

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](#)' and [The Concordat to Support Research Integrity, 2019](#)¹.

[The University of East London upholds the highest standards of integrity and rigour and allegations of misconduct in research are reviewed fairly and in a timely manner, ensuring that the process is transparent, and investigations are undertaken confidentially and in accordance with the Data Protection Act 2018 and General Data Protection Regulation \(GDPR\) 2018.](#)

1. Introduction

1.1 The Procedure described in this document is designed for the investigation of allegations of misconduct in any area of research². The Procedure applies to anyone conducting research under the auspices of the University. This includes, but is not limited to:

- a member(s) of staff or former member(s) of staff;
- student researchers, including visiting students registered elsewhere who are conducting research at the University;
- independent contractor(s) and consultant(s);
- a person with visiting or emeritus status;
- a member of staff on a joint clinical or honorary contract; and
- any person(s) conducting research using University facilities or on University premises, are also subject to the investigation of allegations of misconduct in research.

1.2 The Procedure applies to postgraduate research students, such as MPhil/PhD, Professional Doctorate and Master's by Research students. In instances where undergraduate or master's level projects involve research components, allegations of misconduct in research for undergraduate and taught master's students are reviewed, and any sanctions issued by the relevant School Ethics Committee (SEC). Cases of misconduct in research are normally minor for undergraduate and taught master's students and the matter can be effectively managed at School level. However, if there are any

¹ Including direct extracts, quotes, definitions and references from both publications, which are incorporated into the revised UEL Staff and Student Misconduct in Research Procedure.

² See Annexe 1 for a definition of research.

fundamental concerns about the conduct of a research project, such as unlawful or dangerous behaviour or due to the nature of the research project, complaint or concern it is not appropriate for the SEC to review the misconduct, the undergraduate or taught master's student will be subject to this Procedure.

- 1.3 The University's [Part 8 Academic Integrity and Academic Misconduct policy](#) states that 'Academic Misconduct is defined as practice which leads to unfair advantage in an assessment for the purposes of achieving personal gain'. All students are responsible for the integrity of their academic projects and must ensure that their studies represent their own work and adhere to UEL regulations governing both research and academic misconduct.
- 1.4 Those mentioned in point 1.1 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 addressed according to the severity of the breach, and in compliance with the University's [staff](#) and [student](#) disciplinary procedures.
- 1.5 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.
- 1.6 Allegations may be investigated under this Procedure irrespective of such developments as:
 - the Complainant(s) withdrawing the allegation at any stage; or
 - the Respondent(s) admitting, or having admitted, the alleged misconduct, in full or in part; or
 - the Respondent(s) admitting, or having admitted, other forms of misconduct, whether research misconduct or otherwise; and/or
 - the Complainant(s) and/or the Respondent(s) withdrawing from the Procedure; or
 - the Complainant resigning, or having already resigned, their post.
- 1.7 The University is required to provide an anonymised 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 - Full Investigation'. This report will be made publicly available.

2. Definition of Research Misconduct

- 2.1 As defined by the [Concordat to Support Research Integrity, 2019](#) 'Research misconduct is characterised as behaviours or actions that fall short of the standards of ethics, research and scholarship required to ensure that the

integrity of research is upheld. It can cause harm to people and the environment, wastes resources, undermines the research record and damages the credibility of research. The concordat recognises that academic freedom is fundamental to the production of excellent research. This means that responsibility for ensuring that no misconduct occurs rests primarily with individual researchers’.

2.2 Examples of research misconduct are listed below, but are not limited to:

- Fabrication;
- Falsification;
- Misrepresentation of data, interests, involvement, credentials, qualifications, experience or publication history;
- Plagiarism;
- Collusion or concealment of research misconduct;
- Breach of confidentiality or misuse of personal data;
- Improper conduct of peer review of research proposals, results or manuscripts submitted for publication;
- 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 our 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. Additionally, 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.

2.4 Where allegations of misconduct in research falls within the scope and is in contravention of another formal process of the University, including but not limited to the following, examination regulations, academic misconduct process or equivalent, allegations of bullying, harassment, grievance, financial fraud or misuse of research funds or equipment, the matter may be investigated under an alternative Procedure. If the allegation is related to a member of staff, the person will be subject to HR Services disciplinary policy procedures, dependent on if related findings are in breach of the disciplinary code of conduct.

3. The Named Person

3.1 The University has designated:

- a Named Person to review allegations of misconduct in research.
- the Named Person is a senior academic, with significant experience of research and research ethics.
- a nominated alternate is permitted to act in the absence of the Named Person or to assist the Named Person with reviewing an allegation of misconduct in research. This includes reviewing documents or material provided by the relevant parties and making recommendations as to the outcome of the investigation.

3.2 Additionally, if the Named Person finds it necessary, the Named Person will consult 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.

