

Investigating Allegations of Misconduct in Research

Purpose and Context

The University has a duty to ensure that standards of integrity and honesty are maintained in all aspects of the University including research and scholarly activities. This procedure identifies how allegations of misconduct in research are reported and investigated.

Scope

This procedure applies to all members of staff, all visiting staff engaged in research and scholarship, and to postgraduate students involved in research outside their research degree. This procedure only applies to misconduct in research. Other issues of misconduct or capability will be dealt with by the relevant procedure applicable to members of staff and/or students.

1 Introduction

- 1.1 Misconduct in research refers to those practices that would not be acceptable within the academic community for proposing, conducting or reporting research. For example: plagiarism, fabrication, falsification, failure to follow accepted procedures in exercising due care in avoiding unreasonable risk or harm to humans, procedures relating to animals used in research, impact on the environment, or improper handling of privileged or private information.
- 1.2 The procedure draws on the UK Research Integrity Office (UKRIO) 'Procedure for the Investigation of Misconduct in Research'.

2 Receipt of Allegations Stage

- 2.1 Allegations of misconduct in research should be referred to the Deputy Vice Chancellor (DVC) (or Pro Vice-Chancellor Teaching & Learning in the absence of the DVC or where a potential conflict of interest may exist). Procedural and administrative support will be provided by Human Resources.
- 2.2 The complainant will be encouraged to make the complaint in writing and to put their name to the complaint providing as much detail as possible.
- 2.3 Allegations raised which are anonymous, or matters identified where there is no specific complainant, will be considered at the discretion of the DVC, taking account of the seriousness of the concerns raised and the likelihood of confirming the concerns from alternative sources/ evidence.
- 2.4 On receipt of the complaint the DVC will acknowledge the complaint in writing and advise the complainant of the procedures which will be followed.
- 2.5 The DVC will review the complaint(s) and determine whether the nature of the allegations.

- a. Fall under the definition of research misconduct and the scope of the procedure and should advance to the initial investigation stage.
 - b. Fall within the scope of another formal process warranting referral including but not limited to disciplinary, dignity at work procedures, academic misconduct etc. In the case of an alleged breach of the University's Disciplinary Rules, the DVC will decide whether to continue this procedure in parallel with the disciplinary procedures or to suspend the procedure pending conclusion of disciplinary procedures.
 - c. Warrant referral directly to an external organisation such as legal or regulatory authorities, as a consequence of notification, the University may be required to comply with an investigation led by an external body, and this will normally take precedence over this procedure.
 - d. Present as being related to potential poor practice rather than to misconduct and therefore the initial approach to addressing the matter will be via informal measures such as education and training.
 - e. Should be dismissed because they do not fall under the remit of this procedure and do not need to be referred elsewhere.
- 2.6 If the respondent is engaged by the University on an honorary basis or where the University is not the main employer, the DVC will inform the appropriate contact of the respondent's primary employer and inform them of the allegations.
- 2.7 The DVC will assess whether the research project has any contractual obligations that require the University to take any prescribed steps in the event of allegations of misconduct in research, including notification requirements to sponsors and funding organisations where relevant.
- 2.8 This stage of the procedure should be completed within 10 working days. Where this is not possible any delays will be communicated to the complainant in writing.
- 2.9 In carrying out the assessment of the complaint, the DVC shall consider the information provided and any additional information they require to form a conclusion. The purpose of the assessment is solely to determine the most appropriate course of action for dealing with the allegation as set out in 2.5.
- 2.10 The DVC may decide that it is necessary to contact the Complainant and/or the Respondent in writing to seek information or ask questions to carry out the assessment, the Complainant and Respondent would not normally be interviewed at this stage.
- 2.11 The DVC will confirm the outcome and next steps in writing. Where it is confirmed that the matters should proceed to the Initial Investigation Stage, full details including a summary of the allegations and a copy of this procedure will be provided to all relevant parties.
- 2.12 In certain cases the DVC may consider it appropriate to direct the suspension of the respondent or as an alternative place other temporary restrictions on duties or contacts as appropriate pending an investigation into the complaint. Such action will only take place where there is a clear risk to individuals or where evidence might be destroyed. Suspension or other restrictions are precautionary measures as a neutral

act such action does not imply any indication of blame. Any suspension from employment will be on full pay.

