

PROCEDURE FOR THE INVESTIGATION OF ALLEGATIONS OF MISCONDUCT IN RESEARCH

Version 8 2020

Contents

Section 1	Introduction	Page 1
Section 2	Scope	Page 1
Section 3	Definitions	Page 2
Section 4	Procedure	Page 3
Section 4.1	Stage 1 - Preliminary Stage	Page 3
Section 4.2	Stage 2 – Initial Investigation	Page 5
Section 4.3	Stage 3 – Formal Investigation	Page 7
Section 5	Principles	Page 12
Acknowledgements		

1. Introduction

- 1.1 The University is committed to promoting high standards in the conduct of research. The University expects all staff and students engaged in research to act with the highest standards of integrity in accordance with its *Code of Good Conduct in Research*. Failure by a researcher to comply with the provisions of the Code will be grounds for action to be taken under this Procedure.
- 1.2 This procedure has been established with reference to principles and guidelines set out by the UK Research Integrity Office (UKRIO)¹.
- 1.3 This Procedure acknowledges that the investigation of allegations of research misconduct can involve complex issues and seeks to discharge the University's responsibilities in a sensitive and fair manner.
- 1.4 Anonymous allegations or complaints will not be accepted.
- 1.5 All parties must maintain confidentiality while the assessment/investigation is in process.
- 1.6 Staff and research students are required to report misconduct in research where they have good reason to believe it is occurring. The University takes all such allegations seriously. Allegations will be investigated and reported on as detailed in the procedure. The University is also committed to protecting its staff and students and will take action against individual(s) responsible for malicious and / or vexatious allegations.
- 1.7 At any time, an employee may have confidential discussions and consultation about concerns of possible misconduct with the Director of Human Resources and seek advice about appropriate procedures to report allegations.
- 1.8 Where allegations are made by an individual or body external to the University, such individual or body must comply with the University's procedures.
- 1.9 The University reserves the right to inform relevant professional organisations of research misconduct, as appropriate.

2 Scope

- 2.1 This Procedure applies to any person conducting research under the auspices of the University, whether solely or in conjunction with others in the University or other organisations, including but not limited to: i) a member of staff; ii) a research student; iii) an independent contractor or consultant; iv) a person with visiting, honorary or emeritus status.
- 2.2 The University will follow this Procedure through to completion if the allegation of misconduct relates to research conducted under the auspices of the University, even in the event that the individual concerned has left or leaves the jurisdiction of the University, either before the operation of this Procedure is concluded or before the allegation(s) of research misconduct was made.
- 2.3 When an allegation of research misconduct is raised under the University's *Whistleblowing Policy* (<https://myintranet.arts.ac.uk/media/myintranet/staff-only/hr/documents/Whistle-Blowing-Policy---Nov-2013.pdf>) at the point when the allegation is considered (paragraph six), the 'response group' will decide whether the matter falls within the scope of the Public Interest Disclosure (Whistleblowing) procedure or within this procedure or both. The complainant will be informed and directed to the appropriate process by the 'designated person'. If considered necessary, after

¹ UKRIO, *Procedure for the Investigation of Misconduct in Research*, August 2008 <http://www.ukrio.org/ukR10htre/UKRIO-Procedure-for-the-Investigation-of-Misconduct-in-Research2.pdf>

appropriate advice, a single investigation may be conducted to meet the needs of both the *Procedure for the Investigation of Allegations of Misconduct in Research* and that of the *Whistleblowing Policy*.

- 2.4 This procedure is intended to identify whether research misconduct has occurred and if so, the seriousness of the misconduct. Procedures for resulting disciplinary action are covered by the University Staff Disciplinary Code (<https://myintranet.arts.ac.uk/media/myintranet/staff-only/hr/documents/Staff-Disciplinary-Code.pdf>).
- 2.5 Misconduct in research does not include unintentional error or professional differences in interpretation or judgment of data.