3.3 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.
- receiving concerns regarding the ethical conduct of research projects.
- initiating and supervising the Procedure for investigating allegations of misconduct in research.
- taking decisions at key stages of the Procedure.
- maintaining the record of information during the investigation and subsequently reporting on the investigation with internal contacts and external organisations.

3.4 The Named Person and their 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.

3.5 The Named Person can appoint individuals to support the operation and administration of the Procedure. This may entail recruiting appropriate individuals, including those from outside the University, to analyse

information, evidence, and correspondence, and to provide an assessment of their findings for the Named Person's consideration. Those chosen to assist the Named Person must confirm to them, or designated administrative support, that their involvement presents no conflict of interest. These individuals must adhere to the Procedure and maintain the confidentiality of the proceedings. Those appointed to assist with the review of the allegation should provide a summary of their investigation findings, along with their recommendations, and highlight any other pertinent matters they wish to bring to the attention of the Named Person.

- 3.6 The Named Person can seek advice from external bodies such as the [UK Research Integrity Office](#) (UKRIO) and other relevant organisations and may also obtain legal counsel, if necessary. It is the Named Person's responsibility to uphold the integrity of the Procedure and ensure that any necessary actions are undertaken.
- 3.7 The Named Person should ensure the confidentiality of all documentation provided and maintain a written record of all decisions made throughout all stages of the Procedure. The Named Person will retain all reports, correspondence, transcripts of meetings, if applicable, and any other documents relevant to the operation of the Procedure. The Named Person should liaise closely with the Chairs of the Review and Appeal Panels to ensure that an accurate account is maintained throughout the Procedure.
- 3.8 The Named Person is responsible for ensuring the accurate, timely and confidential exchange of information between all parties involved in any stage of the Procedure.

4. The Procedure³

- 4.1 The [Staff and Student Misconduct in Research Procedure](#) is designed for investigating allegations of misconduct in research, which involve deviations from accepted research practices. The Procedure should only be applied when investigating intentional and/or reckless behaviour. Allegations relating to other forms of misconduct should be investigated using relevant alternative procedures.

³ The University will use the UKRIO Procedure to assist with investigating allegations of misconduct in research, applying sanctions, outcomes or recommendations, and seek advice from UKRIO, if necessary.

- 4.2 The Procedure permits the investigation of allegations of misconduct in research to be investigated, once they are formally submitted in writing to the Named Person, including any available supporting evidence provided by the Complainant. Situations that are not considered to be serious in nature may be resolved through informal discussions, arbitration, or dispute resolution, without the need for a formal investigation. The Named Person can seek advice from UKRIO to determine whether such informal methods are appropriate for a specific allegation.
- 4.3 An initial approach to the Named Person might be anonymous; however, to proceed with the allegation the Complainant should submit a formal written complaint, which can be kept confidential, if requested. At the discretion of the Named Person, an anonymous allegation may be reviewed depending on the seriousness of the concern raised, its reliability, and the likelihood of the Named Person being able to verify the concern through an alternative and credible source.
- 4.4 This Procedure can be employed to investigate matters of concern that are not formally brought to the attention of the Named Person; however, the issue involves identified or disclosed research misconduct, or concerns have been raised. The misconduct may also have been highlighted via other means, such as in a report or documented in published material.
- 4.5 Following an investigation into alleged misconduct where a Respondent is not a current member of staff or student at the University or is deceased, the Named Person will determine the nature of the misconduct and any further action to be taken in relation to the investigation and its outcome.
- 4.6 if allegations of misconduct arise in collaborative research projects, the Named Person will co-ordinate with their counterpart or appropriate senior person in the partner institution, to determine the appropriate course of action and which institution should take responsibility for conducting the investigation into the allegation of misconduct.
- 4.7 Any allegations of misconduct in research linked to the Named Person or pose the potential for a conflict of interest for the Named Person – including connections to any individuals involved (Respondent or Complainant) or situations where the Named Person is personally concerned with the subject matter of the allegations they should be referred to the Named Person's alternate, who will initiate the Procedure.

- 4.8 The Named Person must declare any conflicts of interest. Should the Complainant and/or Respondent raise concerns that the Named Person may have interests which conflict with the fair handling of the allegations, they may address these concerns with the Pro Vice-Chancellor for Impact and Innovation (PVC II). The PVC II will take appropriate action, based on the information provided and may request that the Named Person delegate the investigation to their alternate.

