

Staff and Student Misconduct in Research Procedure

This Procedure follows guidance produced by the [UK Research Integrity Office](#) (UKRIO), 'Procedure for the Investigation of Misconduct in Research'.

1. Introduction

- 1.1 The Procedure described in this document is designed for the investigation of allegations of misconduct in any area of research. The Procedure applies to anyone conducting research under the auspices of the University. This includes, but is not limited to:
- members of staff
 - student researchers
 - independent contractors and consultants
 - visiting or emeritus staff
 - staff on joint clinical contracts
 - any person(s) conducting research using University facilities or on University premises, are also subject to the investigation of allegations of misconduct.
- 1.2 Such allegations might be brought to the University as the employer of the individual against whom the allegations are made, or brought in another capacity, such as the host or sponsor of the research.
- 1.3 Those mentioned above must comply with the University's [Code of Practice for Research and Code of Practice for Research Ethics policies](#). The University is aware of the different practices for each research discipline and sanctions for non-compliance with this Procedure will be dealt with depending on the severity of the breach, and in accordance with the University's staff disciplinary procedures.
- 1.4 In research, situations arise that might present as misconduct but are the result of either a misunderstanding or a dispute between individuals. It may be possible to mediate or resolve such differences at the individual or local level.
- 1.5 Those entitled to bring complaints about research are not restricted to being a member of staff (present or past) of the University.
- 1.6 Allegations may be investigated under this Procedure irrespective of such developments as:
- the Complainant withdrawing the allegation at any stage;

- the Respondent admitting, or having admitted, the alleged misconduct, in full or in part; or
- the Respondent or the Complainant resigning, or having already resigned, their post.

1.7 The University is required to provide an annual report to the University's Academic Board of the number of allegations of research misconduct for the Academic year that reached a Stage 2 investigation. This report will be made publicly available.

2. Definition of Research Misconduct

2.1 Allegations of misconduct in research and concerns regarding the ethical conduct of research projects are received by the University's 'Named Person'.

2.2 Examples of research misconduct are:

- Fabrication;
- Falsification;
- Misrepresentation of data, interests, involvement or credentials;
- Plagiarism;
- Collusion or concealment of research misconduct;
- Breach of confidentiality;
- Inappropriate attribution of authorship;
- Failure to declare conflicts of interest regarding research activities;
- Failure to obtain appropriate permissions or consent;
- Failure to observe legal, regulatory or ethical requirements;
- Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for:
 - avoiding unreasonable risk of harm to:
 - humans;
 - animals used in research; and
 - the environment; and
 - the proper handling of privileged information on individuals collected during the research.

2.3 For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission. In addition, the standards by which allegations of misconduct in research should be judged, should be those prevailing in the country in question and at the date that the behaviour under investigation took place.

3. The Named Person

3.1 The University has designated:

- a Named Person
- a nominated alternate, to act in his/her absence.

Additionally, if the Named Person finds it necessary, he/she will liaise with the following people, to investigate allegations of misconduct in research:

- a representative of HR Services (not the Director of Service)
- a representative of Financial Services

3.2 The Named Person, or their nominated alternate, will be an individual within the University with significant knowledge and experience of research. The Named Person has responsibility for:

- receiving any allegations of misconduct in research;
- initiating and supervising the Procedure for investigating allegations of misconduct in research;
- maintaining the information record during the investigation and subsequently reporting on the investigation with internal contacts and external organisations;
- taking decisions at key stages of the Procedure.

3.3 The Named Person and his/her nominated alternate will not be:

- the Vice-Chancellor & President;
- a Member of the Vice-Chancellor's group for research; or
- the Senior member of staff responsible for HR Services.

3.4 The Named Person will appoint support staff and other relevant persons to assist with the operation and administration of the Procedure. The Named Person can seek guidance from UKRIO and other bodies, as well as seeking legal advice. The Named Person should be responsible for ensuring the integrity of the Procedure and any actions taken as a consequence of it.