3 Definitions

3.1 **Misconduct in Research:** any breach of the University's *Code of Good Conduct in Research*. It is specifically taken to include (but is not limited to):

- i) *Fabrication*, including the creation of false data or other aspects of research, including documentation and participant consent.
- ii) *Falsification*, including the inappropriate manipulation and/or selection of data, imagery and/or consents.
- iii) *Plagiarism*: the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission.
- iv) *Misrepresentation*, including:
 - misrepresentation of data, for example suppression of relevant findings and/or data, or knowingly, recklessly or by gross negligence, presenting a flawed interpretation of data;
 - undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication;
 - misrepresentation of interests, including failure to declare material interests either of the researcher or the funders of the research;
 - misrepresentation of qualifications and/or experience, including claiming or implying qualifications or experience which are not held;
 - misrepresentation of involvement, such as inappropriate claims to authorship and/or attribution of work where there has been no significant contribution, or the denial of authorship where an author has made a significant contribution.
- v) *Mismanagement or inadequate preservation of data and/or primary materials*, including:
 - failure to keep clear and accurate records of the research procedures followed and the results obtained, including interim results;
 - failure to hold records securely in paper or electronic form;
 - failure to make relevant research data accessible to others for reasonable periods after completion of the research, normally 10 years;
 - failure to manage data according to the research funder's data policy and all relevant legislation;
 - failure to deposit data permanently within a national collection, whenever possible.

vi) *Breach of duty of care*, including:

- failure to follow accepted procedures or to exercise due care in carrying out responsibilities for the proper handling of privileged or private information on individuals collected during the research;
- failure to follow protocols contained in ethical consent and unethical behaviour in the conduct of research;
- placing any of those involved in research in danger, whether as subjects, participants or associated individuals, without their prior consent, and without appropriate safeguards even with consent; this includes reputational danger where that can be anticipated;
- not taking all reasonable care to ensure that the risks and dangers, the broad objectives and the sponsors of the research are known to participants or their legal representatives, to ensure appropriate informed consent is obtained properly, explicitly and transparently;
- improper conduct in peer review of research proposals or results, including: failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for peer review purposes.

vii) *Intentional damage* to, or removal of, the research-related property of another.

viii) *Intentional non-compliance* with: the terms and conditions governing the award of external funding for research; the University's policies and procedures relating to research, including accounting requirements, ethics, and health and safety regulations; or any other legal or ethical requirements for the conduct of research.

3.2 **Complainant:** the person making an allegation of misconduct in research.

3.3 **Investigator:** the person appointed under this Procedure to conduct an Investigation of an allegation of misconduct in research.

3.4 **Respondent:** the person against whom an allegation of misconduct in research is made.

4 Procedure

4.1 There are three stages to the procedure: The Preliminary stage, Initial Investigation, Formal Investigation. Suspected or apparent research misconduct should be notified as a written formal allegation, normally with appropriate supporting evidence, to the Director of Research Management and Administration (RMA) and in his absence to the Academic Registrar.

4.2 Stage 1 – Preliminary stage

4.2.1 The Preliminary stage of the Procedure will normally be completed within a maximum of 10 working days from the receipt of the allegations. Any delays will be explained to all parties in writing, and a revised completion date given.

4.2.2 Upon receipt of allegations of misconduct in research, the Deputy Director of RMA will formally acknowledge receipt of the allegations by letter to the Complainant, which will also advise him/her of the Procedure that will be followed.

4.2.3 The Deputy Director of RMA will review the nature of the allegations by referring to the definition of misconduct in research detailed in section 3.1. If the allegations are judged to fall within the definition, the Procedure will continue to the next stage.

4.2.4 Where the allegations are outside the definition, the Deputy Director of RMA will 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.

4.2.5 Allegations which are in any way linked to the Deputy Director of RMA or which raises the potential for a conflict of interest for the Deputy Director of RMA – including links with any persons involved (Respondent or Complainant) or where the Director of RMA is in some way personally concerned with the subject matter of the allegations – will immediately be referred to the Academic Registrar who will then implement the Procedure. The Deputy Director of RMA 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. The Vice Chancellor should act on information passed on, or known about, with respect to any conflict of interest and invite the Deputy Director of RMA to refer the investigation to the Academic Registrar.