2.13 A member of staff who is suspended should:

- a. Be allowed to collect personal possessions (accompanied whilst they do this)
- b. Hand over keys and other essential University property
- c. Be told not to enter the University premises without permission from their manager or other agreed named person(s).
- d. Be told that they may be called back for interview as part of the investigation and must be available to be called in at any time during working hours. Any calls for meetings should be made in writing to the employee and provide adequate notice to arrange representation.
- e. Be advised that contact with staff, e.g. in relation to preparing responses to allegations, must be arranged via their trade union representative, or other agreed named person. Outside of this contact, the individual should not discuss the investigation or the circumstances surrounding it with members of staff or students.
- f. Agree (where possible) with the manager what colleagues and students will be told about their absence from work.
- g. Be advised of their right to representation and advised to contact their trade union representative if this is not already done.
- h. Be advised of the support available via the University's Staff Wellbeing Confidential Support service.
- i. Be told that the suspension will be confirmed in writing within three working days.

2.14 The suspension must be confirmed in writing within three working days of the member of staff being informed of that decision.

2.15 The period of suspension should be as brief as possible, and investigations must be commenced as soon as practicable.

2.16 Where a suspension continues for three weeks or more the individual may appeal in writing to the Vice Chancellor. Notices of appeal should be addressed to Human Resources and set out the grounds of the appeal. The Vice Chancellor (or nominee) will review the suspension.

3 Initial Investigation Stage

3.1 The purpose of the Initial Investigation Stage is to determine whether there is sufficient evidence to warrant a full investigation or whether alternative actions should be taken.

3.2 The DVC will appoint an investigator to undertake an initial investigation into the allegation(s). The investigator will normally be an experienced member of academic staff and may be from within or outside the department concerned, depending on the circumstances of the investigation and at the discretion of the DVC. Procedural and administrative support will be provided by Human Resources.

- 3.3 The DVC will provide the investigator will all relevant information gathered during the receipt of allegations stage and the investigator should seek to secure any other relevant records, materials and locations associated with the research which are likely to be essential in order to carry out a full and fair investigation.
- 3.4 The complainant and the respondent will be invited to an investigatory meeting in order to discuss the allegations further. The respondent, complainant and any other individuals interviewed may be accompanied by their trade union representative or friend. A member of Human Resources staff will be present to provide procedural advice and keep a record of the meeting. A written record will be sent to the respondent.
- 3.5 The investigator will normally aim to complete the Initial Investigation Stage within 30 working days. Where this is not possible any delays will be communicated to the complainant and respondent in writing.
- 3.6 The investigator will prepare a report which details the findings and conclusions of the investigation. The report should also include all relevant documentation. A summary of the findings will be sent to the claimant and the respondent for comment on matters of factual accuracy. The investigator will consider the responses received and if they consider there are errors of fact, modify the report as necessary.
- 3.7 The investigator will determine whether the allegation(s) of misconduct in research:
 - a. Are sufficiently serious and has sufficient substance to warrant a Full Investigation of the complaint; or
 - b. Have some substance but due to their relatively minor nature or because they relate to poor practice rather than to misconduct, will be addressed through education and training or another non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; or
 - c. Warrants referral directly to another formal process of the Organisation, including but not limited to examination regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary procedure; or
 - d. Warrant referral directly to an external organisation, including but not limited to statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; or
 - e. Are unfounded, because they are mistaken or frivolous or otherwise without substance (this could include difference of opinion on methodology), and will be dismissed; or
 - f. Are unfounded, because they are vexatious and/or malicious, and will be dismissed.
- 3.8 The investigator will submit the final report and copies of all relevant information to the DVC, setting out their conclusions.
- 3.9 The DVC will then undertake the following actions depending on the conclusions of the Initial Investigation Stage:

- a. If it is concluded that the allegation(s) are sufficiently serious and have sufficient substance to warrant a Full Investigation of the complaint, then the investigation moves to the Full Investigation stage (see section 4).
- b. For all other outcomes, the investigation moves to the Outcomes and reporting stage (see section 5).