5. Receipt of allegation and preliminary steps

- 5.1 Upon receipt of an allegation of misconduct in research, the Named Person or designated administrative support, will formally acknowledge receipt of the allegations in writing to the Complainant. The Complainant will be informed that preliminary steps will be taken to conduct an initial assessment of the allegation. The Complainant should provide a full account of the allegation, together with any additional information and supporting evidence. The Complainant will also be provided with a copy of the [Staff and Student Misconduct in Research Procedure](#) or a link to the relevant webpage.
- 5.2 If an allegation of misconduct in research arises through other means, i.e., not by the Complainant, such as that mentioned in point 4.4, the Respondent will be informed of the potential misconduct. The Respondent will be given a copy of the Staff and Student Misconduct in Research Procedure or a link to relevant webpage.
- 5.3 The Complainant will receive a formal notification within 20 working days stating whether the allegation will proceed to a 'Stage 1 – Investigation'. If the Named Person, or designated administrative support is made aware of the misconduct through other means, including but not limited to those mentioned in point 4.4, the Respondent will be informed that preliminary steps are being taken to review the allegation. The Respondent will receive a copy of the [Staff and Student Misconduct in Research Procedure](#) or a link to relevant webpage.
- 5.4 The Named Person will review the nature of the allegation to determine the most appropriate course of action for addressing the complaint. In situations that require immediate action to prevent further risk or harm to staff, research participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice), or potential destruction of evidence, the Named Person will promptly

take the necessary steps to prevent or rectify any potential or actual danger, illegal activity or risk. In cases such as these, or of similar gravity, the Named Person can proceed directly to Section 7; a 'Stage 2 – Full Investigation'.

- 5.5 It may be necessary to inform professional bodies, partner organisations, publishers or funders of the allegation. In such cases, the Respondent will be informed that the University is required to notify the relevant stakeholders of the complaint.
- 5.6 The nature of the allegations may necessitate notifying legal or regulatory authorities, such as in situations detailed in point 5.4, where an activity is potentially or actually illegal and/or a danger to persons, animals and/or the environment. Additionally, the Named Person will also assess whether the research project related to the allegation involves legal or contractual obligations that mandate the University to follow specific procedures, in the event of an allegation of misconduct in research being made. This may encompass reporting to a funding body or regulatory body, taking any actions necessary, such obligations may be specified in:
- a contract/agreement or guidance on research conduct from a regulator or a funding body;
 - a partnership contract/agreement/Memorandum of Understanding; or
 - an agreement to sponsor the research.
- 5.7 The University must cooperate with any investigation led by a legal or regulatory body, and it may be required to inform the Respondent while fulfilling these legal or contractual duties. These obligations will ordinarily take precedence over this Procedure. The Named Person should seek advice from HR/Student Services, the Office of Compliance, Governance and Legal Services or other departments within the University, as needed. While the Procedure may continue in parallel, it may need to be suspended, to be concluded later or declared void by the Named Person.
- 5.8 The Named Person will assess the nature of the allegations in accordance with the definition of research misconduct provided in point 2.2. If the allegations align with this definition, the Procedure will continue to a 'Stage 1 – Investigation'. In cases where the allegation falls outside of this scope, the Named Person will inform the Complainant in writing of the following:
- the reasons why the allegations cannot be investigated using this

- Procedure.
- any alternative process or procedure that might be suitable for addressing the allegations, if applicable.
 - the appropriate party or authority to whom the allegations should be reported.
- 5.9 If the University is not the Respondent's main employer, meaning the Respondent holds only an honorary or secondary contract, the Named Person should contact their equivalent at the Respondent's primary employer and inform the designated person of the allegations, in writing. UEL's Named Person should inform the Complainant, in writing, that the allegation is being referred directly to the external organisation in question. The Complainant should also be provided with the necessary details to contact the organisation.
- 5.10 If the allegation of misconduct does not fall within the definition of misconduct in research, there is no evidence or substance to the allegation, or is the result of honest human error, with no intent to deceive, the allegation can be dismissed.
- 5.11 Should the allegation of misconduct in research indicate poor practice, rather than misconduct, the approach to addressing the matter may be through informal means, such as education, training, mediation or another non-disciplinary arrangement.
- 5.12 The Named Person may find it necessary to communicate with the Complainant and/or Respondent, to ask questions, request information or to seek clarification. The Named Person is required to notify the Respondent of the allegations of misconduct in research that have been made and inform both parties that a preliminary assessment is underway, to determine the appropriate course of action. Additionally, the Named Person should inform both parties that the allegation is as yet unproven, and that any information obtained will be treated as confidential.
- 5.13 Upon the findings of the 'Receipt of allegation and preliminary steps stage, should the allegation of misconduct in research require a 'Stage 1 – Investigation', the Named Person or designated administrative support, will inform the Complainant that a Stage 1 – Investigation has been initiated and provide an outline of the next steps. The Named Person will inform the Respondent in writing and within 20 working days of the following:
- An allegation of misconduct in research has been made which involves

them.