4.2.6 Where the allegations are within the definition of misconduct in research, the Deputy Director of RMA will inform the Vice Chancellor, the Dean of Research, the Director of Human Resources for allegations against a member of staff and the Dean of Students for allegations against a UAL student, that an allegation of misconduct in research has been received, and provide the following information related to the allegation:

- the identity of the Respondent;
- the identity of the Complainant;
- details of all relevant sources of internal and external funding;
- details of all internal and external collaborators for the research in question;
- other details that the Director of RMA considers appropriate.

The Deputy Director of RMA will indicate that the allegations of misconduct in research that are to be investigated are as yet unproven and that the information is confidential.

4.2.7 Where the allegations are within the definition of misconduct in research, the Deputy Director of RMA will inform the Respondent that allegations of misconduct in research have been made which involve him/her in a confidential meeting, with a representative of the Human Resources Department in attendance. A summary of the allegations in writing will be given to the Respondent (and his/her representative by agreement) at the meeting, together with a copy of this Procedure. The Director of RMA will outline the Procedure to be used, the opportunities the Respondent will have to respond and indicate a timetable for the Procedure relating to the Initial Investigation stage. If the allegations are made against more than one Respondent, the Director of RMA will inform each individual separately and not divulge the identity of any other Respondent. The identity of the Complainant will normally be kept confidential until a Formal Investigation is launched unless this is incompatible with a fair and thorough investigation and/or there is an overriding reason for disclosure.

4.2.8 In situations where the allegations are of a serious nature, the Deputy Director of RMA 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), then the Director of RMA will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated. In such cases the Deputy Director of

RMA will normally consult the Director of HR or Dean of Students, the Deputy Vice Chancellor, Academic and UKRIO for advice and guidance regarding the appropriate action.

- 4.2.9 In taking such actions it will be made clear to all parties that the actions taken are not to be regarded as disciplinary action and do not in themselves indicate that the allegation is considered to be true by the University.
- 4.2.10 The Deputy Director of RMA will 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 the Human Resources department 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 University premises of 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 University staff and those of any partner organisation(s).
- 4.2.11 The Deputy Director of RMA will 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 Director of RMA will reassure the Respondent(s) that it is not part of any disciplinary action and does not indicate that the allegations are believed to be true by the University; it will be stressed that any such action is essential to ensuring that the allegations of misconduct can be properly investigated. The reason(s) for taking any such actions will be recorded in writing and communicated to all relevant parties. Steps to suspend or bar a member of staff will take into account his/her responsibilities for supervision, teaching and management and make alternative arrangements to meet these responsibilities. Any suspension or barring of the Respondent(s) will be reviewed throughout the Procedure to ensure that it is not unnecessarily protracted. Respondent(s) will be provided with copies of any records and materials that are secured.
- 4.3 **Stage 2 – Initial Investigation**
- 4.3.1 The Initial Investigation Stage is that part of the Procedure which is intended to determine whether there is *prima facie* evidence of misconduct in research. This stage does not determine whether misconduct occurred or who might be responsible.
- 4.3.2 The Deputy Director of RMA will convene the Initial Investigation Panel.
- 4.3.3 The Initial Investigation Panel will comprise at least three senior members of staff (and a senior officer of the Student Union if the Respondent is a research student). The Panel will normally be Chaired by the Dean of Research (or in their absence the Deputy Vice Chancellor, Academic), and normally include an Associate Dean of Research and a member of the Professoriate. Where allegations concern highly specialised areas of research the Initial Investigation Panel should have at least one member with specialised knowledge of the field. Members of the Initial Investigation Panel will not normally work at the same College as that of the Complainant or the Respondent. For allegations that involve senior staff and/or that are judged to be especially serious, complex or controversial, a member of the Initial investigation panel will be external to the University. The Deputy Director of RMA may choose to consult UKRIO so as to nominate member(s) from their Register of Advisers to sit as member(s) of the Initial Investigation Panel.
- 4.3.4 Both Respondent and Complainant may raise with the Deputy Director of RMA concerns that they

may have about those chosen to serve on the Initial Investigation Panel but neither has a right of veto over those nominated.

