



leeds metropolitan university

**CODE OF GOOD PRACTICE AND
REGULATIONS RELATING TO
MISCONDUCT IN ACADEMIC RESEARCH**

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A1 APPLICATION OF CODE OF GOOD PRACTICE AND REGULATIONS RELATING TO MISCONDUCT IN ACADEMIC RESEARCH

A1.1 Application of these Regulations

The regulations included in this section apply to all staff and students of the University. In some instances, for example where an offence is related to an Undergraduate assignment, other sections of the University's Academic Regulations may supersede this.

A2 CODE OF GOOD PRACTICE IN RESEARCH

A2.1 Honesty and openness in research

Researchers should be honest in all aspects of their own research and in their responses to the actions of other researchers. All individuals in the University's employment must refrain from plagiarism, piracy or the fabrication of results.

Though researchers should protect their own research interests in the process of planning their research and obtaining their results, they should be as open as possible in discussing their work with other researchers and with the public. Once results have been published, where appropriate, researchers should make available relevant data and materials to others, on request. In addition, researchers should observe the standards of practice set out by funding bodies, scientific societies and other relevant professional bodies.

A2.2 Promoting research leadership

It is important to promote research leadership across the University. Senior University Managers; Deans; Associate Deans/Heads of Schools; Research Managers; Unit of Assessment Co-ordinators and other senior staff should work together to ensure research is conducted in accordance with good research practice. The creation of a research environment in which researchers are encouraged to develop their skills and promote open exchange of research ideas which are open to scrutiny and debate is crucial. It is also important to ensure that the University has properly trained, highly skilled and experienced staff to ensure proper professional practice. Equally, experienced and trained research supervisors who promote good practice to their students should be available.

A2.3 Documenting results and storing primary data

Researchers (staff and students) should keep clear and accurate records of the research procedures followed and all results. This provides evidence of

proper research practice, which will be available for examination if required. The primary data should be kept securely in durable form. The location of such data should be known to the university. Such data must be held for the length of time set out in the university's Schedule of Data Storage, and/or should comply with the provisions of any relevant Research Council funding the research.

A2.4 Publishing results and acknowledgement of collaborators

Results of research should be published in an appropriate form, usually as papers in refereed journals. The refereeing process promotes quality, and publication in such journals ensures results are verifiable by the research community. Listed authors to a paper are expected to accept personal responsibility for, and be able to identify their contributions to it. Gift authorship is not acceptable. The contributions of formal collaborators and all others who directly assist or indirectly support the research should be appropriately acknowledged.

A2.5 The needs of new researchers

Faculties and the research community generally should ensure that all research students and new researchers understand the University Code of Good Practice. Research students should conform to all the relevant University regulations and research supervisors should ensure that ethical, health and safety issues are addressed at each stage of the research.

A2.6 Good practice in submitting research proposals

The lead project officer should ensure that all reasonable measures are taken to ensure the accuracy and completeness of the proposals in applications for funding. The appropriate University checklist should be completed and any ethical issues discussed at the Research Ethics Sub committee.

A2.7 Good practice in managing research projects

The lead project officer should take all reasonable measures to ensure compliance with the requirements of the sponsor(s), the University, and all legal, ethical and moral obligations in managing projects.

A2.8 Dealing with conflicts of interest

Researchers, team leaders, Associate Deans/Heads of School, Deans and senior staff should identify

and declare any conflicts of interest, whether legal, ethical, moral, financial, personal or other nature, to avoid any future complications and potential exposure of the University to legal action. Any conflict of interest should be brought to the attention of the Research Ethics Committee.

A2.9 Dealing with research misconduct

Allegations of research misconduct will be addressed through the University's Policy and Procedures Relating to Allegations of Misconduct in Academic Research.

A3 POLICY, REGULATIONS AND PROCEDURES RELATING TO ALLEGATIONS OF MISCONDUCT IN ACADEMIC RESEARCH

A3.1 General Principles

A3.1.1 Leeds Beckett University is committed to maintaining confidence in the integrity and probity of academic research undertaken within the University and/or by members of staff and research students of the University.

A3.1.2 It is in the best interests of the University; its staff and students; and the wider academic community and society; that the University promotes good practice in research, deters potential malpractice and acts swiftly and effectively to investigate and resolve any alleged research misconduct.

A3.1.3 The University will investigate thoroughly any allegations of research misconduct fairly and expeditiously. In doing so, the University will be fair to both complainant(s) and respondent(s). Accordingly the policy and procedures emphasise the principles of confidentiality, natural justice and no-detriment.

