

Research Misconduct Policy and Procedure

1. SCOPE AND PURPOSE

- 1.1 This policy and procedure applies to all staff and postgraduate research students undertaking research under the auspices of the University. For undergraduate and postgraduate taught students, suspected cases of breaches of research ethics and other areas of research misconduct are dealt with under the appropriate student academic policy and procedure (e.g. 'Academic Integrity and Academic Misconduct Policy and Procedure, Student Disciplinary Policy and Procedures, Student Fitness to Practise Policy and Procedures, or others as appropriate).. Currently the University does not hold Research Degree Awarding Powers (RDAP). Therefore, at this time, allegations of research misconduct by postgraduate research students and visiting postgraduate research students concerning research conducted at the University will be referred to the student's registering higher education institution.
- 1.2 Visiting research staff (Professors, Readers and Fellows) and honorary members of staff, are bound by the same University policies and procedures (i.e. Research Ethics and Research Misconduct) as University staff.
- 1.3 The University is responsible for ensuring that the research it supports is carried out legally, in the public interest and in accordance with best practice. The University has a duty to the research community to investigate allegations of research misconduct; serious potential risks are incurred in terms of reputation and funding as well as the safety of those involved in research if such allegations are not dealt with effectively.
- 1.4 The University is committed to maintaining the integrity and probity of research aligned to '*The Concordat to Support Research Integrity (Universities UK)*¹'. To this end, the University regards it as a fundamental principle that the conduct of research and the dissemination of the results of research must align to the highest standards of integrity, and that all research undertaken under its auspices conforms to the University Ethics Policy and Procedure.
- 1.5 This document sets out a framework to enable a proportionate and timely response to allegations of research misconduct. It includes a process for seeking initial advice in relation to concerns about research integrity and outlines a procedure for the formal investigation of allegations of research misconduct. It also details the process to be followed in an appeal against a research misconduct decision. Disciplinary procedures may be invoked. Additionally, failure by staff and students to respect the parties' confidentiality under this policy and procedure may be referred for consideration under the relevant student or staff disciplinary procedure.
- 1.6 This policy and procedure is internal and does not constitute a legal process. As such, the engagement of legal professionals by staff and students in relation to research misconduct is not permitted.

2. KEY RESPONSIBILITIES

- 2.1 Under this policy and associated procedures, University roles or office holders may act through their appointed nominee.

3. LINKS TO OTHER DOCUMENTS

¹ [The Concordat to Support Research Integrity \(universitiesuk.ac.uk\)](https://www.universitiesuk.ac.uk/research-integrity)

3.1 Other internal documents which may have relevance include:

- *Academic Integrity and Academic Misconduct Policy and Procedure*
- *Research Ethics: Policy and Procedure*
- *Academic Appeals Policy*
- *Student Disciplinary Policy and Procedures*
- *Student Fitness to Practise Policy and Procedures*
- *Equality, Diversity, Inclusion and Belonging Policy*
- *Staff Disciplinary Procedure*
- *Staff Suspension Procedure*
- *Whistleblowing Policy and Procedures*
- *Data Protection Policy*
- *Staff Code of Conduct*

Policy

4. DEFINITIONS

4.1 'Research misconduct' is taken to include (but is not limited to):