- Provide a summary of the allegation and a copy of the Staff and Student Misconduct in Research Procedure and/or link to the webpage.
- A preliminary steps assessment has been conducted by the Named Person to determine what, if any, action should be taken.
- The preliminary steps assessment has confirmed that the allegation falls under the University's Staff and Student Misconduct in Research Procedure and warrants a 'Stage 1 – Investigation'.
- The Respondent may respond to the allegation and state their case to the Named Person.
- Where an allegation has been made against more than one Respondent, the Named Person will inform the individual separately and not divulge the identity of any other Respondent(s).
- The Named Person may request information and seek clarification of points from the Respondent and others, as appropriate.
- Legal, regulatory, professional bodies, partner organisations, publishers or funders may need to be informed of the allegation.
- The Named Person may co-opt appropriate persons (including those outside of the University) to analyse information and evidence and complete an assessment of their findings for the Named Person to consider.
- The Stage 1 – Investigation will take up to 30 working days from the completion of the preliminary steps.

5.14 The Named Person should ensure that accurate records are maintained and all information on the investigation is fully and accurately transferred to the relevant parties and in a timely manner. All reports and material must be stored securely in accordance with the University's data management policies.

5.15 The Receipt of allegation and preliminary steps stage now ends.

6. Stage 1 – Investigation

6.1 The purpose of the Stage 1 Investigation is to establish whether there is sufficient evidence of research misconduct to proceed with a Full Investigation of the allegation or whether alternative action should be considered. Allegations of misconduct in research must be submitted in writing and accompanied by any supporting evidence that is available to the Complainant. The Stage 1 - Investigation will be concluded within 30 working days from the date of completion of the preliminary steps stage. If it is not possible for the Named Person to complete the investigation within 30 working days, the

reasons for this and a revised timescale should be given to the Complainant and Respondent.

- 6.2 The Named Person should communicate to all parties that the allegation is currently unproven, is being addressed under this Procedure and the information is confidential. It is important to keep the identities of any other Respondents private when there are multiple individuals involved.
- 6.3 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 the investigation of the allegation with no assumptions made about the outcome.
- 6.4 To address technical factors raised by the allegation, the Named Person may need to seek relevant expertise and use of tools or computer software for matters that involve assessing different forms of misconduct, such as allegations of plagiarism, data manipulation and fabrication. Care should be taken to ensure that the information is anonymised, as far as possible, and the identities of the Complainant, Respondent or any other individuals involved in the case are not revealed.
- 6.5 Those consulted to provide specialist advice must keep all information about the allegation confidential. Persons who might be consulted include, but are not limited to the following:
 - experts in particular disciplines of research; or
 - experts in particular aspects of the conduct of research, such as members of research ethics committees, statisticians, editors of academic journals or equivalent persons from relevant areas of dissemination in research; and/or experts in addressing misconduct in research and poor practice; or
 - representatives of the University's departments such as: the Office for Compliance, Governance and Legal Services, HR Services, Student Services, Data Protection Office, Finance, Registry, Research Ethics Office, Health and Safety Office, Library Archives and Learning Services, Information and Technology Services or the equivalents; or
 - the [Advisory Service](#) of UKRIO; or
 - legal advisers.

- 6.6 As outlined in point 3.5, the Named Person may appoint individuals to assist with analysing information, evidence, correspondence and complete an assessment of their findings for the Named Person to consider. These appointed individuals will compile an assessment of their findings for the Named Person to consider. Should it be deemed necessary, the Named Person can assemble a small informal team for assistance. This team should comprise of at least two members, with one being a senior academic staff member of the University. Individuals can be drawn from external departments or from outside of the University.
- 6.7 The informal team or individuals who are appointed to assist with the review of the allegation, should submit a summary of their conclusion of the investigation and their recommendation. The team or individuals can highlight any other matters that they wish to draw to the attention of the Named Person.
- 6.8 After conducting an investigation, the Named Person will thoroughly review their findings. This assessment will also encompass any conclusions reached by the informal team or individuals enlisted to aid in the investigation. Based on this evaluation, the Named Person can choose to conclude the investigation by either dismissing the allegation, opting for a 'Stage 1 resolution', or advance the case to a 'Stage 2 – Full Investigation'.
- 6.9 **Allegation dismissed.** The allegation is dismissed if it is determined to be mistaken, frivolous, vexatious, and/or malicious. The allegation may be without substance or 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.
- 6.10 **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;
 - Enhanced supervision/oversight of research activities;
 - Restriction of research activities;
 - Specific training and other development activities;
 - Attendance at training sessions;
 - Mentoring;
 - Mediation between involved parties;

- Special monitoring of future work;
- Referral to an alternative procedure;
- Referral to another formal University process;⁴
- Referral to an external organisation, statutory regulators or professional bodies;
- Pastoral care and support.

6.11 If it is deemed that a more serious sanction may be appropriate (for example, withdrawal of submitted, but not yet published work; retraction/correction of published work; disciplinary action), or if the case is more complex and requires further investigation, it will be referred to Stage 2 – Full Investigation.