A3.1.4 Any complainant who has honest and reasonable suspicion that research misconduct is taking or has taken place, can be assured that the concern will be investigated fairly by the University and that any complainant will be protected from any subsequent victimisation, even if the concern is subsequently found to be mistaken or unfounded.

A3.1.5 The University also recognises the possibility that an allegation of research

misconduct may be vexatious or malicious. Any respondent can be assured of fair process, and that any allegations found to be vexatious or malicious may be referred to the University disciplinary procedures, or elsewhere as appropriate, for further action.

A3.1.6 Any complainant should recognise that a complaint of dishonesty in research is serious and potentially defamatory. As such it may not be containable within the procedures of the University; and could lead to legal proceedings.

A3.1.7 The Registrar and Secretary has the general responsibility for ensuring the integrity of the proceedings under this procedure, and due reference to any other procedures of the University. The Registrar and Secretary shall determine the procedure to be followed in cases of doubt.

This policy and its associated procedures has been produced following consultation with the recognised academic trade union and the Students Union; and has been approved by the Board of Governors of the University, and the Academic Board of the University.

A3.2 Definitions

A3.2.1 Research misconduct includes, but is not limited to the following:

- fabrication or falsification of data, including intentionally misleading or deliberately false reporting of research information
- fraud, including the invention of data fraudulent applications for research funding, or misuse of research funding
- piracy, defined as the deliberate exploitation of ideas from others without proper acknowledgement
- plagiarism, defined as the copying of ideas, data or text, or any combination of the three, without permission or acknowledgement
- abuse of confidentiality with respect to unpublished material
- misappropriation of results, physical material or other resources

- conduct which seriously deviates from accepted ethical standards in research, or which transgresses any ethical consent which has been given for the research.

A3.2.2 To assist awareness of good practice in research, University staff and research students should familiarise themselves with the University's Code of Good Practice in Research (Sections G35 – G38 of these regulations).

A3.2.3 Misconduct in research does not include differences of interpretation or judgement or honest and reasonable error.

A3.2.4 The setting of standards of professional behaviour in research is not intended to compromise the freedom of University staff and research students to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions.

A3.2.5 For the purposes of these procedures, the term "Associate Dean/Head of School" means an Associate Dean, a Head of School or other academic manager of equal status. To avoid unnecessary repetition the term "Associate Dean" is used throughout.

A3.3 Responsibilities

A3.3.3 Research misconduct is least likely to arise in an environment where good research practice is encouraged and where there is adequate supervision at all levels. It is the responsibility of the Associate Dean to ensure that all research staff and students are familiar with the University's Code of Good Practice in Research which accompanies this policy, regulations and procedure.

A3.3.2 All members of the University, staff and students; visiting researchers, and persons with honorary positions, have a responsibility to report any incidence of misconduct, where this has been directly witnessed or where there are reasonable grounds for suspicion that it has taken place.

A3.4 Scope

A3.4.1 The policy, procedures and Code of Good Practice in Research apply to all individuals carrying out research within, or on behalf of the University, whether or not they are employed by the University. This includes all staff, research students, visiting researchers of the University, and researchers with honorary positions.

A3.4.2 It is anticipated that the University regulations in respect of Cheating, Plagiarism and Other Forms of Unfair Advantage (section C9 of the academic regulations) will be adequate to address any issues relating to undergraduate students or students on taught masters programmes. In cases of doubt, the Registrar and Secretary will decide which provisions are appropriate.

A3.5 Procedures: general principles

A3.5.1 All complaints will be investigated in the strictest confidence. All persons involved in the research misconduct procedures, in whatever capacity, have the obligation to maintain confidentiality about the enquiry.

A3.5.2 Should the matter proceed to a Formal Investigation, confidentiality in respect of the identity of the complainant will be maintained in so far as is consistent with fair and thorough investigation. However, where there is a conflict between the demands of confidentiality and the need to determine the issue, the Investigation Panel will decide the balance. Ultimately the need to determine the issue fairly must prevail.

A3.5.3 In the interests of natural justice the following provisions are contained in the procedures: the right of accompaniment and/or representation to both complainant(s) and respondent(s); the right of any respondent(s) to full details of the allegation and opportunity to respond to and rebut any allegation; different composition of panels at the various stages of the procedures; separation of any subsequent internal proceedings (eg. disciplinary) from the workings of this particular procedure.