- plagiarism:** the copying or misappropriation of ideas (or their expression), text, software or data (or some combination thereof) without permission and due acknowledgement;
- misrepresentation:** the deliberate attempt to represent falsely or unfairly the ideas or work of others, whether or not for personal gain or enhancement;
- academic fraud:** deliberate deception which includes the invention or fabrication of data and/or experimentation;
- improprieties of authorship:** including improper inclusion or exclusion of individuals as authors;
- duplication** of substantially similar material that has previously been the focus of one's own published research findings without due referencing;
- non-compliance of research governance:** failure to comply with appropriate internal and external requirements such as regulatory, financial, legal and/or ethical approval, for example, deliberate, dangerous or negligent deviation from accepted practice or agreed protocols in carrying out research, failure to avoid risk or harm to humans used in research and the environment, failure to obtain appropriate informed consent, and misuse of personal data including inappropriate disclosures of the identity of research participants and other breaches of confidentiality;
- facilitating misconduct in research:** deliberate concealment of research misconduct by others or collusion in such research;
- improper conduct** of peer review of either proposed research or of manuscripts submitted for publication;
- Intentional and unauthorised use, disclosure of, removal of or damage to research related property of another researcher,** including: intellectual property, writings, data, apparatus, materials, hardware, software and any other substances or devices used in or produced whilst conducting research;
- inciting others to commit research misconduct;** deliberate encouragement of others to conduct research in an untruthful or unfair manner;
- improper dealing with allegations of research misconduct:** failing to address possible infringements such as attempts to cover up research misconduct and reprisals against whistleblowers.
- Improper disclosure of conflicts of interest or limited competence:** failing to disclose conflicts of interest or inadequate disclosure of clearly limited competence.

4.2 For the avoidance of doubt, misconduct in research can include acts of omission as well as acts of commission. It excludes genuine errors or differences in interpretation or judgement in evaluating research methods or results, or misconduct unrelated to research processes.

4.3 Throughout this document the term '**Complainant**' refers to the person(s) making a formal written allegation of research misconduct and the term '**Respondent**' refers to the person(s) against whom the allegation is made.

5. PRINCIPLES

5.1 **Research integrity**

5.1.1 All members of the University are under a general obligation to preserve and protect the integrity and probity of research aligned to the *Concordat to Support Research Integrity (Universities UK)*. In particular, if they have good reason to suspect any research misconduct, they should report their suspicions in accordance with the terms of this policy and procedure. Any person making a formal allegation should bear in mind that any allegation is serious and could have major implications for the reputation of a student, member of staff or visiting or honorary equivalent.

5.1.2 The University is committed to ensuring that all allegations of research misconduct are investigated as fully, fairly and expeditiously as possible. In keeping with its *Whistleblowing Policy*, the University also lays emphasis on principles of confidentiality, fairness and no-detriment. In particular the University seeks to ensure that anybody making an allegation of research misconduct, in good faith, suffers no detriment as a result of having made the allegation.

5.2 **Advice on concerns about research integrity**

5.2.1 The University's Research Ethics Panel Chair and/or Doctoral Coordinator can provide confidential advice on concerns relating to research integrity to help establish whether they should be reported for investigation under this policy and procedure. Those advising students and staff on concerns about research integrity are obliged to respect the confidentiality of the parties.

5.3 **Making a formal allegation**

5.3.1 Any formal allegation(s) of research misconduct by a student shall be made in writing to the Academic Registrar and will be dealt with under the appropriate student policy and procedure and is out of scope of this Policy and Procedure. The Complainant, who need not be a member of the University, shall be required to provide written evidence in support of the allegation(s).

5.3.2 Any formal allegation of research misconduct by a research student shall be made in writing to the Academic Registrar and will be referred to the student's registering HEI. This is therefore out of scope of this Policy and Procedure. The Complainant, who need not be a member of the University, shall be required to provide written evidence in support of the allegation(s).

5.3.3 Any formal allegation(s) of research misconduct by a member of staff shall be made in writing to the Deputy Vice Chancellor (DVC). The Complainant, who need not be a member of the University, shall be required to provide written evidence in support of the allegation(s).

5.3.4 Any formal allegation(s) of research misconduct by a visiting / honorary research staff where the University is not the Respondent's substantive employer, shall be made in writing to the DVC. The Complainant, who need not be a member of the University, shall be required to provide written evidence in support of the allegation(s). The DVC will notify the relevant responsible officer of the Respondent's substantive employer and inform them of the allegations. A case meeting will normally be held involving the DVC, a representative of the Respondent's substantive employer, and any other relevant parties to establish who will take responsibility for investigating the allegations (provided that the University reserves the right to undertake its own investigations in any circumstances it sees fit). It is normally for the substantive employer to implement an investigation of any allegations of research misconduct in line with their respective organisation's procedure.