3.5 The Named Person should keep a written record of all decisions taken throughout all the steps of the Procedure. The Named Person should liaise closely with the Chairs of the Review and Appeal Panels to ensure that a proper record is maintained throughout the Procedure.

3.6 The Named Person is responsible for ensuring the accurate, timely and confidential transfer of information between all parties involved in any of the stages of the Procedure.

4. The Procedure

4.1 The Procedure is for the investigation of allegations of misconduct in research. Allegations of misconduct in research are often raised as

departures from accepted procedures in the conduct of research. The Procedure should only be used for investigating the intentional and/or reckless behaviour. Allegations relating to other forms of misconduct may be investigated using the appropriate procedure(s).

- 4.2 The Procedure allows allegations of misconduct in research to be investigated once submitted to the Named Person formally in writing (where possible) and be accompanied by any supporting evidence that is available to the Complainant. Situations that are not considered to be serious in nature might be resolved by informal discussion and/or arbitration and/or dispute resolution, without the requirement for a formal investigation. The Named Person can seek advice from UKRIO regarding whether such informal mechanisms might be appropriate for a particular allegation.
- 4.3 An initial approach to the Named Person might be anonymous but to take forward allegations the Complainant should make a formal written submission, in confidence if it is so desired, to the Named Person. At the discretion of the Named Person an anonymous allegation of misconduct may be reviewed depending on the level of the concern raised, the reliability of the concern and whether it is likely that the Named Person can verify the concern from an alternative and credible source.
- 4.4 Allegations which are in any way linked to the Named Person or which raise the potential for a conflict of interest for the Named Person – including links with any persons involved (Respondent or Complainant) or where the Named Person is in some way personally concerned with the subject matter of the allegations – should immediately be referred to the Named Person’s alternate who should then implement the Procedure. The Named Person should declare any such conflicts. The Complainant and Respondent may raise concerns that they might have that the Named Person may have interests which conflict with the fair handling of the allegations with the Vice-Chancellor & President. The Vice-Chancellor & President should act on information passed on, or known about, with respect to any conflict of interest and invite the Named Person to refer the investigation to his/her alternate.

5. Preliminary steps

- 5.1 Upon receipt of allegations of misconduct in research, the Named Person or support staff on behalf of the Named Person, will formally acknowledge receipt of the allegations by letter to the Complainant and advise the Complainant of the Procedure that will be followed.

- 5.2 The Named Person will review the nature of the allegations and, where they concern situations that require immediate action to prevent further risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice), the Named Person will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated.
- 5.3 The nature of the allegations may mean that it is necessary to notify legal or regulatory authorities, such as in situations as detailed above, where an activity is potentially or actually illegal and/or a danger to persons, animals and/or the environment. As a consequence of such notification, the University may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Procedure. The Procedure may continue in parallel but may have to be suspended, to be concluded later, or may have to be declared void by the Named Person.
- 5.4 The Named Person should review the nature of the allegations by referring to the definition of misconduct in research detailed in 2.2. If the allegations are judged to fall within the definition, the Procedure should continue to the next stage. Where the allegations are outside the definition, the Named Person should communicate to the Complainant in writing: the reasons why the allegations cannot be investigated using this Procedure; which process for dealing with complaints might be appropriate for handling the allegations (if any); and to whom the allegations should be reported.
- 5.5 If the University is not the Respondent's primary employer, the Respondent having only an honorary or secondary contract, the Named Person should contact the Named Person of the Respondent's primary employer and inform him/her of the allegations.

6. Stage 1 – Initial Review

- 6.1 The receipt of an allegation will be formally acknowledged by the Named Person or support staff, in writing to the Complainant within 10 working days.
- 6.2 The Named Person will conduct an initial review of the allegation. Allegations of misconduct in research must be submitted in writing and accompanied by any supporting evidence that is available to the Complainant. The Named Person will review all documentation, which may include, but is not limited to research ethics application forms, ethical approval letters, research data, participants or organisations' consents or permissions, publications, social

media or electronic correspondence, including emails and text messages. The Named Person can request further information from the Complainant or the Respondent, explaining that this is part of an initial review of the allegation with no assumptions made about the outcome.