- A3.5.4 Any reprisals against, or victimisation of, any complainant under this procedure will be treated as a serious disciplinary matter.
- A3.5.5 Within these procedures there are two kinds of adjudication: that related to process; and that related to academic determination.
- A3.5.6 Adjudication related to process will be undertaken by Senior University Managers. For the purposes of these procedures these are defined as Associate Deans, or equivalent, and above.
- A3.5.7 Adjudication related to academic determination will be undertaken by Senior Academics. For the purposes of these procedures, these are defined as experienced researchers, who will normally, but not exclusively, be Principal Lecturers, Readers, Professors, or Associate Deans. In respect of any one enquiry, an Associate Dean may participate in adjudication related to process, or adjudication related to academic determination, but not both.
- A3.5.8 With respect to disciplinary procedures within the University, the proceedings and adjudications of the Assessment Panel (section A3.7 below) are deemed to be the equivalent of the investigation stage of first level disciplinary procedures for both staff and students. The proceedings and outcomes of a Formal Investigation (section A3.11 below) are deemed to be the equivalent of the investigative stage of both staff and student disciplinary procedures for all levels of misconduct.
- A3.5.9 With the exception of the minimum notice periods for attendance at an Assessment Panel hearing, an Investigation Panel hearing, or an Appeal hearing, the timescales set out in this procedure are indicative of best practice only. Such timescales are not binding on the University and may be varied when circumstances dictate, for example in the unavoidable absence of members of the University required for the operation of these procedures. For the purpose of these procedures “days” are working days.

A3.6 Making an Allegation

- A3.6.1 Allegations of possible research misconduct, or concerns that research misconduct may be taking place, may be raised by staff or students of the University; by members of the public; or by outside organisations. All allegations and/or concerns which fall within these procedures should be referred to the Registrar and Secretary. The Registrar and Secretary will decide whether these procedures are appropriate for consideration of the allegation/cause for concern; or whether the matter should be referred for consideration under another University procedure.
- A3.6.2 The Registrar and Secretary will inform the Vice Chancellor of the existence of an allegation or cause for concern, identifying only the individuals involved, and the Academic Unit and Faculty concerned. The Vice Chancellor will then appoint a Pro-Vice-Chancellor or a Dean to act as Vice-Chancellor’s Nominee in the matter.
- A3.6.3 The Registrar and Secretary will ask the person(s) or organisation making the allegation or raising the concern to submit a detailed written statement containing details of the allegation/concern with such evidence as is available. The Registrar and Secretary will provide the complainant(s) with a copy of these procedures, drawing his, her or their attention to the provisions on confidentiality and the possible limits of this should the matter go to Formal Investigation stage. The Registrar and Secretary will also draw the attention of complainant(s) to the provisions in respect of vexatious or malicious allegations.
- A3.6.4 In very exceptional circumstances, the Registrar and Secretary may, at his or her discretion, accept an anonymous allegation or expression of concern. Such acceptance will be in accord with the University’s policy on Whistleblowing (Public Interest Disclosure) Complaints Procedure which provides for anonymous complaints to be investigated or acted upon, having regard to the seriousness of

the issues raised, the credibility of the complaint, the prospects of being able to investigate the matter, and fairness to any individual mentioned in the complaint.

A3.7 Initial Enquiry – Assessment Panel

A3.7.1 The purpose of an initial enquiry is to determine as expeditiously as possible whether there is sufficient substance in the allegation or expression of concern to warrant a Formal Investigation.

A3.7.2 Within 5 days of receiving the written statement, the Registrar and Secretary, in conjunction with the Vice Chancellor's nominee, will appoint an Assessment Panel. This Panel will be composed of 3 Senior Academics from within the University, at least one of whom must be external to the Faculty or Faculties in which the alleged misconduct is said to have occurred. The Assessors should have the expertise to evaluate the relevant research issues, and should themselves have no conflict of interest in the conduct of this enquiry.

A3.7.3 Where the members of the Assessment Panel consider that they have insufficient expertise in the research area in question, the Registrar and Secretary, in conjunction with the Vice Chancellor's nominee, will consider whether it is appropriate to appoint an external expert to the Panel. At the discretion of the Registrar and Secretary and the Vice Chancellor's nominee, an external expert may be appointed to the Assessment Panel on the request of one or more of the respondents.

A3.7.4 The respondent(s) will be informed of the initial enquiry, the nature of the allegation or expression of concern, and the membership of the Assessment Panel. He, she or they will be provided with a copy of the relevant procedures.