6.12 The Named Person will formally notify both the Complainant and the Respondent in writing that the Procedure has progressed to the Full investigation stage. The Named Person will explain that both parties may be interviewed as part of this process and will have the opportunity to present their evidence. Additionally, both the Complainant and the Respondent will be informed that they have the option to bring a colleague or a Trade Union or Student Union representative with them to any meetings.

6.13 The Stage 1 – Investigation now ends.

7. Stage 2 – Full Investigation

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 is responsible for notifying the following parties: the Complainant, the Respondent, the Pro-Vice Chancellor for Impact and Innovation, the HR Manager (if applicable), the School Deans and Directors responsible for Impact and Innovation in the relevant discipline, that a full investigation will be conducted. In cases where it is necessary, funders, collaborators, or other relevant/interested external organisations should also be informed that a Review Panel is being convened.

7.3 The Respondent will be informed of the name of the Complainant who has made the allegation concerning them, at the discretion of the Named Person.

⁴ Not limited to examination regulations; academic misconduct process or equivalent, bullying/harassment procedure or equivalent, financial fraud investigation process or equivalent, or disciplinary procedure.

The Complainant will be informed that their identity is being disclosed to the Respondent. In some circumstances it may be necessary for the identity of the Complainant to remain confidential. Any such decision should be made after seeking advice from the HR Services, Student Union or the Office of Compliance, Governance and Legal services; considering the University's whistleblowing policy or equivalent, and the impact on the Respondent's ability to be able to respond to the allegation that has been made against them. No decision should be made that compromises the fair and thorough investigation of the allegation.

- 7.4 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. This can be two senior academics with appropriate expertise in the discipline where the misconduct is alleged to have taken place and a member of the University Executive/Management Board. Additionally, at least one member of the Panel must be an individual from outside of the University. If required, the Panel may consist of a greater number of persons, to ensure that it contains sufficient expertise or diverse perspectives to reach a thorough and fair conclusion on the allegation.
- 7.5 Members appointed to the Review Panel should confirm to the Named Person in writing that:
- their participation involves no conflict of interest, including links to the research or individuals. Advice should be sought from the Named Person if they are unsure;
 - they will abide by the Procedure;
 - they will respect the confidentiality of the proceedings; and data protection requirements; and
 - they will adhere to the Principles and Standards of the Procedure.
- 7.6 The Named Person or designated administrative support will provide the Chair and each member of the Panel with:
- a copy of this Procedure;
 - details of the allegation which will be considered under the Full Investigation stage;
 - a copy of the report/findings from the 'Stage 1 – Investigation';
 - other records from the Stage 1 – Investigation, as deemed relevant by the Named Person;

- if appropriate, a summary of correspondence with the Complainant and Respondent to date; and
 - a summary of any evidence secured by the Named Person during the 'Receipt of allegation and preliminary steps' stage and Stage 1 – Investigation.
- 7.7 The Named Person, in conjunction with the Review Panel, will set a deadline date for the completion of the Full Investigation, which should be resolved as soon as possible. This should normally be within 30 working days of the completion of the Stage 1 - Investigation. If there is a belief that the Full Investigation will extend beyond 30 working days, this should be communicated to all relevant parties and a revised timetable/date set. The Named Person should ensure that all critical information is transferred to the relevant parties at key stages in the Procedure and in a timely manner.
- 7.8 The Chair of the Review Panel will oversee the proceedings throughout the Full Investigation. Notably, the Panel does not possess any disciplinary authority. The Panel will determine its operational approach in accordance with the guidelines outlined in this stage of the Procedure, as well as the information available. This includes assessing the necessary data, documentation and details, and identifying individuals to be interviewed or from whom statements should be obtained. The Complainant and the Respondent are both required to be interviewed, and these interviews should be conducted separately. In cases involving multiple Complainants and/or Respondents, each must be addressed individually.
- 7.9 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 their case and respond to the allegations made against them. The Respondent 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 or student 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.
- the Panel can interview relevant witnesses; these can include witnesses suggested by the Complainant or Respondent
- contact internal departments in the University, for example, the Office for Compliance, 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 Complainant and/or the Respondent, should the Review Panel modify the report. The Chair of the Panel should judge the validity of such comments and seek the agreement of the Review 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.

7.10 The Named Person will document all decisions made and liaise with the Chair of the Review Panel to ensure that comprehensive and accurate records of the investigation are maintained throughout the Procedure.