4 Full Investigation Stage

- 4.1 The DVC will appoint a Full Investigation Panel of at least three members calling upon senior academic staff within the University; at least one member of the Panel shall be from outside the organisation, as required by The Concordat to Support Research Integrity. In selecting the Panel, the DVC will take into account the subject matter of the allegations including the need for specialist knowledge or investigative skill and consider any potential conflicts of interest or connections to the respondent, complainant or subject matter of the allegations. The DVC will select one panel member to be the chair. Procedural and administrative support will be provided by Human Resources.
- 4.2 The Investigation Panel will be provided with all relevant information and findings from the previous stages of this procedure.
- 4.3 The DVC will inform the respondent and complainant that the procedure has moved to Full Investigation Stage and provide the names of the Full Investigation Panel members. The Respondent and Complainant may raise concerns regarding those chosen and the DVC will consider any representations made but neither has a right of veto over membership.
- 4.4 The Panel will normally reach its conclusions within 3 months. Any delays to this timescale will be explained to the Complainant and Respondent in writing.
- 4.5 The Chair of the Panel will be responsible for the conduct of the proceedings during the Full Investigation. The Panel does not have any disciplinary powers. The Panel shall decide its way of working based on the provisions of this stage of the Procedure and the information that it has been given, as to what information it needs and whom.
- 4.6 The Investigation Panel will interview both the respondent and the complainant and any other individuals, including expert witnesses, it determines appropriate. The Screening Panel will also consider documentary or other evidence relevant to its investigations. Throughout the procedure the respondent, complainant and any other individuals interviewed by the Panel have the right to be accompanied by a trade union representative or friend.
- 4.7 The Panel will review all evidence and determine:
 - a. Whether the allegation(s) are upheld in full; or part; or
 - b. Have some substance but due to their relatively minor nature or because they relate to poor practice rather than to misconduct, will be addressed through education and training or another non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; or

- c. Warrant referral directly to another formal process including but not limited to examination regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary procedure; or
- d. Warrants referral directly to an external organisation, including but not limited to the current employer, statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; or
- e. Are unfounded, because they are mistaken, frivolous or otherwise without substance and will be dismissed.
- f. Are unfounded, because it is vexatious and/or malicious, and will be dismissed.

4.8 The Panel will write a report setting out their conclusions, giving reasons for its decision and recording any differing views. The Panel may also make recommendations for consideration by the DVC and/or other appropriate external bodies regarding any further action(s) which should be taken to address any misconduct the Full Investigation may have found. Such recommendations might include but are not limited to:

- a. Whether the matter should be referred to another formal process and which one.
- b. What external organisations should be informed of the findings of the investigation, with appropriate confidentiality, including statutory regulators, relevant funding bodies, partner organisations and professional bodies, the latter being particularly relevant if concerns relate to Fitness to Practise; and/or
- c. Whether any action will be required to correct the record of research, including informing the publishers and editors of any journals that have published articles concerning research linked to an upheld allegation of misconduct in research or to correct honest errors; and/or
- d. Whether procedural or organisational matters should be addressed by the Organisation or other relevant bodies through a review of the management of research; and/or
- e. Informing research participants or patients or their doctors; and/or
- f. Other matters that should be investigated, including allegations of misconduct in research which are either unrelated to the allegation in question or alleged to have been committed by persons other than the Respondent and/or other forms of alleged misconduct.

4.9 The Panel will forward the report to the respondent and complainant for comment on matters of factual accuracy. The Panel will consider the responses received and if they consider that the report includes errors of facts, will modify the report as necessary.

4.10 The Panel will submit their final report to the DVC and a copy of the final report will be sent to the respondent and the complainant.

4.11 Members of the Panel will have no further role in the procedure unless clarity of the written report is required as part of a subsequent part of the process or unless required to comment by law. Where subsequent disciplinary procedures are followed,

the Chair of the Panel will be called as a witness at any disciplinary hearing if clarity regarding the Panel's written report is required.

- 4.12 The Full Investigation is complete and now moves to the Outcomes and Reporting Stage (Section 5).