A3.7.5 From this point, no respondent may invoke the University grievance, complaints or harassment procedures, or seek by any other internal means to frustrate or delay the process of enquiry or investigation; or compromise the ability of members of Senior

Management to participate in later stages of the procedure. Claims of grievance, or harassment or other complaints relating to this issue may only be raised on the conclusion of this procedure and any consequent disciplinary or other action.

A3.7.6 Because the purpose of this stage is to establish whether a Formal Investigation is necessary, it is inappropriate to prescribe a set procedure. The Assessment Panel may do all or any of the following:

- Interview the complainant(s)
- Interview the respondent(s)
- Request a written statement from the respondent(s)
- Interview any other person or persons deemed relevant
- Inspect any paper or electronic documentations, research records, or materials.

A3.7.7 The Assessment Panel should bear in mind that their role is limited to establishing speedily whether there is sufficient substance in the allegation or expression of concern to warrant a Formal Investigation. Care should be taken not to commence or pre-empt any subsequent Formal Investigation. Consequently at the point where the Assessment Panel is satisfied that the matter should be referred to a Formal Investigation it should conclude its own investigations.

A3.7.8 The Assessment Panel should ensure that records are kept of all interviews or written submissions, and the outcomes of any inspection of documents, records or materials. These should be submitted to the Registrar and Secretary with their final report. The Registrar and Secretary will provide for confidential administrative support if required.

A3.7.9 At this stage the identity of the complainant(s) will not be disclosed to the respondent(s), and any parties mentioned above will be separately interviewed by the Assessment Panel.

A3.7.10 The Assessment Panel should maintain confidentiality about the enquiry and should take care to limit awareness of

its existence, in so far as is reasonably practicable, only to those persons essential for its conduct.

A3.7.11 Where either complainant(s) or respondent(s) are to be interviewed, the interview should take place within a maximum of 3 days, with 2 days clear notice being given. Both complainant(s) and respondent(s) are entitled to be accompanied and represented by a Full-Time Trade Union Official; a local Trade Union or Students Union representative; or a work colleague or fellow student of the University, provided that the work colleague or fellow student is not a professionally contracted advocate. This right to accompaniment and representation is a general right, and is not the right to accompaniment and/or representation by any specific individual.

A3.7.12 While care will be taken to agree a mutually convenient time for any interview, where this is proving difficult, the process of this enquiry should take precedence over other duties. The Assessment Panel, complainant(s), respondent(s), or other persons finding arranging an interview difficult, should consult with the Registrar and Secretary at the earliest opportunity to ensure that the assessment can function speedily and efficiently. Failure of the complainant(s) or respondent(s) to attend for an agreed interview will not preclude the Assessment Panel reaching a decision.

A3.7.13 The Assessment Panel will make a report in writing to the Registrar and Secretary within 10 days. In exceptional cases where this is not possible, the Registrar and Secretary will agree an extension to this schedule. This report (or an abridgement of it as agreed with the Registrar and Secretary and Vice Chancellor's nominee to preserve the anonymity of a complainant) will be made available to any members of staff or students who face disciplinary proceedings in consequence of the report.

A3.7.14 The Assessment Panel may reach one of the following conclusions:

- (i) The allegation/cause for concern is sufficiently serious to warrant a Formal Investigation
- (ii) The allegation/cause for concern has some substance but may be addressed at the level of the Academic Unit; by first-level disciplinary procedures; via other University regulations (eg. research regulations); or other appropriate action
- (iii) The allegation/cause for concern is unfounded on account of being mistaken or insufficiently substantiated
- (iv) The allegation/cause for concern is unfounded by reason of it being adjudged vexatious or malicious
- (v) The Assessment Panel has been unable to establish a view, and therefore recommends that the matter be referred for consideration by a Formal Investigation.

A3.7.15 On receipt of the Assessment Panel's report, the Registrar and Secretary will inform the complainant(s) and the respondent(s) in writing of the outcome, and any entitlement to request a Review of the Assessment Panel's decision. If the outcome is that a Formal Investigation is to be made, the complainant(s) will be reminded that this is a confidential matter. The complainant(s) will also be reminded that, while the procedures provide for separate consideration of evidence to protect his, her or their identity, no guarantee of anonymity can be made at the Formal Investigation stage. (See sections A3.5.2 and A3.11.5)

A3.8 Review

A3.8.1 Any request for Review under the provisions below must be put in writing to the Registrar and Secretary, within 5 days of receipt of notification of the conclusions of the Assessment Panel, and must include the reasons for the request. The Registrar and Secretary will remit it to a Review Panel for consideration.