- 4.3.5 If the Respondent is funded by or engaged with a funding body that requires notification of allegations of misconduct at this stage (such as RCUK , Wellcome Trust), the Deputy Director of RMA will inform the funding body that an initial investigation is underway and will inform them of the outcome of the investigation.
- 4.3.6 The Initial Investigation panel will:
- maintain a record of evidence sought and received, and conclusions reached;
 - review the submission and supporting evidence provided by the Complainant;
 - review the evidence and supporting documentation from the Respondent who should be given the opportunity to respond to the allegations, set out his/her case and to present evidence;
 - review any background information relevant to the allegations
 - conduct an assessment of the evidence including interviewing the Respondent and the Complainant and other staff whom the Panel consider relevant to the investigation;
 - provide a draft report to the Deputy Director of RMA, who will forward it to the Respondent and the Complainant (and their representatives by agreement) for comment on the factual accuracy of the report;
 - produce a final report which considers the allegations of misconduct in research and reaches one of the conclusions set in paragraph 4.3.10 below; and
 - aim to complete its work within 30 working days.
- 4.3.7 The Complainant and Respondent are entitled to be accompanied to the hearing by a companion who is a work colleague, trade union representative (Student Union representative if the Complainant or Respondent is a research student) or an official employed by a trade union.
- 4.3.8 If the Initial Investigating panel considers that there is insufficient information to make a decision on how to proceed or requires additional expertise to carry out the Investigation, the Chair may to seek confidential advice from persons with relevant expertise, both within the University and outside it.
- 4.3.9 The Initial Investigating panel will normally aim to complete the investigation within 30 working days following instruction from the Deputy Director of RMA provided this does not compromise the Principles and Standards of the Procedure and the full and fair investigation of the allegation. Any delays to this timescale will be explained to the Complainant, the Respondent and the Deputy Director of Research Management and Administration in writing, presenting an estimated revised date of completion.
- 4.3.10 At the conclusion of the investigation, the Panel will determine whether the allegation of misconduct in research:
- i) is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; or
 - ii) is unfounded, because it is vexatious and/or malicious, and will be dismissed; or
 - iii) warrants referral directly to the University's disciplinary procedures; another relevant University process, or to an external organisation, including but not limited to statutory regulators or professional bodies; or
 - iv) has some substance but due to a lack of intent to deceive or due to its relatively minor nature, will be addressed through education and training or other non-disciplinary approach, such as

mediation, rather than through the next stage of the Procedure or other formal processes; or

v) is sufficiently serious and has sufficient substance to warrant a Formal Investigation of the complaint.