5.3.5 The relevant staff or student disciplinary procedure may be invoked where any member of the University is found to have made a malicious or vexatious false allegation. In these cases, the University will reject the allegation at any stage in the process.

5.4 **No Detriment**

5.4.1 The principle of no detriment shall apply to the investigation of allegations. This means that the University will take reasonable measures to ensure that neither the Complainant nor the Respondent suffer a detriment solely as a result of the allegations having been made. This includes endeavouring to ensure that:

- i. the Complainant is not victimised having made the allegation;
- ii. the Respondent(s) and any associated research project(s) shall not suffer any loss of

reputation, funding, or other loss, unless and until the allegation in question is upheld/partially upheld.

- 5.4.2 Should the Complainant or Respondent(s) be concerned that they will suffer detriment as a result of an investigation they should raise this with the DVC in writing giving reasons for their concerns.

5.5 **Confidentiality and Data Protection**

- 5.5.1 So far as is practicable, the investigation of any formal allegation shall be carried out in accordance with principles of confidentiality and the UK GDPR and Data Protection Act 2018. This means in particular that:

- i. complaints submitted anonymously will not be investigated;
- ii. the Complainant may request that their allegation is processed anonymously. The University will assess whether it is possible to do so provided that this is consistent with effective investigation (it may not be possible to provide complete anonymity under all circumstances; such circumstances will be discussed with the Complainant at the earliest opportunity);
- iii. the University shall take reasonable measures to ensure that neither the identity of the Complainant nor the identity of the Respondent is made known to any third party not involved in an investigation except as may be deemed necessary for the purposes of:
 - a) carrying out a full and fair investigation;
 - b) further action to be taken in respect of an individual against whom an allegation has been upheld;
 - c) further action taken in respect of a member of staff or student who is found to have made a malicious or vexatious allegation;
 - d) collating evidence of witnesses;
 - e) involving or notifying other organisations (see iv) below);
 - f) notifying any individual or organisation (see iv) below).
- iv. the University shall take reasonable measures to ensure that any investigation is conducted in a manner such that it is kept confidential to those with a legitimate and necessary reason to be kept informed. Depending on the nature of the allegation, it may be necessary for the DVC to involve or notify other organisations such as funding bodies and Professional, Statutory and Regulatory Bodies (PSRBs) at any stage in the procedure in order to comply with their requirements. As a general rule, a Complainant will only be kept informed of the progress of an investigation in circumstances where they have a legitimate personal interest (e.g., co-authorship).

- 5.5.2 Where possible, any disclosure to a third party of the identity of the Complainant or the Respondent shall be on the basis that the third party is obliged to respect the confidentiality of the information so disclosed.

- 5.5.3 The University will maintain appropriate confidential records of allegations and formal investigations (see Section 10).

Procedure

6. ACKNOWLEDGEMENT AND PROCEDURAL ASSESSMENT

- 6.1 The DVC will acknowledge receipt of an allegation normally **within 5 working days**. In the absence of the DVC, a member of the University's Executive Team will act on their behalf as outlined in this procedure.
- 6.2 The DVC will review the allegation at the earliest opportunity to determine whether it falls under the scope of the University's research misconduct procedure.
- 6.3 Where a suspected research misconduct case involves a serious breach of research ethics, the DVC may request that the Chair of the Research Ethics Sub-Committee, or appointed representative, carries out the investigation on their behalf.