A3.8.2 Where the outcome was A3. 7.14(ii) above, any respondent may request that the matter is considered in full by

means of a Formal Investigation. In such cases, the Review Panel will consider whether, under the circumstances, reference to a Formal Investigation is a sound use of University resources.

A3.8.3 If at this stage any respondent admits to alleged misconduct which has been adjudged sufficiently serious to warrant Formal Investigation, and resigns from the University or withdraws his or her registration as a student of the University, a Review Panel will consider whether there is anything to be gained from proceeding to a Formal Investigation. In the event of their being more than one respondent, the Review Panel will consider whether action at the level of the Academic Unit as provided for A3.7.14(ii) above is most appropriate.

A3.8.4 Where the outcome was A3.7.14 (ii) or A3.7.14 (iii) above, any complainant may seek a review of the decision. In such cases, the Review Panel will consider the representations and determine whether reference to a Formal Investigation is justified and/or a sound use of University resources.

A3.8.5 Where the outcome was A3.7.14 (iv), an internal complainant admitting to the finding, may request that the matter be dealt with without further reference to a Formal Investigation. The Review Panel will consider this request, taking into consideration the nature of the allegation; the potential consequences for the person(s) against whom misconduct had been alleged; the adverse effects on those persons of a further procedure; and the efficient use of University resources. To assist their deliberations, the Review Panel may seek the views of the respondent(s) in question. In the event of the matter not being referred to a Formal Investigation, the Review Panel will recommend which stage of the relevant disciplinary procedures should be used.

A3.8.6 Where consideration by a Review Panel is appropriate on any of the above grounds, the Registrar and Secretary in conjunction with the Vice Chancellor's

nominee will appoint a Review Panel composed of 3 Senior University Managers previously uninvolved in the matter, and designate one of the members as the Chair of the Panel. The Review Panel will normally conclude its consideration within 10 days of its first meeting. This timescale may be extended at the discretion of the Registrar and Secretary.

A3.8.7 The Review Panel will first consider any matters arising from A3. 8.2 or A3.8.3 above, since the outcomes of these might have consequences for any consideration of requests under A3. 8.4. The Panel will consider the written submissions, and, at their discretion, may interview the respondent(s) or complainant(s). Their decision on whether to remit the issue to a Formal Investigation is final. On conclusion of any Review Stage, the Registrar and Secretary shall implement the recommendations of the Assessment Panel, as modified by the Review Panel where relevant.

A3.9 Outcomes of the Initial Enquiry

A3.9.1 At the conclusion of any Review, the Registrar and Secretary, in conjunction with the Vice Chancellor's nominee shall establish a Formal Investigation in the following circumstances.

(i) The Assessment Panel has adjudged the matter to be sufficiently serious to warrant this.

(ii) The allegation has been admitted by one or more respondents who are employees of the University and have not resigned.

(iii) The allegation has been admitted by one or more respondents who are registered students of the University and have not withdrawn their registration.

(iv) The Assessment Panel has adjudged the complaint to be vexatious or malicious.

A Formal Investigation is necessary with respect to A3.9.1 (ii), A3.9.1.

(iii) and A3.9 (iv) because it serves as the investigation stage of the Staff and Student Disciplinary procedures for all levels of misconduct.

- A3.9.2 In the case of the matter being adjudged such as to require action short of a Formal Investigation, the Registrar and Secretary will remit the matter to the relevant Associate Dean(s) (or Dean if an Associate Dean is involved in the matter) for appropriate action. This may be action such as the use of the University staff disciplinary procedures (Stage One); use of the University student disciplinary procedures (Level One); reference to the relevant Board of Examiners under the Cheating, Plagiarism and Unfair Advantage regulations; review of internal procedures and processes. The primary aim of such action is to ensure that research misconduct does not occur again in the future and, where relevant, to restore confidence in the academic soundness of the research project and the academic standards of any award of the University. Where any reference is made to the disciplinary procedures the report of the Assessment Panel is considered to be the investigation stage of the process. The Associate Dean (or Dean) will inform the Registrar and Secretary of the action to be taken, and any penalties imposed under the disciplinary procedures.
- A3.9.3 In the case of the allegation/cause for concern being adjudged malicious or vexatious, where the complainant(s) is a representative or employee of an external body, the Registrar and Secretary will write to the appropriate official of that body, noting that the Assessment Panel has adjudged the allegation malicious or vexatious.
- A3.9.4 Where further action under A3.9.1; A3.9.2 or A3.9.3 above is required the Registrar and Secretary will inform the Vice Chancellor of this. A full report will be made to the Vice Chancellor on the conclusion of any subsequent proceedings.
- A3.9.5 In the case where any Review has not amended a finding by the Assessment Panel that the allegation or cause for concern was unfounded, all reference to the matter will be removed from the personal files of the respondent(s). Where no further action is being taken,

the Registrar and Secretary will provide the Vice Chancellor with a confidential report of the initial enquiry and the reasons for the decisions. A copy of this report will be kept confidentially by the Registrar and Secretary for a period of 5 years. Where further action is being taken (i.e. where the Assessment Panel found the allegation to be vexatious or malicious) the Registrar and Secretary will make a full report to the Vice Chancellor on the conclusion of further proceedings.

