

Investigating Allegations of Misconduct in Research

Purpose and Context

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

Scope

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

1 Introduction

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

2 Receipt of Complaint

- 2.1 Allegations of misconduct in research should be referred to the Deputy Vice Chancellor (or PVC T&L in the absence of the DVC or where a potential conflict of interest may exist). Procedural and administrative support will be provided by Human Resources.
- 2.2 The complainant will be encouraged to make the complaint in writing and to put their name to the complaint. Whilst the University will make every effort to protect the identity of any individual making a complaint it must be recognised that the investigation process may reveal them as the source. Where formal disciplinary action results from an investigation it may not be possible to keep the identity of the complainant confidential.
- 2.3 Anonymous complaints will normally be investigated but it must be recognised that being unable to clarify details of the complaint may hinder any investigation.

- 2.4 On receipt of the complaint the DVC will acknowledge the complaint and advise the complainant of the procedures which will be followed.
- 2.5 The DVC will review whether the nature of the allegations mean that it is necessary to notify legal or regulatory authorities or whether the alleged behaviour might be a breach of the disciplinary rules. In the case of the former, as a consequence of notification, the University may be required to comply with an investigation led by an external body and this will normally take precedence over this procedure. In the case of an alleged breach of the disciplinary rules, the DVC will decide whether to continue this procedure in parallel with the disciplinary procedures or to suspend the procedure pending conclusion of disciplinary procedures.
- 2.6 If the respondent is engaged by the University on an honorary basis or where the University is not the main employer, the DVC will inform the appropriate contact of the respondent's primary employer and inform them of the allegations.
- 2.7 The DVC will assess whether the research project has any contractual obligations that require the University to take any prescribed steps in the event of allegations of misconduct in research, including notification requirements to sponsors and funding organisations where relevant.
- 2.8 The respondent will be invited to a meeting with the DVC (or their representative) where the individual is formally notified of the allegations of misconduct. The procedure will be explained and a general timeframe will be presented. The respondent is entitled to be accompanied by their trade union representative or friend. A member of Human Resources staff will be present to provide procedural advice and keep a record of the meeting. A written record will be sent to the respondent.
- 2.9 In certain cases the DVC may consider it appropriate to direct the suspension of the respondent or place other temporary restrictions on duties or contacts as appropriate pending an investigation into the complaint. Such action will only take place where there is a clear risk to individuals or where evidence might be destroyed. Suspension or other restrictions are precautionary measures – as a neutral act such action does not imply any indication of blame. Any suspension from employment will be on full pay.
- 2.10 An employee who is suspended should:
- a) Be allowed to collect personal possessions (accompanied whilst they do this)
 - b) Hand over keys and other essential University property
 - c) Be told not to enter the University premises without permission from their manager or other agreed named person(s).
 - d) Be told that they may be called back for interview as part of the investigation and must be available to be called in at any time during working hours. Any calls for meetings should be made in writing to the employee and provide adequate notice to arrange representation.
 - e) Be advised that contact with staff, e.g. in relation to preparing responses to allegations, must be arranged via their trade union representative, or other agreed named person. Outside of this contact, the individual should not discuss the investigation or the circumstances surrounding it with members of staff or students.

- f) Agree (where possible) with the manager what colleagues and students will be told about their absence from work.
- g) Be advised of their right to representation and advised to contact their trade union representative if this is not already done.
- h) Be advised of the support available through the Counselling Service.
- i) Be told that the suspension will be confirmed in writing within three working days.

- 2.11 The suspension must be confirmed in writing within three working days of the employee being informed of that decision. The letter will state that there is no loss of contractual pay during the period of suspension and remind the employee of the other terms of the suspension, especially the obligation to keep matters confidential so far as possible.
- 2.12 The period of suspension should be as brief as possible and investigations must be commenced as soon as practicable.
- 2.13 Where a suspension continues for three weeks or more the individual may appeal in writing to the governing body. Notices of appeal should be addressed to Human Resources and set out the grounds of the appeal. A committee of three Council Members will review the suspension.

3 Initial Screening

- 3.1 The DVC will secure all relevant records, materials and locations associated with the research which are likely to be essential in order to carry out a full and fair investigation.
- 3.2 Within 10 working days an initial investigation will be carried out to determine whether the complaint is mistaken, frivolous, vexatious and/or malicious and the conclusions will be confirmed in writing to the respondent and the complainant.
- 3.3 If the DVC determines there are no grounds for further action the allegations will be dismissed and this will be confirmed in writing to the respondent and the complainant and any other parties who had been informed. Where appropriate the DVC should take necessary steps to support the reputation of the individual and the research project and where the case has received publicity will consider whether an official statement should be released for internal and/or external audiences. Those who have made allegations in good faith will not be penalised in any way and the DVC will consider what, if any, support the individual may require. If the DVC concludes that the allegation is frivolous, vexatious and/or malicious and the complainant is an employee of the University this may result in disciplinary action.
- 3.4 If the allegations cannot be dismissed at this point the DVC will refer the matter to a screening panel.

4 Screening Panel

- 4.1 Throughout the procedure the respondent, complainant and any other individuals interviewed by the Panel has a right to be accompanied by a trade union representative or friend.