7. RESEARCH MISCONDUCT: PRELIMINARY STAGE

- 7.1 The DVC notifies the Respondent in writing of the full substance of the allegation against them and the procedure for investigation normally **within 5 working days** of concluding the procedural assessment. The DVC will appoint two senior members of academic staff to carry out a preliminary stage investigation. The Respondent has the right to respond in writing **within 5 working days** and request a meeting. Any such meeting will not be in the nature of a formal hearing but is intended merely to assist the preliminary investigation.
- 7.2 The preliminary stage investigation will be concluded within a reasonable timescale, normally **within 20 working days**. The investigation will include a review of the written evidence provided by the Complainant and the Respondent, and, where appropriate, a meeting with the Respondent. Where appropriate, the senior members of academic staff will request further information from both the Complainant and Respondent. The DVC will be informed of the outcomes of the preliminary stage investigation in writing.
- 7.3 The preliminary stage investigation will have one of the following outcomes:
- i. there is **no case to answer** because the complaint is without substance;
 - ii. **minor infractions** have occurred which do not constitute research misconduct;
 - iii. there is **sufficient evidence** to indicate the possibility of research misconduct.
- 7.4 **Where there is no case to answer**, no case records will remain against the Respondent's file.
- 7.5 **Where minor infractions have occurred**, the Respondent will be invited to discuss the outcome with the DVC at the earliest possible opportunity. Appropriate recommendations and/or actions, including guidance and mentoring will be put in place to prevent recurrence.
- 7.6 **Where there is sufficient evidence to indicate the possibility of research misconduct**, the procedure for the formal stage investigation will be invoked (see Section 8).
- 7.7 The Respondent will be informed by the DVC of the preliminary stage outcome and the evidence base which informed the decision in writing normally **within 5 working days**.

8. RESEARCH MISCONDUCT: FORMAL STAGE

8.1 *Notification of Proceedings*

- 8.1.1 The Respondent shall be required to formally respond in writing (by post or email) to the allegation **within 10 working days** of the date of written notification from the DVC. If the nature of the allegation is such that this timeframe is considered insufficient, then a longer time period can be agreed with the DVC. Failure by the Respondent to respond will not be taken as grounds to postpone the investigation.
- 8.1.2 If the Respondent admits research misconduct, then, at the discretion of the DVC, the investigation may be concluded. The DVC, in consultation with a senior academic member of staff, will determine whether to invoke the the relevant staff disciplinary procedure.

8.2 *Investigating Team*

- 8.2.1 The DVC shall appoint an Investigating Team of at least three persons of appropriate standing normally including one member of academic staff normally with professorial standing, to carry out the investigation. Potential members of the Team must declare any conflicts of interest prior to appointment, and the DVC will determine whether it is necessary to revise any appointments in light of this. The Investigating Team is appointed normally **within 20 working days of notification to proceed to the formal stage**.
- 8.2.2 At least one member of the Investigating Team shall be an academic specialist in the general subject area or sub-discipline area within which the misconduct is alleged to have taken place. If necessary, this member of the Investigating Team may be external to the University.
- 8.2.3 The DVC shall appoint one of the members to chair the Investigating Team. The Chair will normally be a senior member of staff of professorial standing. The DVC shall appoint an appropriate administrator to act as secretary to the Investigating Team. In addition, an HR representative may be appointed to advise the Investigating Team.

8.3 **Investigative Procedure**

8.3.1 The purpose of the formal stage investigation is to determine whether research misconduct has taken place and the nature and extent of any such misconduct. The investigation will be carried out within a reasonable timescale.

- i. The Investigating Team will interview the Respondent and, where appropriate, the Complainant. At each stage of the procedure, individuals have the right if they wish, to be accompanied by a fellow member of staff or by an appropriate representative of a trade union. Individuals may not be accompanied by anyone acting as a legal representative at any stage of the procedure.

8.3.2 During the course of the investigation, the Investigating Team may, at its discretion:

- i. interview any other person;
- ii. require the Respondent and any other member(s) of the University to produce any relevant materials;
- iii. seek evidence from other persons.

8.3.3 The Investigating Team will make all documentation available to the Respondent and, where appropriate, the Complainant, at least **15 working days** before any interview. The Investigating Team must ensure that the Respondent, and where relevant the Complainant, have the right to present evidence and respond in writing in respect of material disclosed to them by the Investigation Team. Any such evidence must be submitted to the Investigating Team at least **5 working days** in advance of the interview.