A3.10 Provisions on suspension and disclosure to outside bodies

- A3.10.1 In the case of the matter being deemed so serious as to merit immediate suspension of one or more respondent; the action taken shall be the same with respect to staff and students of the University. Action in respect of suspension shall be that contained in the Staff Disciplinary Procedures. The Vice Chancellor's nominee for these procedures will not be the same as the nominee acting for the Vice Chancellor in respect of the Procedures Relating to Allegations of Misconduct in Academic Research.
- A3.10.2 In the case of the matter being so serious as to merit reference to the police, this reference will be made. However, reference to the police does not necessarily preclude a Formal Investigation proceeding under the University's own procedures. A decision on this will be made by the Registrar and Secretary in consultation with the Vice Chancellor's nominee and the Director of Human Resources.
- A3.10.3 Where the terms of the funding conditions, or other contractual conditions, require, the Registrar and Secretary will inform the funding body and any other relevant body, that a Formal Investigation is being conducted. The bodies in question will be informed that the investigative procedures are in process, and that the University does not expect that the funding or contract will be suspended during the course of the internal proceedings. The Registrar and Secretary will advise the bodies in

- question that the outcome of the Formal Investigation will be disclosed to them on its conclusion.
- A3.10.4 Where a respondent is not employed by the University, but is conducting research related to his or her employment either for the University or in pursuit of an award of the University, the Registrar and Secretary will, where appropriate and relevant to the contractual relationship which exists between the University and the employer, inform the respondent's employer of the fact of the Formal Investigation, and will advise the employer that the outcome of the Formal Investigation will be disclosed on its conclusion.
- A3.11 Formal Investigation**
- A3.11.1 Where the matter is remitted to a Formal Investigation, the Registrar and Secretary in conjunction with the Vice Chancellor's nominee will establish an Investigation Panel, and will nominate which of the members will act as Chair of the proceedings.
- A3.11.2 The Investigation Panel will have 3 members. Normally 2 members will be Senior Academics from within the University, who need not be members of the respondent's Faculty, one of whom must have significant experience of the research area in which the alleged misconduct is said to have occurred. One member will be an expert in the research area in question, external to the University. No members of this Investigation Panel will previously have been involved in this issue; and no members must have a conflict of interest in this matter. Where the reference to a Formal Investigation follows an admission by some or all of the respondents of misconduct, or is being held primarily to determine whether an allegation was vexatious or malicious, the Registrar and Secretary and the Vice Chancellor's nominee shall exercise their discretion to appoint a third internal member of the Panel in place of the external.
- A3.11.3 The deliberations and outcomes of the Investigation Panel serve as the Investigation process of University Staff and Student Disciplinary Proceedings.
- A3.11.4 The purpose of the Panel is fully to investigate and, in so far as is possible, establish the facts of the matter. The Panel will proceed in such a manner as provides for fairness and justice to both complainant(s) and respondent(s). The Panel will undertake the investigation as speedily as is compatible with the circumstances and the need to do justice. It is therefore inappropriate to proscribe timescales for this stage. In order to ensure that proceedings are not unnecessarily delayed, the Chair of the Panel will discuss the anticipated length of the investigation with the Registrar and Secretary.
- A3.11.5 The Chair of the Investigation Panel will endeavour to uphold the anonymity of any complainant. However, the overriding purpose of the Investigation Stage is to establish the facts of the matter and to be fair to both parties. Consequently, where there is a conflict between the demands of confidentiality and the need to determine the issue, the Investigation Panel must decide the balance. Ultimately the need to determine the issue fairly must prevail.
- A3.11.6 The Investigation Panel should ensure that records are kept of all interviews or written submissions, and the outcomes of any inspection of documents, records or materials. These should be submitted to the Registrar and Secretary with their final report. The Registrar and Secretary will provide the Investigation Panel with confidential administrative support.
- A3.11.7 The Investigation Panel should maintain confidentiality about the investigation and should take care to limit awareness of its existence only, in so far as is reasonably practicable, to those persons essential for its conduct.
- A3.11.8 The Investigation Panel will:
 - Interview the complainant(s) and the respondent(s), on more than one occasion if necessary.

