI standards.	Ch. 8, p.35
	Consider the publication of case reports while maintaining confidentiality regarding the persons involved.	Ch. 6, p.28
	Define maliciously false RI accusations as research misconduct.	Ch. 6, p.29
	Consider if measures of reputation repair might be required during or following an investigation.	Ch. 7, p.33
	Distribute this handbook within the institution and make it publicly available as a resource for those considering reporting an observation or alleged breach of RI.	Ch. 8, p.34, Ch. 9, p.37
	Encourage members of the RPO community to discuss the handbook informally so all members of the administration and individual research teams understand its contents.	

Necessary additions / revisions required

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➢ **Protection of Whistleblowers vs. Obligation to Report Misconduct**

- ALLEA Code of Conduct: "Ignoring putative violations of research integrity by others or covering up inappropriate responses to misconduct or other violations by institutions."
- Applicability in the current academic system – what is reasonable/can be imposed on sb?
- "We're not there yet, are we?"

➢ **Care and Aftercare – (a few pain points)**

- Effect of visible sanctions / consequences of misconduct (if there were any…)
- Consistent sanctioning of "revenge actions" - practicable options? Which ones?
- Limited contracts and funding (worldwide) for individual, limited research projects – Reversal of burden of proof is useless if the contract simply expires
- Unequal treatment of employees with fixed-term and permanent contracts due to the limited legal options

Necessary additions / revisions required

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➢ **Obligation to Use the Internal Reporting Channel/System**
- Precondition: an established, internally well- known and functioning reporting system
- Problem in smaller countries and manageable working groups or projects: everyone knows everyone else ➡ maintaining anonymity can be difficult or even impossible

➢ **Pros and Cons of Reports to Press / (Social) Media**
- Without public reporting (scandals): less pressure, less development
- Publicity can also provide protection

  ➡
- Over-scandalisation
- Wanting too fast a review / results
  may lead to lack of diligence and hasty judgements

➢ **(Practical) Tips for Whistleblowers**
- "consider carefully" – what does it mean concretely?

Thank you for your attention!

(and feel free to send us more feedback as

we'd like to make the handbook more robust)

Comments and feedback on the handbook:
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