7.11 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 informal recommendations⁵ in relation to any matters relating to any other misconduct identified during the investigation; and
 - draw attention to any procedural/other matters that the investigation has brought to light within the University, and relevant partner organisations and/or funding.
- 7.12 The final report should be sent to the Named Person and the work of the Review Panel is complete and the Panel is disbanded. The Chair of the Panel should give the Named Person, their nominated representative or designated administrative support, all records and material relating to the Full Investigation.
- 7.13 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 for 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 be reminded that all information concerning the case should be kept confidential. Any queries or requests for comments addressed to the Review Panel should be referred to the Named Person.
- 7.14 Based on the Review Panel's investigation the Panel can dismiss the allegation or provide a 'Stage 2 – resolution'.
- 7.15 **Allegation dismissed.** The allegation is dismissed because the claim is mistaken, frivolous, vexatious and/or malicious, without substance, relates to poor practice, rather than misconduct, or the matter is not serious in nature and will be addressed through education or training, using another non-disciplinary approach or an alternative procedure.
- 7.16 **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,' point 6.10;
 - Withdrawal of funding;
 - Withdrawal from a research project, or from the role of Principal Investigator, or from supervising a research project;
 - Retraction/correction of published work, via notification of findings to editors/publishers and/or withdrawal of work submitted for publication;

⁵ See Annex 2 'Review Panel recommendations'.

- Referral to the University's staff disciplinary procedure;
 - For students, recommendation of expulsion to the Vice-Chancellor & President.
- 7.17 The Named Person should inform the following of the conclusion of the Stage 2 – Full investigation:
- the Respondent and the Complainant (and their representative by agreement);
 - for academic and staff members, the Vice-Chancellor & President, Deputy Vice-Chancellor, Director of HR Services, Pro Vice-Chancellor for Impact and Innovation, School Deans and Directors of Impact and Innovation, Chair of the University's Ethics and Integrity Sub-Committee (EISC) and any other relevant members of staff;
 - for students, the Pro Vice-Chancellor for Impact and Innovation, School Deans and Directors of Impact and Innovation, Chair of the University's Ethics and Integrity Sub-Committee (EISC) 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, or regulatory or professional bodies.
- 7.18 The Named Person can convey the substance of the Review Panel's findings and recommendations to the Complainant, Respondent and other persons or bodies, as they deem appropriate.
- 7.19 If the allegation is dismissed because the claim is mistaken, frivolous, vexatious and/or malicious or without substance, the Named Person should take appropriate steps to preserve the good reputation of the Respondent.
- 7.20 The Named Person may consider recommending to the appropriate authorities that action be taken against anyone where there is clear evidence that a complaint was vexatious and/or malicious. This may include disciplinary action where the individual is internal to the University.
- 7.21 Those who have raised concerns or made allegations in good faith should not be penalised and the Named Person should take appropriate steps to preserve the good reputation of the Complainant.

- 7.22 The Complainant and Respondent should be informed of their right to appeal the decision. Aside from this, the Full Investigation and use of this Procedure are now concluded.
- 7.23 The Named Person is responsible for ensuring that all necessary actions are taken at the conclusion of the Procedure, including any matters arising from the Stage 1 – Investigation or the Stage 2 - Full investigation. Some actions may require the involvement of other departments within the University, senior management or external organisations⁶.
- 7.24 The Full Investigation stage now ends.

8. Stage 3 – Appeal stage

- 8.1 The purpose of an appeal stage is to permit the Complainant and/or the Respondent to appeal in certain circumstances against the findings of an investigation conducted under this Procedure, under the requirements of The Concordat to Support Research Integrity, 2019.
- 8.2 The Appeal stage will be overseen by a different individual, distinct from the Named Person, as they could be implicated in the substance of any appeal. Both the Complainant and the Respondent may appeal against the outcome of the ‘Stage 2 – Full investigation,’ to the Alternative Named Person within 10 working days. The written notice of the appeal should outline the grounds for the appeal, and should be accompanied, wherever possible, by any relevant supporting documentation.
- 8.3 A request to appeal the original decision made by the Review Panel may be considered on one or more of the following grounds:
- if there is procedural irregularity, an 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;
 - fresh evidence becoming available which was not presented to the Review Panel;
 - there was evidence of bias or unfairness in the process or decisions taken by the Named Person and/or the Review Panel;

⁶ See Annexe 3 ‘Outcomes and reporting stage’.