- Interview any witnesses called by the respondent(s).
 - Interview any other persons deemed relevant to the investigation.
 - Inspect any paper or electronic documentation, research records or materials deemed relevant. If access to documents, records or materials is refused, the Registrar and Secretary will assist the Investigation Panel in the disclosure of such evidence.
- A3.11.9 The Panel has discretion to widen the scope of the Investigation if the need for this becomes apparent. The Registrar and Secretary and the Vice Chancellor's nominee will be informed of such a development.
- A3.11.10 A complainant and respondent will be given at least 2 days notice in advance of their interview. Both parties may be accompanied and/or represented by a Full-Time Trade Union Official; a local Trade Union or Students Union representative; or a work colleague or fellow student of the University, provided that the work colleague or fellow student is not a professionally contracted advocate. This right of accompaniment and representation is a general right and is not the right to accompaniment and/or representation by a specific individual.
- A3.11.11 In the event of difficulties arising in respect of complainant(s), respondent (s) or witnesses attending the Investigation Panel, the Chair of the Panel should consult with the Registrar and Secretary to produce a resolution to any difficulties. This may include informing the relevant Associate Dean or Head of Section about the Formal Investigation in order to enable duties to be prioritised to enable attendance.
- A3.11.12 Complainant(s) and respondent(s) will be interviewed separately. The complainant(s) will be interviewed first. The purpose of this interview is for the complainant(s) to present the grounds for his, her or their belief that research misconduct has or may have occurred;
- and to answer any questions put by members of the Panel.
- A3.11.13 Following this, the Chair of the Panel will provide the respondent(s) with a written statement of the grounds of the allegation, with, if relevant, identification of prima facie evidence of misconduct. The purpose of this is to provide the respondent with the opportunity to rebut the allegation. The quantity and quality of information provided should reflect the fact that a respondent does not have the opportunity to put direct questions to the complainant. The respondent will then be interviewed. The purpose of this interview is for the respondent to present their rebuttal of the allegation.
- A3.11.14 Both complainant(s) and respondent(s) may nominate persons whose evidence they think is material to the enquiry. At the conclusion of the evidence of the complainant(s) and the respondent(s), the Panel will interview any other persons whose evidence is deemed relevant, and this will normally include persons nominated as above. Following such interviews, the Chair of the Panel must provide the respondent(s) with a summary of the evidence and provide him, her or them with an opportunity for rebuttal.
- A3.11.15 If the Panel consider it appropriate, a further meeting with the complainant(s) may be held to clarify any issues raised by the respondent(s) or after hearing the evidence of witnesses. This meeting may not be used by the complainant(s) to raise any new matter. If necessary, the Investigation Panel may then re-interview any respondent.
- A3.11.16 At the conclusion of these interviews and inspection of any documentation, the Investigation Panel will reach a preliminary conclusion. This preliminary conclusion will be forwarded to the Registrar and Secretary. Reasons for the conclusion and any appropriate evidence will be included.
- A3.11.17 The Registrar and Secretary will send the preliminary conclusions to the complainant(s) and respondent(s). Any complainant or respondent may make

observations on the findings within 5 days of receipt of this communication. New evidence will not be admissible unless there are compelling reasons why this was previously unavailable.

A3.12 Findings of the Investigation Panel

A3.12.1 At the conclusion of this process, the Investigation Panel will make a report in writing to the Registrar and Secretary. This report, (or an abridgement of it as agreed with the Registrar and Secretary and Vice Chancellor's nominee to preserve the anonymity of a complainant, if relevant) will be made available to any members of staff or students who face disciplinary proceedings in consequence of the report.

A3.12.2 Having considered all the evidence and representations, the Investigation Panel shall reach one of the following conclusions:

- the allegation is upheld
- the allegation is upheld in part
- the allegation is dismissed as unfounded or mistaken
- the allegation is dismissed as vexatious or malicious

A3.12.3 Where the allegation is upheld in whole or part the Investigation Panel will also make recommendations to the Registrar and Secretary and the Vice Chancellor's nominee on any action it considers appropriate. This may include, but is not limited to, the following:

- Reference to the University's Disciplinary Procedure
- Informing the appropriate Professional or Statutory Body
- Informing the appropriate grant awarding or other contractual body
- Informing relevant research collaborators
- Informing relevant publishers
- Reference to academic regulations in respect of awards of the University
- Consideration of the revocation of an award of the University
- Action to protect the interests of other persons damaged by the research misconduct.