- 6.3 The Named Person should ensure that all relevant information and evidence are secured, so that any investigation conducted under this Procedure can have access to them. This may include, but is not limited to:
- securing all relevant records, materials and locations associated with the work;
 - liaising with HR Services and the relevant line manager(s) to:
 - request the temporary suspension of the Respondent from duties on full pay;
 - request the temporary barring of the Respondent from part, or all, of the premises of the University and any of the sites of any partner organisation(s); and/or
 - request a temporary restriction be placed on the Respondent requiring him/her not to have contact with some or all of the staff of the University and those of any partner organisation(s).
- 6.4 The Named Person should only take such actions in situations where there is a clear risk to individuals or that evidence might be destroyed and only after careful consideration of those risks and consequences. The reason(s) for taking any such actions should be recorded in writing and communicated to all relevant parties. In taking such action, the Named Person should reassure the Respondent that it is not part of any disciplinary action and does not indicate that the allegations are believed to be true by the University; rather it should be stressed that it is essential to ensuring that the allegations of misconduct can be properly investigated. Steps to suspend or bar a member of staff should consider his/her responsibilities for supervision, teaching and management and make alternative arrangements to meet these responsibilities. Any suspension or barring of the Respondent should be reviewed throughout the Procedure to ensure that it is not unnecessarily protracted.
- 6.5 The initial review will be concluded within 15 working days from receipt of the allegation. If it is not possible for the Named Person to complete the initial review within 15 working days, the reasons for this and a revised timescale should be given to the Complainant and Respondent.

- 6.6 Based on the Named Persons initial review, the Named Person can decide to end the investigation by dismissing the allegation or provide a Stage 1 - resolution.
- 6.7 **Allegation dismissed.** The allegation is dismissed if it is determined to be mistaken, frivolous, vexatious, and/or mendacious. The allegation may be found to have some substance, but it may be determined that there is a lack of intent to deceive, or it is of a minor nature, or the result of an honest human error, in which case no further action will be taken.
- 6.8 **Stage 1 – resolution.** Sanctions or recommendations that can be imposed include, but are not limited to:
- Letter of reprimand and warning as to future conduct;
 - Specific training;
 - Attendance at training sessions;
 - Mentoring;
 - Special monitoring of future work;
 - Referral to an alternative procedure.
- 6.9 If it is deemed that a more serious sanction may be appropriate (for example, withdrawal of submitted, but not yet published work; retraction of published work; disciplinary action), or if the case is more complex and requires further investigation, it will be referred to Stage 2 – Review Panel.

7. Stage 2 – Review Panel

- 7.1 The further investigation process is to ensure the full and fair exploration of the allegations in the context of research and is not intended to replace or subsume any existing University disciplinary process.
- 7.2 The Named Person will appoint a Chair and recruit panel members for a Review Panel. The Review Panel should comprise of at least three people, including the Chair, with the following skills/experience: a senior researcher/PI with appropriate expertise in the relevant discipline; a member of the University Management Board; a person with a good understanding of research ethics. A member of the Panel may be an individual from outside of the University.
- 7.3 The Named Person will set a date for the investigation which should be concluded as quickly as possible. The Named Person and Review Panel

should set a date for the completion of the investigation. This should normally be within 30 working days. If it is believed that the investigation will take longer than 30 working days this should be communicated to all relevant parties and a revised timetable/date set.