8.3.4 The Respondent, and where relevant the Complainant, will be sent a copy of their own interview notes approved by the Chair of the Investigation Team to confirm whether they are an accurate record of the meeting. These will be provided **within 5 working days** by the secretary.

8.4 **Findings**

8.4.1 The Investigating Team shall report in writing to the DVC **within 5 working days** of concluding the investigation, indicating whether or not it upholds the allegation, in whole or in part, and giving reasons for its decision. The following outcomes are available to the Investigating Team:

- i. there is **no case to answer** because the complaint is without substance;
- ii. **minor infractions** have occurred which do not constitute research misconduct;
- iii. research misconduct is confirmed and the allegation is **upheld or partially upheld**.

8.4.2 Where the Investigating Team determines there is **no case to answer**, or it is determined that **minor infractions have occurred**, 7.4-7.5 above shall apply.

8.4.3 Where research misconduct is confirmed and the allegation is **upheld or partially upheld**, the Investigating Team will make such recommendations to the DVC that fall within this policy to address any research misconduct.

8.5 **Subsequent actions and notifications**

8.5.1 The DVC shall notify the Investigating Team's findings and the University's subsequent decision to the Respondent **normally within 10 days** of receipt of the Investigating Team's report.

8.5.2 If the Investigating Team has found the allegation to be **upheld or partially upheld**, the DVC shall determine in consultation with the Investigating Team whether or not to invoke the relevant University's staff disciplinary procedure and the appropriate penalties.

8.5.3 If there is **no case to answer** or **minor infractions have occurred**, the DVC shall take appropriate steps to preserve the good reputation of the Respondent(s) and any associated research project(s).

8.5.4 The Complainant will be informed of the outcome of the investigation (see section 5.5.1).

9. **THE RESPONDENT'S RIGHT OF APPEAL**

9.1 Should the Respondent believe that there are grounds to appeal the outcome of the investigation, they may do so in writing, stating the reasons for the appeal, **within 10 working**

days of the date of written notification of the DVC's decision. Any appeal by the Respondent against the outcome of the investigation shall be made in writing and must be lodged with the DVC. Any appeal received outside of this timescale will not be accepted without good reason.

9.2 In initiating an appeal, the Respondent should provide full details of the grounds upon which the appeal is based together with any new evidence or information. It is insufficient for the Respondent to object in general terms that an investigation has been carried out; they must specify the reasons (e.g., stating why the Respondent believes the process or decision is flawed or that there is new evidence or the penalty was unduly severe or inconsistent).

9.3 Normally, an appeal would be made on one or more of the following grounds:

- i. that there was a material procedural irregularity which rendered the investigation leading to the original decision unfair;
- ii. that the conclusions of the Investigating Team cannot, having regard to the evidence submitted, be reasonably sustained; or
- iii. that new material or information of which the Respondent could not reasonably have been expected to be aware of or adduced during the investigation has come to light which casts substantial doubt upon the correctness of the original findings.

9.4 The DVC will appoint an Appeals Board (see section 9.6.1) normally **within 20 working days** and notify the Respondent and, where appropriate, the Complainant of the date and process.

9.5 Appeals against resulting disciplinary decisions shall be dealt with according to the principles set out in the relevant disciplinary procedure. A disciplinary process shall not normally commence until any appeal under this policy and procedure has been considered.

9.6 ***Appeals Board***

9.6.1 The Appeals Board (which shall not include anyone previously involved in the investigation) shall be chaired by the Vice-Chancellor and shall include an academic familiar with the subject matter of the appeal (normally of professorial standing and external to the University if appropriate). A further academic will form the third member. Potential members of the Appeals Board must declare any conflicts of interest prior to appointment. A senior administrator will be assigned to service the Appeals Board.

9.6.2 The Appeals Board will liaise with the DVC and will be given a copy of all written material pertaining to the original investigation together with a copy of the appeal and any new evidence or information filed in support. The Respondent and, where relevant the Complainant, will be given a reasonable opportunity to consider any new information submitted to the Appeals Board before the hearing.