- 4.2 The DVC will appoint the Screening Panel of at least three members calling upon senior academic staff within the University and where appropriate from outside the University. In selecting the screening panel the DVC will take into account the subject matter of the allegations including the need for specialist knowledge or investigative skill, and consider any potential conflicts of interest or connections to the respondent, complainant or subject matter of the allegations. Procedural and administrative support will be provided by Human Resources.
- 4.3 The DVC will inform the respondent and complainant of the names of the Screening Panel members so that they may raise any concerns regarding membership. The DVC will consider any representations made but neither has a right of veto over membership.
- 4.4 The Screening Panel will aim to complete its investigations and report within 30 working days. The screening Panel will interview both the respondent and the complainant and any other individuals, including expert witnesses, it determines appropriate. The Screening Panel will also consider documentary or other evidence relevant to its investigations.
- 4.5 The Screening Panel will review all evidence and determine:
- a) Whether the allegations should be referred under the disciplinary procedures; or
 - b) Whether the allegations are sufficiently serious to justify a formal investigation; or
 - c) Whether the allegations have some substance but due to a lack of intent to deceive or due to the relatively minor nature of the allegations are better addressed through education and training; or
 - d) Whether the allegations are mistaken, frivolous, vexatious and/or malicious.
- 4.6 The DVC will forward the Screening Panel's report to the respondent and complainant to comment on the factual accuracy of the report. Where there are errors of fact the Chair of the Screening Panel may amend the report subject to the agreement of the Screening Panel.
- 4.7 A copy of the final report will be sent to the respondent and the complainant.
- 4.8 Members of the Screening Panel will have no further role in the procedure unless clarity of the written report is required as part of a subsequent part of the investigation or unless required to comment by law. Where subsequent disciplinary procedures are followed, the Chair of the Screening Panel will be called as a witness at any disciplinary hearing if clarity regarding the Panel's written report is required.
- 4.9 Where the Screening Panel recommends that a formal investigation should take place the DVC will notify the Vice Chancellor, the Head of Research and the named person of any partner organisation, where relevant and establish a Formal Investigation Panel.
- 4.10 Where the Screening Panel determines there are no grounds for further action the allegations will be dismissed and this will be confirmed in writing to the respondent and the complainant and any other parties who had been informed. Where

appropriate the DVC should take necessary steps to support the reputation of the individual and the research project and where the case has received publicity will consider whether an official statement should be released for internal and/or external audiences. Those who have made allegations in good faith will not be penalised in any way and the DVC will consider what, if any, support the individual may require. If the DVC concludes that the allegation is frivolous, vexatious and/or malicious and the complainant is an employee of the University this may result in disciplinary action.

5 Formal Investigation

- 5.1 Within 30 working days of receipt of the final report of the Screening Panel the DVC will establish a Formal Investigation Panel.
- 5.2 The DVC will appoint the Formal Investigation Panel of at least three members, one of which must be external to the University. At least two members of the Panel should have experience in the area of research in which the alleged misconduct has taken place, although they should not be members of the Department concerned. Where allegations concern highly specialised areas of research there should be at least one member of the Panel with specialised knowledge of the field. In selecting the Formal Investigation Panel the DVC will take into account the subject matter of the allegations including the need for specialist knowledge or investigative skill, and consider any potential conflicts of interest or connections to the respondent, complainant or subject matter of the allegations. Procedural and administrative support will be provided by human resources. Membership of the Panel should be approved by the Vice Chancellor and any changes to the recommendations made by the DVC formally recorded and communicated to relevant parties.
- 5.3 The DVC will inform the respondent and complainant of the names of the Formal Investigation Panel members so that they may raise any concerns regarding membership. The DVC will consider any representations made but neither has a right of veto over membership.
- 5.4 The Formal Investigation Panel will carry out its work as quickly as possible and will set a target date for completion of its investigations. The Panel will report progress to the DVC on a monthly basis. The DVC will inform the respondent and complainant and other interested parties of progress, as appropriate.
- 5.5 The Formal Investigation Panel will have access to the full report of the Screening Panel and all evidence considered by it. In addition, the Formal Investigation Panel may call for evidence from expert witnesses, as appropriate.
- 5.6 A formal hearing will be held which provides the opportunity for the respondent to respond to the allegations, allowing them to present evidence and call witnesses. The hearing will also hear evidence from the complainant and any other relevant persons, determined by the Panel. The respondent has the right to question all witnesses. The respondent and all individuals attending the hearing to give evidence are entitled to be accompanied by a trade union representative or friend.
- 5.7 The Formal Investigation Panel will review all evidence and determine:
 - Whether the allegations are upheld in whole or in part;

- Make recommendations in relation to any issues of misconduct identified, including whether the allegations should be referred under the disciplinary procedures;
- Whether any action will be required to correct the record of research;
- Address any procedural matters that have been brought to light within the University and with partner organisations and/or funding bodies;
- Determine whether other matters should be investigated, including further allegations of misconduct by the respondent and/or other persons.

- 5.8 Where a unanimous decision is not possible a majority decision will be recorded and areas of difference and dissent will be recorded in the final report.
- 5.9 The DVC will forward the Formal Investigation Panel's report to the respondent and complainant to comment on the factual accuracy of the report. Where there are errors of fact the Chair of the Panel may amend the report subject to the agreement of the Formal Investigation Panel.
- 5.10 A copy of the final report will be sent to the respondent and the complainant.
- 5.11 Members of the Panel will have no further role in the procedure unless clarity of the written report is required as part of a subsequent part of the investigation or unless required to comment by law. However, where subsequent disciplinary procedures are followed, the Chair of the Formal Investigation Panel will be called as a witness at any disciplinary hearing.
- 5.12 If the Formal Investigation Panel determines there are no grounds for further action the allegations will be dismissed and this will be confirmed in writing to the respondent and the complainant and any other parties who had been informed. Where appropriate the DVC should take necessary steps to support the reputation of the individual and the research project and where the case has received publicity will consider whether an official statement should be released for internal and/or external audiences. Those who have made allegations in good faith will not be penalised in any way and the DVC will consider what, if any, support the individual may require. If the DVC concludes that the allegation is frivolous, vexatious and/or malicious and the complainant is an employee of the University this may result in disciplinary action.

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