- the recommendations made the Review Panel, as part of an outcome of the Procedure or subsequent actions taken, are excessive or inadequate concerning the misconduct found by the investigation.
- 8.4 If the appeal does not fall within one or more of the grounds in point 8.3, then the appeal is dismissed, and this decision will be communicated to the Complainant or Respondent.
- 8.5 If the appeal meets any of the criteria specified in point 8.3, the Alternative Named Person will appoint an Appeal Panel within 30 working days of receiving the appeal request. Members of the Appeal Panel will have had no prior involvement in the investigation.
- 8.6 The Appeal Panel should comprise of at least three people, including the Chair. This can be at least one individual from outside of the University, one senior academic with appropriate expertise in the discipline and a member of the University Executive/Management Board. If required, the Panel may consist of a greater number of persons and include more than one external member. All persons appointed to conduct the Appeal stage should confirm to the Alternative Named Person the statements specified in point 7.5.
- 8.7 The Alternative Named Person will designate one of the member of the Appeal Panel to function as its Chair. The Panel will review the evidence provided by the Complainant or Respondent, evaluate the conduct of the investigation and assess the Review Panel's final report for the purpose of appealing the decision. The review by the Panel should focus on an evaluation of the proceedings and the conclusions drawn, rather than conducting a further investigation of the allegation.
- 8.8 The Chair is responsible for maintaining comprehensive records of the Appeal Panel's proceedings, with support from designated administrative support. In making decisions regarding the conduct or outcome of the Appeal stage, the Panel should reach a unanimous decision. The Appeal Panel can uphold, reverse or amend the 'Stage 2 – resolution,' previously determined by the Review Panel.
- 8.9 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 or the outcome of the Stage 2 – resolution is modified;

- give the reasons for its decision and recording any differing views;
 - makes informal recommendations to resolve any issues relating to misconduct and address any procedural matters found.
- 8.10 The Appeal Panel will submit a draft report stating the summary of their conclusions to the Alternative Named Person, who will forward the report to the Respondent and the Complainant 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 Appeal Panel modify the report. The Chair of the Panel will assess the validity of these comments and seek the agreement of the Appeal Panel, before making any revisions to the Panel's report.
- 8.11 The Appeal Panel's final report, including any records or materials relating to the Review Panel's investigation should be submitted to the Alternative Named Person, marking the completion of the Panel's work. In cases where the appeal is dismissed the Alternative Named Person should inform the Complainant or Respondent within 30 working days, summarising the Appeal Panel's findings and recommendations. This information should also be conveyed to other relevant parties or bodies, as deemed appropriate.
- 8.12 The Appeal Panel's decision is final and cannot be appealed to central administration once the appeal process has been concluded. The Alternative Named Person should ensure that all parties specified in point 7.17 are informed of the Appeal Panel's decision and comply with any contractual or legal obligations regarding notifying third parties or other pertinent external organisations.
- 8.13 If a new Review Panel is convened the Named Person should repeat the steps in this Procedure as detailed from **7. Stage 2 – Full investigation** and inform those parties specified in point 7.17 that a new Review Panel is being convened, following an appeal made by the Complainant and/or Respondent.
- 8.14 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 approached to provide clarification on a specific point(s) outlined in their written report, as part of a subsequent investigation. At this stage, the Appeal Panel is disbanded, and its members should refrain from making any statements on the matter in question, unless formally sanctioned by the University or legally mandated to do so. Additionally, Panel members must bear in mind that all information concerning the case must be treated as

confidential. Any queries or requests for comments addressed to the Appeal Panel should be referred to the Alternative Named Person.

- 8.15 The Alternative Named Person will discuss the findings of the Appeal Panel with the Named Person. The Named Person will take responsibility for undertaking the actions specified by the Appeal Panel, liaising with the Ethics, Integrity and Compliance Manager and relevant parties, both within and external to the University, as required.
- 8.16 The Appeal stage now ends.

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 procedure or a regulatory process is initiated as a result of the outcome of the Procedure, the report of the Review Panel should form the basis of evidence presented to the disciplinary hearing Chair or Panel. The disciplinary panel should include a member of UEL's Academic Board, a representative from HR Services and an independent academic from outside of the University, who has significant experience of research and research ethics.
- 9.2 The Named Person is responsible for the accurate, timely and confidential transfer of all case records, including a copy of the final Review Panel report to HR Services. These documents should be retained by HR Services in accordance with the University's records retention policy.

10. Conclusion

- 10.1 The Named Person will inform relevant or interested parties of the conclusion and findings of the investigation. This may involve notifying relevant partner organisations, funding bodies or regulatory or professional bodies, in accordance with contractual agreements.
- 10.2 Personal data and confidential records will be maintained in accordance with the University's data management policies. Access to the confidential records should be limited to appropriate members of HR Services, if the misconduct relates to a staff member. It may be necessary for the Named Person, their nominated alternate and/or designated administrative support to retain a

record of all cases of misconduct in research, including staff and students.
The records may be retained in an anonymised or pseudonymised format.

Appendices

Annexe 1 Definitions

[The Concordat to Support Research Integrity, 2019](#) defines research as ‘Drawing on the UK funding bodies’ definition used in the Research Excellence Framework, as described in Assessment framework and guidance on submissions (Hefce, Hefcw, SFC, DEL, 2011), ‘research’ is defined as, ‘a process of investigation leading to new insights, effectively shared... It includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship; the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction’.