9.6.3 Where possible, the Appeals Board will be convened **within 20 working days** of confirmation of the appointments or as soon as is possible thereafter. The date and time of the hearing will be notified to the Respondent and, where relevant, the Complainant at least **10 working days** in advance by the DVC.

9.6.4 The hearing will consider the Respondent's case for appeal. The appeal will not normally re-hear witnesses whose evidence was heard in the original investigation but may do so if the Chair of the Appeals Board determines, by exception, that there are grounds that warrant this. The Respondent and, where relevant, the Complainant can be accompanied to the hearing by a friend or by an appropriate representative of a trade union. Individuals may not be accompanied by anyone acting in a legal capacity. The Appeals Board may adjourn the hearing if it needs to carry out further investigations in relation to any new points or evidence.

9.7 ***Outcome of the hearing***

9.7.1 The following outcomes are available to the Appeals Board:

- i. to **uphold** the appeal in full;
- ii. to **partially uphold** the appeal;
- iii. to **reject** the appeal.

9.7.2 In addition to upholding, partially upholding or rejecting the appeal, the Appeals Board will be entitled to make such recommendations to the Respondent and/or the University as it considers appropriate, including instituting a new investigation.

9.7.3 The decision of the Appeals Board shall be transmitted by the Chair to the Respondent and the DVC **within 5 working days** of the hearing. The Complainant may also be informed of the outcome (see section 5.5.1).

9.7.4 The decision of the Appeals Board shall be final and no further appeal shall be permitted under this procedure.

10. RECORDS MAINTENANCE AND ANNUAL MONITORING

10.1 At the completion of the procedure (including any potential appeal), the DVC will arrange for the case records to be transferred to HR for secure storage.

10.2 HR will maintain a record of all research misconduct allegations and investigations in accordance with the University's Data Protection Policy.

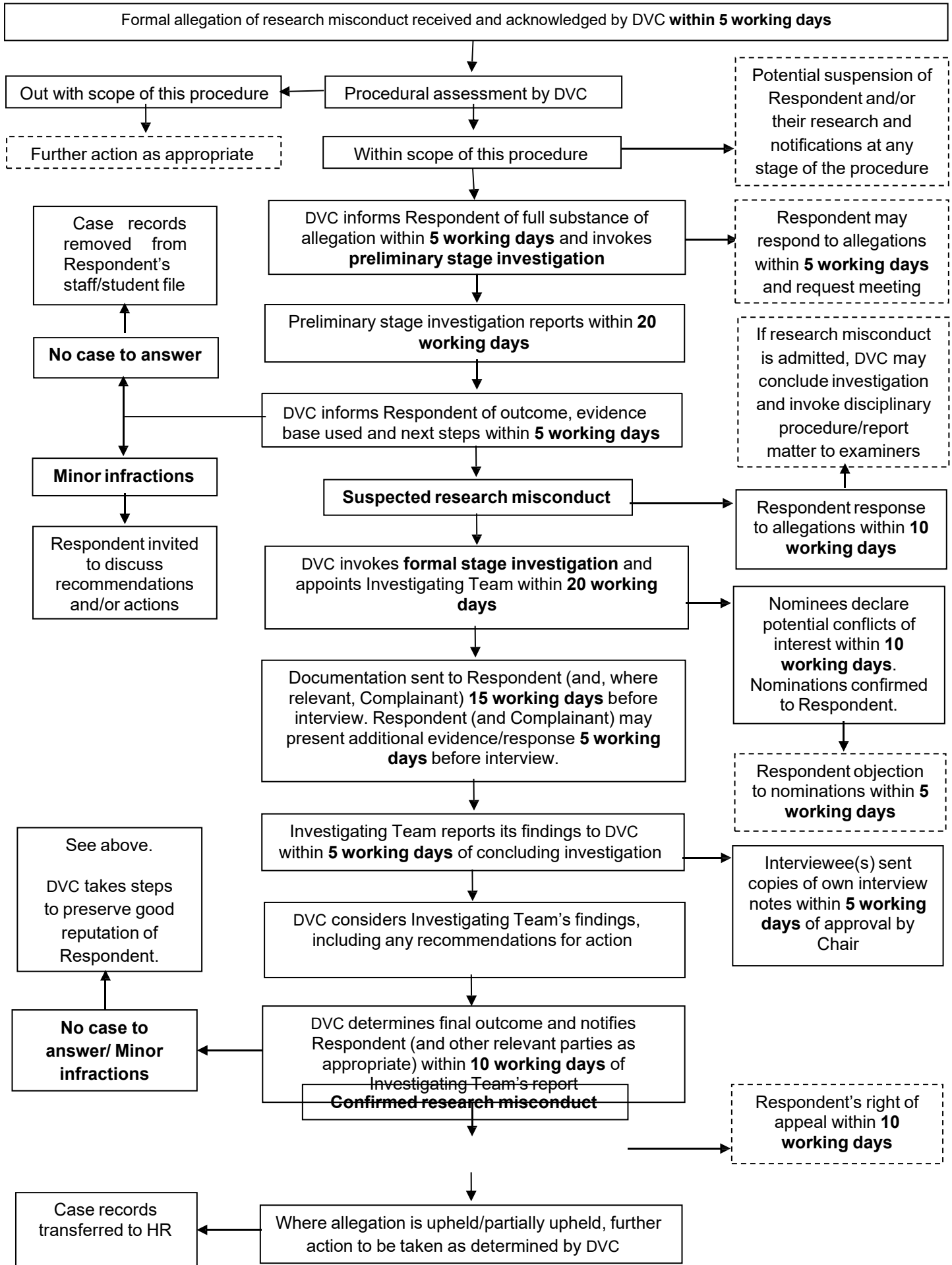
NB Where there is no case to answer, the record will not appear against the Respondent's file.