- 4.3.11 The Panel will make a confidential written record of their investigation, including any response from the Respondent, and the Panel's conclusions. The Chair has the responsibility to ensure maintenance of a record of all proceedings, supported by a member of the department of Research Management and Administration nominated by the Deputy Director of RMA. This report will be sent to the Respondent and the Complainant for comment on its factual accuracy. Only when the report includes errors of fact, as indicated by the Respondent and/or the Complainant, will the Chair of the Panel amend the report. The Chair of the Panel will judge the validity of such comments before making amendments to the report.
- 4.3.12 The Chair of the Panel will then forward the final report to the Deputy Director of RMA, together with any documentation used in the investigation, and to the Complainant and the Respondent. The work of the Initial Investigating panel is then concluded, although they may be: asked by the Deputy Director of RMA to clarify any points in the final report of the investigation; called as a witness by any subsequent Formal Investigation, including being asked to clarify any points in the final report of the Initial Investigation; and/or consulted by the Deputy Director of RMA regarding any subsequent actions taken under this Procedure or other University processes. The panel will not make any comment on the allegation or its investigation unless formally requested by the University or otherwise required to by law.
- 4.3.13 When allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The Deputy Director of RMA will then take such steps, as are appropriate in the light of seriousness of the allegations, to sustain the reputation of the Respondent and the relevant research project(s) and, provided the allegation is considered to have been made in good faith, the Complainant. When an Initial Investigation has concluded that an allegation is vexatious and/or malicious, the Deputy Director of RMA will consult the Director of Human Resources to consider whether disciplinary proceedings should be initiated against the Complainant.
- 4.3.14 In cases where it is concluded that an allegation warrants referral directly to the University's disciplinary procedures or other relevant process or to an external organisation, the Deputy Director of RMA will initiate the appropriate University procedure(s) or inform the appropriate external organisation(s).
- 4.3.15 In cases where it is concluded that the allegation will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes, the Deputy Director of RMA will work with relevant University staff to establish a programme of training or supervision in conjunction with the Respondent and his/her line manager. This programme will include measures to address the needs of staff and students working with the Respondent. The use of this Procedure will then conclude at this point.
- 4.3.16 When the Initial Investigation concludes that an allegation is sufficiently serious and has sufficient substance to warrant a formal investigation of the complaint, the Deputy Director of RMA will take immediate steps to set up a Formal Investigation.

4.4 Formal Investigation

- 4.4.1 If a Formal Investigation is deemed necessary, the Deputy Director of RMA will inform the Complainant and Respondent that a Formal Investigation of the allegation is to take place and

appoint a Formal Investigation Panel. The Panel will normally be appointed within 30 working days of the completion of the Initial Investigation stage.

- 4.4.2 The Deputy Director of RMA will consult with the Director of Human Resources to consider whether, without prejudice to the proper conduct of the investigation, any other action should be taken at this stage pending the outcome of the investigation.
- 4.4.3 The Formal Investigation Panel will comprise at least three, and always an uneven number of, senior members of staff selected by the Deputy Director of RMA from those with relevant skills and experience to serve on such a Panel. At least two members of the panel will have experience in the area of research in which the alleged misconduct has taken place. Where allegations concern highly specialised areas of research the Formal Investigation Panel should have at least one member with specialised knowledge of the field. Members of the Formal Investigation Panel will not normally work at the same College as that of the Respondent and will not have previously been involved in the investigation of the allegation. Membership will normally include:

Chair of URC;

Member(s) of the Professoriate;

Director(s) of University Research Centres;

At least one member of the panel will be external to the University;

A senior officer of the Student Union if the Respondent is a research student.

The Deputy Director of RMA may choose to consult UKRIO to nominate member(s) from the Register of Advisers to sit as member(s) of the Investigation Panel.

- 4.4.4 Where an allegation involves research being conducted in conjunction with a partner organisation, for example, another university, charity, private sector body, etc, a representative of the partner or other employing organisation will normally be invited to be an additional member of the Panel.
- 4.4.5 The Deputy Director of RMA will nominate members of the Formal Investigation Panel for approval by the Vice Chancellor or his nominated deputy. The Vice Chancellor, or his deputy, may veto nominations for the Investigation Panel, recording the reason for the veto in writing and communicating it to all parties.
- 4.4.6 Both the Respondent and the Complainant may raise with the Deputy Director of RMA any concerns they may have about those chosen to serve on the Formal Investigation Panel but do not have a right of veto over those selected.
- 4.4.7 The Panel will be assisted by a member of staff of the department of Research Management and Administration, nominated by the Deputy Director of RMA. The Panel Secretary shall not have been involved in any capacity with the initial investigation.
- 4.4.8 The Secretary of the Panel shall write to the Respondent to supply the formal particulars of the alleged misconduct as confirmed in the report of the Initial Investigation, specifying what particulars it is alleged constitute misconduct as defined by this procedure.
- 4.4.9 All documentation relating to the work of the Panel will be passed through the Panel Secretary. There shall be no communication, either written or oral, between the Panel and either the Respondent, Complainant or any other member or members of staff concerned. Communication, either written or oral, by any party directly with members of the Panel will not be admitted as part of the case documentation.
- 4.4.10 The Secretary of the Panel shall fix a time and place for the hearing of the allegation and shall inform in writing the members of the Panel, and the Respondent against whom the allegation is made.