Annexe 2 – Review Panel Recommendations

The Review Panel may make recommendations for consideration by the Named Person, the University, or appropriate institutional authorities, as to further action that should be taken to address any misconduct identified in the Full Investigation. This may involve correcting the research record or addressing other related matters that have emerged. The recommendations may include, but are not limited to:

- referring the matter to the University’s relevant disciplinary procedure.
- referring the matter to another relevant University process, such as the examination regulations, academic misconduct process or equivalent, bullying/harassment procedure or equivalent, or the financial fraud investigation process.
- recommending that external organisations are informed of the findings of the Full Investigation, with appropriate confidentiality, including statutory regulators, relevant funding bodies, partner organisations and professional bodies.
- determining whether any action will be required to correct the record of the research, including informing the publishers and editors of journals that have published articles concerning the research, linked to an upheld allegation of misconduct in research or to correct honest errors.
- recommending that procedural or organisational matters are addressed by the University or other relevant bodies through a review of the management of research.

- recommending informing research participants, patients or their doctors of the Full Investigation.
- recommending that other matters 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, or any other forms of alleged misconduct.

Annexe 3 – Outcomes and reporting stage

The Named Person is responsible for ensuring that all necessary actions are carried out at the conclusion of the Procedure, including any matters arising from the ‘Stage 1 – Investigation’ and/or the ‘Stage 2 - Full Investigation’. The Named Person may implement sanctions specified in Stage 1 and Stage 2 resolutions, which includes informal measures and areas of improvement identified. Additionally, the Named Person will consider implementing recommendations from the Review Panel outlined in Annexe 2. The Named Person will work with the Ethics, Integrity and Compliance Manager and other relevant parties, as required, to complete these tasks. The outcomes may include, but are not limited to:

Formal outcomes

- referring the matter to the University’s relevant disciplinary procedure or initiate other formal action.
- referring the matter to another relevant University process, such as the examination regulations, academic misconduct process or equivalent, bullying/harassment procedure or equivalent or the financial fraud investigation process.
- reporting the outcome of the investigation to relevant colleagues/departments within the University such as HR/Student Services, Academic Board, University Executive Board, School Deans, Directors of Impact and Innovation or line managers.
- notifying external organisations and other interested parties on the outcome of the investigation.
- demonstrating a duty of care to the Complainant, Respondent, research participants and other involved parties.
- informing research participants, patients or their doctors of the Full Investigation.

- take appropriate steps to preserve the good reputation of the Respondent, if the allegation of misconduct is unfounded because it is frivolous, vexatious, malicious or without substance.
- take appropriate steps to preserve the good reputation of the Complainant and ensure that they are not penalised, if the allegation was made in good faith.
- ensuring that appropriate efforts are made to correct the research record.
- reporting an anonymised summary of Full Investigations of research misconduct to relevant central committees or departments within the University, including submission of the misconduct in research figures in the Annual Statement for the Concordat to Support Research Integrity.

Informal outcomes

- determining the validity of using an alternative procedure or informal measures.
- reviewing any issues relating to the operation and conclusion of the Procedure.
- ensuring that the relevant education and training or other informal measures are provided by referring the matter to the relevant department, organisation or authority.

Matters arising

- through a review of the management of research and other measures, as appropriate, address procedural or organisational matters uncovered during the investigation, which should be addressed by the University, or other relevant bodies.
- investigate other matters which have been identified during the investigation, including allegations of misconduct in research that are either unrelated to the allegation in question, or alleged to have been committed by person(s) other than the Respondent, or any other forms of alleged misconduct.
- disseminate anonymised learning points within the University, as appropriate.

Annexe 4

The UK Research Integrity Office (UKRIO) [Procedure for the Investigation of Misconduct in Research](#) has provided potential actions for consideration, in addition to the measures that may be taken through the University's disciplinary process. This list is not exhaustive:

- recommendations for retraction/correction of published research, via notification of findings to editors/publishers.
- withdrawal/repayment of funding.
- notifying research participants and other involved parties.
- notification of findings to relevant employers, statutory, regulatory, professional, grant-awarding bodies or other public bodies with a relevant interest.
- notifying other employing organisations.
- notifying other organisations involved in the research.
- adding a note of the outcome of the investigation to a researcher's file for any future requests for references.
- review internal management and/or training and/or supervisory procedures for research.
- revocation of any degrees awarded based on research that is the subject of a research misconduct finding.

References

- Association of Research Managers and Administrators (ARMA): <https://arma.ac.uk/>
- Committee on Publication Ethics (COPE): [COPE: Committee on Publication Ethics | Promoting integrity in scholarly research and its publication](#)
- The Concordat to Support Research Integrity, 2019: [The Concordat to Support Research Integrity \(universitiesuk.ac.uk\)](#)
- UK Research Innovation (UKRI): <https://www.ukri.org/>
- UK Research Integrity Office (UKRIO): <https://ukrio.org/>

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