5. Outcomes and Reporting Stage

- 5.1 The purpose of the Outcomes and Reporting stage is to ensure that all necessary actions are taken at the conclusion of this procedure, including but not limited to: actions arising following any Initial Investigation or Full Investigation that may have taken place; and ensuring that the research record is correct.
- 5.2 The DVC is responsible for ensuring that these actions are carried out and should ensure they are completed within three months of completion of the investigation. Any delays to this timescale will be explained to relevant parties in writing.
- 5.3 If the investigation concludes that the allegation(s) are unfounded because they are mistaken or frivolous or otherwise without substance the DVC should take necessary steps to support the reputation of the individual and the research project and where the case has received publicity will consider whether an official statement should be released for internal and/or external audiences. Those who have made allegations in good faith will not be penalised in any way and the DVC will consider what, if any, support the individual may require.
- 5.4 If the investigation concludes that the allegation is vexatious and/or malicious, and the complainant is an employee of the University this may result in disciplinary action.
- 5.5 If the investigation concludes that the allegations are not upheld but warrant referral directly to another formal University process the DVC will notify relevant parties in writing and refer to the appropriate department.
- 5.6 If the investigation concludes that the allegation(s) warrant referral directly to an external organisation the DVC will notify the relevant external body in writing to inform them of the allegations and ask them to investigate or otherwise address them. The DVC will also notify the complainant and/or respondent as appropriate and provide them with a copy of the information.
- 5.7 If the investigation concludes that the allegations have some substance but due to their relatively minor nature or because they relate to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approaches the DVC will ensure that this information is passed on to the Dean so the relevant education and training can be facilitated.
- 5.8 Where the investigation concludes that the allegation(s) are upheld in full or in part the DVC will determine whether the matter should be referred to University's disciplinary procedures or for other formal actions. The report of the Full Investigation Panel should form the basis of the evidence that the Disciplinary Panel receives.

- 5.9 Where an investigation has established research misconduct relating to a significant body of work over some time, the DVC will consider whether other work carried out by the individual needs to be reviewed including work not specifically flagged up in the course of the investigation.
- 5.10 The DVC will inform the complainant and the respondent of any actions taken and the options of appeal.

6. Appeals Stage

- 6.1 An alternative designated individual who has not been involved in the matter previously will manage the appeals process. This individual will be selected by the DVC who will take into account the subject matter of the allegations including the need for specialist knowledge or investigative skill and consider any potential conflicts of interest or connections to the respondent, complainant or subject matter of the allegations.
- 6.2 Any appeal should normally be heard within two months of the outcome of the investigation. Any delays to this timescale will be communicated to relevant parties in writing.
- 6.3 The Complainant and/or the Respondent may appeal against the outcomes of the Procedure, including the decisions and/or recommendations associated with them.

Appeals are permitted on the following grounds.

- a. Procedural irregularity in the conduct of the investigation up to and before the Appeal Panel that could have had a material impact on the outcome.
 - b. Fresh evidence becoming available which was not available to the Investigator and/or the Full Investigation Panel.
 - c. There was evidence of bias or unfairness in the process or decisions taken by the DVC, Initial Investigator and/or the Full Investigation Panel.
 - d. The recommendations made as part of an outcome of the Procedure/ subsequent actions taken are either excessive or inadequate concerning the misconduct found by the investigation.
- 6.4 Appeals should be made in writing to Human Resources within 10 working days of being notified of the outcome of the procedure and should clearly set out the grounds accompanied by any relevant supporting documentation.
- 6.5 The designated individual will assess the appeal to determine whether it falls within one or more of the grounds of appeal set out above seeking clarification from the person submitting the appeal as necessary. If the appeal does not fall within one or more of the grounds set out above, then appeal should be dismissed, and the decision should be confirmed in writing. If the appeal does fall within the relevant grounds, then the designated individual should appoint an Appeals Panel to undertake the appeals process who have had no prior involvement in the process.
- 6.6 The Appeal Panel will usually consist of three people and at least one member of the Appeals Panel must be from outside the Organisation. The Appeal Panel will review

the conduct of the investigation and any evidence submitted in support of the appeals(s) in question, rather than carry out a re-investigation of the allegation(s).

- 6.7 The Appeal Panel will decide whether it upholds, reverses, or modifies the outcome including the decisions and/or recommendations associated with it.
- 6.8 A summary of the Appeal Panels findings and conclusions will be sent to the complainant and the respondent for comment on matters of factual accuracy. The Appeal Panel will consider the responses received and if they consider that the report includes errors of fact, will modify the report as necessary.
- 6.9 The Appeal Panel will then submit their final report to the designated person and issue a copy to the complainant and respondent. The decision of the Appeal Panel is final.
- 6.10 The designated individual will then undertake the actions necessary to implement the conclusions of the Appeal Panel following relevant provisions in the Outcomes and Reporting Stage, liaising with any other relevant parties as necessary.

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