4.4.11 Members appointed to the Formal Investigation Panel should declare that they:

- will adhere to the Principles of the Procedure;
- will abide by the Procedure as it affects the work of the Investigation Panel;
- will work within the Terms of Reference for the Investigation Panel;
- have declared any links to the research and/or the individuals involved in the allegations or any interests which might conflict with the Principles of the Procedure;
- will respect the confidentiality of the proceedings throughout the work of the Panel and afterwards, unless formally sanctioned by the University or otherwise required to by law.

4.4.12 The purpose of the Formal Investigation is to review all the relevant evidence and:

- i) conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not upheld; and
- ii) make recommendations, for consideration by the appropriate University authorities, regarding any further action the Panel deems necessary to address any misconduct it may have found; correct the record of research, and/or preserve the academic reputation of the University.

4.4.13 Terms of Reference of the Formal Investigation Panel:

- to nominate a Chair;
- to receive all relevant information from the Initial Investigating Panel as background for the investigation;
- to set a date for the investigation, which should be conducted as quickly as possible without compromising the stated Principles of the Procedure;
- to maintain a record of evidence sought and received, and conclusions reached;
- to conduct an assessment of the evidence;
- to hear the Complainant and such other individuals as the Panel consider relevant to the investigation;
- to hold a Formal Hearing to hear the Respondent's response to the allegations made;
- to 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';
- to provide a draft report to the Deputy Director of RMA, who should forward it to the Respondent and the Complainant (and their representatives by agreement) for comment on the factual accuracy of the report;
- report any further, distinct, instances of misconduct in research by the Respondent(s) 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

4.4.14 In carrying out the Formal Investigation the Investigation Panel will not work to a prescribed timetable. However, the Panel should set a date for the completion of the investigation, which should be as soon as is practical without compromising the Principles of the Procedure.

4.4.15 To perform its task the Investigation Panel should:

- examine the evidence collected during the Screening Panel's investigation following the original allegations and investigate further as required;
- review the submission(s) and supporting evidence provided by the Complainant;
- review the response(s) and supporting evidence from the Respondent who should be given

the opportunity to respond to the allegations made and to present evidence;

- review background information relevant to the allegations;
- review any interviews conducted with the Respondent, the Complainant, and other staff who may provide relevant information to assist the Investigation Panel.

4.4.16 The Panel must 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. S/he will also be allowed to ask questions, to present evidence, call witnesses and raise points about any information given by any witness (including the Complainant), regardless of who has called the witness in question;
- the Complainant and other staff may be invited to provide evidence when members of the Panel consider that it may have relevance to the investigation.

4.4.17 The Respondent shall attend at the time and place appointed for the hearing for the purpose of answering the allegation and, if s/he fails to attend, the Panel may proceed with the hearing, and determine the allegation and deal with the matter in her/his absence. The Respondent shall be entitled to call witnesses to give evidence to the hearing.

4.4.18 The Complainant and Respondent are entitled to be accompanied to the hearing by a companion who is a work colleague, trade union representative (Student Union representative if the Complainant or Respondent is a research student) or an official employed by a trade union.

4.4.19 The Formal Investigation Panel may call expert witnesses to give advice, if necessary and as appropriate. Such witnesses do not become members of the Investigation Panel. The Investigation Panel may also seek guidance from UKRIO and its Advisers.

4.4.20 The Chair is responsible for keeping a full record of the evidence received and of the proceedings, supported by the Secretary.

4.4.21 The Chair of the Formal Investigation Panel should report progress in writing, by reference to the plans agreed by the Panel, to the Deputy Director of RMA during investigations. If it is believed that the investigation should take more than one calendar month, reports should be made on a monthly basis. The Deputy Director of RMA should then provide appropriate information on the progress of the investigation to other interested parties,

4.4.22 The Formal Investigation Panel should then produce a draft 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;
- addresses any procedural matters that the investigation has brought to light within the University and relevant partner organisations and/or funding bodies;
- reports other matters that should be investigated.