10.3 HR provide statistics and anonymised qualitative data on all investigations (including those where there is no case to answer or minor infractions have occurred) for the University's annual statement on research integrity highlighting any recommendations to help ensure that this policy and procedure remains current and valid. The annual statement is prepared by the Research Coordinator.

11. APPENDICES

Appendix 1 – Research Misconduct Process Diagram
Appendix 2 – Appeal Hearing Procedure Order of Proceedings

APPENDIX 1: RESEARCH MISCONDUCT PROCESS DIAGRAM



APPENDIX 2: ORDER OF PROCEEDINGS - APPEAL HEARING

- i. Introduction/background by **the Chair**.
- ii. **Respondent** (and/or representative if applicable) submissions.
- iii. The **Appeals Board** may at any time ask questions of the Respondent (or representative if applicable).
- iv. Chair invites the **Complainant** to question, through the Chair, the Respondent.
- v. [**Complainant** (and/or representative if applicable) submissions].
- vi. [The **Appeals Board** may at any time ask questions of the **Complainant** (or representative if applicable)].
- vii. [Chair invites the **Respondent** to question, through the Chair, the Complainant].
- viii. [**Complainant** (and/or representative if applicable) concluding statement].
- ix. **Respondent** (and/or representative if applicable) concluding statement.
- x. Summing up by the **Chair**.
- xi. The Respondent and, where relevant, the Complainant shall then withdraw while the Appeals Board considers the evidence. If necessary, the Respondent/parties may be invited to clear points of uncertainty on evidence already given to the Appeals Board. The Appeals Board may reconvene to notify its decision to the Respondent/parties, on the same day, or else defer any decision in writing.
- xii. Close.

Additional notes

- i. The Appeal hearing will be minuted by an administrator appointed by the Chair of the Appeal Panel.

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Target:	Staff, students
Policy location:	Public website. Internal
Equality analysis:	No direct impact; the policy provides for equality analysis to be undertaken as part of policy review. The policy provides for information to be made available in alternative formats as required, to make reasonable adjustments in line with the Equality Action 2010.