- 7.4 The Named Person should inform the Complainant; Respondent; Pro-Vice Chancellor for Impact and Innovation; HR Manager; School Deans and Directors of Impact and Innovation; and, where required, funders, collaborators or other relevant/interested external organisations that a Review Panel is being convened.
- 7.5 Members appointed to the Review Panel should declare any links to the research, individuals or interests.
- 7.6 The Review Panel should:
- review any background information relevant to the allegation(s);
 - review the submission(s) and supporting evidence provided by the Complainant and request any further information or evidence, as required;
 - review the response(s) and supporting evidence from the Respondent and request any further information or evidence, as required. The Respondent should be given the opportunity to respond to the allegation(s) made and to present evidence;
 - hear the Complainant and other individuals the Panel consider relevant to the investigation;
 - hold a Formal Hearing during which the Respondent must be given the opportunity to set out his/her case and respond to the allegations made against him/her. He/she will also be allowed to ask questions, to present evidence, call witnesses and raise points about any information given by any witnesses. Note that;
 - those interviewed by the Review Panel may be accompanied by a fellow employee or a trade union representative;
 - furthermore, some employees may have additional contractual rights to be accompanied by persons other than those listed above, for example, a partner, spouse or legal representative; and
 - the University may not be in a position to compel those with information to attend, or to provide that information to the Panel.
 - contact internal departments in the University, for example, Governance and Legal Services or the Data Protection Office. The Panel can obtain guidance from persons or organisations external to the University, such as expert witnesses, UKRIO or the Committee on Publication Ethics (COPE).
 - consider the allegations of misconduct in research and reach a conclusion on the allegations with the standard of proof used to reach that decision being “on the balance of probabilities”;

- provide a draft report to the Named Person, who will forward the report to the Respondent and the Complainant (and their representatives by agreement) for comment on the factual accuracy of the report;
 - Only when the report includes errors of fact, as indicated by the Respondent and/or the Complainant, should the Review Panel modify the report. The Chair should judge the validity of such comments and seek the agreement of the Panel before making amendments to the Panel's report.
- report any further, distinct, instances of misconduct in research by the Respondent which may be disclosed, unconnected to the allegations under investigation and/or misconduct in research by another person or persons, to the Named Person in writing, along with supporting evidence; and
- aim to reach a unanimous decision, failing which a majority decision will be acceptable.

7.7 The Review Panel should produce a final report that:

- summarises the conduct of the investigation;
- states whether the allegations of misconduct in research have been upheld in whole or in part, giving the reasons for its decision and recording any differing views;
- makes recommendations in relation to any matters relating to any other misconduct identified during the investigation; and
- address any procedural matters that the investigation has brought to light within the University and relevant partner organisations and/or funding bodies.

7.8 The Review Panel may make recommendations in relation to any matters relating to any other misconduct identified during the investigation. It may also recommend that any procedural matters that have been brought to light are addressed by the relevant person(s) or department.

7.9 The final report should be sent to the Named Person and the work of the Review Panel is complete. The Panel members should take no part in any further investigation of the matter, unless formally asked to clarify a point in their written report as a subsequent investigation. Panel members should not make any comment on the matter in question, unless formally sanctioned by the University or otherwise required to by law. The Panel members should also remember that all information concerning the case should be kept confidential. Any queries or requests for comments addressed to the Panel should be referred to the Named Person.

7.10 The Named Person should inform the following of the conclusion of the Stage 2 investigation:

- the Respondent and the Complainant (and their representative by agreement);
- the Vice-Chancellor & President, Deputy Vice-Chancellor, Director of HR Services, Pro Vice-Chancellor for Impact and Innovation, Chair of the University Ethics and Integrity Sub-Committee (EISC,) School Deans and Directors of Impact and Innovation, and any other relevant members of staff;
- if the Respondent and/or the Complainant are employed on joint clinical/honorary contracts, the Named Person should notify any relevant partner organisations, funding bodies and/or regulatory or professional bodies.

7.11 Based on the Review Panel's investigation they can dismiss the allegation or provide a Stage 2 – resolution.

7.12 **Allegation dismissed.** The allegation is dismissed because the claim is mistaken, frivolous, vexatious and/or mendacious, or the matter is not serious in nature and can be resolved informally or using an alternative procedure.