4.4.23 In addition to reaching a conclusion over the nature of the allegations, the Formal Investigation Panel may make recommendations with respect to:

- a. whether the allegations should be referred to the University's disciplinary process;
- b. whether any action will be required to correct the record of research;
- c. whether organisational matters should be addressed by the University through a review of the management of research;
- d. other matters that should be investigated.

- 4.4.24 The Formal Investigation Panel's draft report should be made available to the Respondent and the Complainant (and their representatives by agreement) for comment on its factual accuracy. Only when the report includes error of fact as indicated by either Respondent and/or Complainant should the Investigation Panel modify the report. The Chair should determine the truth of such comments and seek the agreement of the majority of the Panel, before making amendments of substance to the Panel's report.
- 4.4.25 The final report should be sent to the Director of RMA.
- 4.4.26 Should any evidence of Misconduct be brought to light during the course of the Formal Investigation that suggests:
- further, distinct instances of misconduct in research by the Respondent, unconnected to the allegations under investigation; or
 - misconduct in research by another person or persons,
- then the Formal Investigation Panel should submit these new allegations of misconduct in research to the Director of RMA in writing, along with all supporting evidence, for consideration under the initial steps of the Procedure.
- 4.4.27 The Deputy Director of RMA should inform the following of the conclusion of the Formal Investigation:
- the Respondent and the Complainant (and their representatives by agreement);
 - the Vice Chancellor, the Dean of Research, the Director of Human Resources or Dean of Students, the Head(s) of the relevant Department(s) and any other relevant members of staff;
 - If the Respondent and/or the Complainant are employed on joint clinical/honorary contracts, the Named Person, the Head of Personnel and the Head of Research of the other employing organisation(s);
 - where appropriate, any relevant partner organisations, funding bodies and/or regulatory or professional bodies.
- 4.4.28 If all or any part of the allegations are upheld, the Deputy Director of RMA, the Director of Human Resources or Dean of Students and at least one other member of senior staff (normally the Deputy Vice Chancellor, Academic) should then decide whether the matter should be referred to the University's disciplinary process or for other formal actions.
- 4.4.29 Should the allegations proceed to the University's disciplinary process, the report of the Formal Investigation Panel should form the basis of the evidence that the Disciplinary Panel receives. All the information collected and brought to light through the Procedure should be transferred to the disciplinary process.
- The Disciplinary Panel will receive all information on the case in a meeting with the Chair of the Investigation Panel and the Deputy Director of RMA, to ensure that all relevant material is transferred.
- Involvement in either the Initial Investigation panel or the Formal Investigation Panel rules out participation in any disciplinary process unless formally asked to clarify a point in their written report.
- 4.4.30 Following the conclusion of the Procedure, the Formal Investigation Panel may need to recommend additional measures in addition to those that may be taken by way of the University's disciplinary process. Examples of potential actions that the University may consider include:
- retraction/correction of articles in journals;

- withdrawal/repayment of funding;
 - notification of misconduct to regulatory bodies;
 - 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;
 - reviewing internal management and/or training and/or supervisory procedures for research.
- 4.4.31 Where allegations have not been upheld (in full or in part), the Deputy Director of RMA will take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Respondent and any relevant research project(s). For example, where the case has received any publicity, the Respondent should be offered the possibility of having an official statement released for internal and/or external purposes.
- 4.4.32 Where allegations have not been upheld (in full or in part), or found to be mistaken but not frivolous, vexatious and/or malicious, then appropriate support, guidance and acknowledgment will be given to the Complainant. For example, if the case has received any publicity, the Complainant should be offered the possibility of having an official statement released for internal and/or external purposes.
- 4.4.33 Where the Formal Investigation Panel concludes the allegations are frivolous, vexatious and/or malicious, the Deputy Director of RMA will consult with the Director of Human Resources or Dean of Students whether action should be taken under the University's disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research.
- 4.4.34 Questions relating to the reports of both the Initial Investigation Panel and the Formal Investigation Panel can only be raised with the Chair of either Panel over matters of fact. The Respondent will not have the option of appealing against the reports of either stage of the Procedure. The Respondent has the statutory right of appeal should the matter be referred to the University disciplinary process.
- 4.4.35 At the conclusion of the proceedings, the Director of Human Resources will retain all records of the Investigations involving a member of staff for a period that accords with the University's Record management policy. Access to this archive will be limited to appropriate members of the Human Resources Department, the Director of RMA and his nominated alternate.