7.13 **Stage 2 – resolution.** If the allegations are found to have merit and warrant a sanction, the Panel may recommend:

- One or more of the above sanctions given in Stage 1 – resolution;
- Withdrawal of funding;
- Withdrawal from a research project, or from the role of Principal Investigator, or from supervising a research project;
- Retraction of published work and/or withdrawal of work submitted for publication;
- Referral to the University's staff disciplinary procedure;
- For students, recommendation of expulsion to the Vice-Chancellor & President.

8. Stage 3 – Appeal

8.1 If the Complainant or Respondent wishes to appeal against the outcome of the Stage 2 – Review Panel, they should do so in writing, stating the grounds for the appeal to the Named Person within 10 working days. The appeal will be heard by a Panel nominated by the Named Person within 15 working days of receiving the appeal request. Members of the Appeal Panel will have had no previous involvement in the investigation.

- 8.2 The Appeal Panel should comprise of at least three people, including the Chair, with the following skills/experience: a senior researcher/PI with appropriate expertise in the relevant discipline; a member of the University Management Board; a person with a good understanding of research ethics. A member of the Panel may be an individual from outside of the University.
- 8.3 A request to appeal the decision made by the Review Panel may be considered if there is evidence that a procedural irregularity, administrative error or errors of fact occurred, and is of such a nature as to cause doubt whether the Review Panel would have reached the same decision had the irregularity not occurred.
- 8.4 The Appeal Panel will review the evidence of the procedural irregularity, administrative error or errors of fact provided by the Complainant or Respondent and the Review Panel's final report.
- 8.5 Once the Appeal Panel has reached a conclusion it should produce a report that:
- outlines their findings;
 - states whether the appeal is dismissed or upheld;
 - makes informal recommendations to resolve any issues relating to misconduct and address any procedural matters found.
- 8.6 The Appeal Panel may recommend to the Named Person that:
- the appeal is dismissed, and the decision made by the Review Panel should be upheld;
 - a new Review Panel is convened as there is evidence that a procedural irregularity, administrative error or errors of fact have occurred, which causes sufficient doubt as to whether the Review Panel would have reached the same decision had the irregularity not occurred.
- 8.7 If the appeal is dismissed the Named Person should write to the Complainant or Respondent within 15 working days, informing them of the Appeal Panel's decision. The decision cannot be appealed to central administration once the appeal process has been applied. The Named Person should also inform those parties detailed in paragraph 7.8 of the Appeal Panel's decision.
- 8.8 If a new Review Panel is convened the Named Person should repeat the steps in this Procedure as detailed from **7. Stage 2 – Review Panel** and inform those parties detailed in paragraph 7.8 that a new Review Panel is being convened, following an appeal by the Complainant or Respondent.

8.9 Once the Appeal Panel's decision has been communicated, the Panel members should take no part in any further investigation of the matter, unless formally asked to clarify a point in their written report as a subsequent investigation. Panel members should not make any comment on the matter in question, unless formally sanctioned by the University or otherwise required to by law. The Panel members should also remember that all information concerning the case should be kept confidential. Any queries or requests for comments addressed to the Panel should be referred to the Named Person.

9. Stage 4 – Staff disciplinary process

9.1 If appropriate, the staff disciplinary procedure commences, and the relevant University processes are followed. The staff disciplinary process can be found on the University's [HR webpages](#).

9.2 If the University's disciplinary process is to be invoked as a result of the outcome of the Procedure, the report of the Review Panel should form the basis of evidence that the disciplinary hearing Chair or Panel receives. The Named Person is responsible for the accurate, timely and confidential transfer of records of the case and a copy of the final report to HR Services, which should be retained by HR Services in accordance with the University's records retention policy.

10. Conclusion

10.1 The Named Person will notify interested parties of the conclusion and findings of the investigation. This may include any relevant partner organisations, funding bodies and/or regulatory or professional bodies.