5 Principles

- 5.1 The investigation of allegations of misconduct in research must be conducted in accordance with the highest standards of integrity, accuracy and fairness.
- 5.2 Those responsible for carrying out investigations of alleged misconduct in research should act with integrity and sensitivity at all times.
- 5.3 The presumption of innocence shall be maintained throughout the investigation.
- 5.4 To ensure a fair investigation, an individual may not be a member of both the Initial Investigation Panel and the Formal Investigation Panel and, if he/she has been involved in either, he/she should not be part of the University's Disciplinary Process.
- 5.5 While the allegations are under investigation using this Procedure (and/or the University's disciplinary process), the Complainant, the Respondent, witnesses or any other persons involved in this Procedure should not make any statements about the allegations to any third parties, unless

formally sanctioned by the University or otherwise required to by law.

- 5.6 All parties involved must inform the Deputy Director of RMA immediately of any interests that they have which might constitute a conflict of interest as regards any aspect of the allegations, the investigation, the area(s) of research in question, or any of the persons concerned.
- 5.7 Where the Deputy Director of RMA has any interest which might constitute a conflict, he/she should declare any such conflicts and refer the investigation to his/her nominated alternate, who should decide if he/she should be excluded from involvement in the investigation, recording the reasons for the decision. Note: The declaration of an interest by an individual does not automatically exclude him/her from participating in the investigation. The Deputy Director of RMA should decide if an interest declared by the individual warrants exclusion from involvement in the investigation and record the reasons for the decision.
- 5.8 The University will take all reasonable steps to ensure that the Respondent (or any other party) does not suffer because of unconfirmed or unproven allegations.
- 5.9 Involvement of the Respondent in the Procedure should not prevent the Respondent from being considered:
- for promotion; or
 - the completion of probation; or
 - other steps related to his/her professional development.

The University may choose to suspend the implementation of any promotion, completion of probation or any similar step, for the period that allegations are investigated using the Procedure, rather than delay the actual consideration of such matters.

If the allegations are upheld at the end of the Procedure, subject to the University's disciplinary process and/or appeals process, the University's normal rules with respect to steps related to professional development, such as those detailed above, will apply.

- 5.10 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.
- 5.11 The basis for reaching a conclusion that an individual is responsible for misconduct in research relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct of any aspect of a research project.

Acknowledgements

Kingston University, 2011, *Procedures for dealing with allegations of misconduct in research (staff)*
Liverpool, John Moores University, 2012, *Procedure for the Investigation of Alleged Misconduct in Research*.

Research Councils UK, 2017. *RCUK Policy and Guidelines on Governance of Good Research Conduct*.

UK Research Integrity Office, 2008. *Procedure for the Investigation of Misconduct in Research*.

UK Research Integrity Office, 2009. *Code of Practice for Research: promoting good practice and preventing misconduct*.

University College London, 2012. *Procedure for Investigating and Resolving Allegations of Misconduct in Academic Research*.

University of Sussex, 2011. *Procedure for the Investigation of Allegations of Misconduct in Research*

Wellcome Trust, 2005. *Guidelines on Good Research Practice, Including Statement on the Handling*

of Allegations of Research Misconduct.

<https://wellcome.ac.uk/funding/managing-grant/research-misconduct> (accessed 27 March 2017)