Such recommendations are advisory only. Any respondent has the right to appeal. No action may be taken in respect of the findings until such time as any Appeal has been heard.

A3.12.4 Where the allegation is dismissed, and the Investigation Panel have deemed the allegation to be vexatious or malicious, the Panel will also make recommendations to the Registrar and the Vice Chancellor's nominee. This may include, but is not limited to:

- Reference to the University's Disciplinary Procedure
- Informing the appropriate Professional or Statutory Body
- Informing relevant research collaborators.

Such recommendations are advisory only. Any complainant has the right to appeal. No action may be taken in respect of the findings until such time as any Appeal has been heard.

A3.12.5 Where the allegation is dismissed as being unfounded or mistaken there is no appeal against this decision.

A3.12.6 The Registrar and Secretary will write to the complainant(s) and respondent(s) informing him, her or them of the findings, and advising them of any right of appeal.

A3.13 Appeal

A3.13.1 Any party having the right of appeal under these regulations must lodge the appeal with the Registrar and Secretary within 5 days of receiving the written notification of the outcome of the Final Investigation. The letter of appeal should state the grounds on which the appeal is being made.

A3.13.2 The grounds for appeal are limited to:
(i) Material procedural irregularity
(ii) Some other material irregularity
(iii) Unfair treatment during the course of the enquiry or investigation
(iv) New evidence
(v) Some other substantial reason (which must be specified).

- A3.13.3 On receipt of notification of appeal, the Registrar and Secretary, in conjunction with the Vice Chancellor's nominee, will establish an Appeal Panel of 3 Senior University Managers, and will designate one of them as the Chair of the proceedings.
- A3.13.4 The Appeal Panel will be constituted as soon as is practicable and will hear the appeal within a reasonable time, but it is inappropriate to prescribe a timescale for this. In order to ensure that proceedings are not unnecessarily delayed, the Chair of the Panel will discuss the anticipated length of the investigation with the Registrar and Secretary.
- A3.13.5 The Appeal Panel will first consider the validity of the grounds for appeal. The Appeal Panel has the right to dismiss without hearing any appeal which it considers to be trivial, vexatious or insubstantial. New evidence, material or witnesses will not be admissible unless there are compelling reasons why they were unavailable at the time of the Formal Investigation. The letter of appeal should state why such evidence, material or witnesses were unavailable. The Appeal Panel will determine whether such new evidence is admissible. There is no appeal against the Panel's decision on these matters.
- A3.13.6 If the Panel accepts that there are valid grounds for appeal, the Registrar and Secretary will arrange for the appeal hearing to take place. The appellant, and any witnesses will be given at least 5 days notice of the appeal. The appellant may be accompanied in the same way as provided for at the earlier stages of the process.
- A3.13.7 The appellant(s) will present his, her or their case to the Appeal Panel, and the appellant and witnesses (if called) may be questioned by the Panel members. The appeal is not a re-hearing of the Formal Investigation, and representations to the Panel will be confined solely to the grounds for appeal.
- A3.13.8 At the conclusion of the appeal, the appellant will withdraw and the Appeal Panel will deliberate and reach its conclusions which may be that the findings of the Formal Investigation be:
 (i) upheld
 (ii) modified (in which case the Panel should specify in what way)
 (iii) rejected.
- In very exceptional circumstances the Appeal Panel could recommend that there be a new investigation.
- A3.13.9 At the conclusion of the Appeal, the Chair of the Appeal Panel will make a report in writing to the Registrar and Secretary. This report (or any abridgement of it as agreed with the Registrar and Secretary to preserve the anonymity of the complainant if relevant) will form an Appendix to the report of the Investigation Panel, and will be made available to any members of staff or students who face disciplinary proceedings in consequence of a finding of misconduct in academic research.
- A3.14 Final Outcomes of the Procedure**
- A3.14.1 At the conclusion of any appeal process, or directly where the Formal investigation found that the allegation was dismissed as unfounded or mistaken, the Vice-Chancellor's nominee in consultation with a Senior University Manager previously uninvolved in the matter, shall determine the final course of action.
- A3.14.2 Where the allegation has been dismissed the Vice Chancellor's nominee and the Senior Manager shall discuss with the respondent(s) how his, her or their reputation may be preserved. Such action may include the release of an official statement if the case has attracted publicity. All reference to the matter will be removed from the personal files of the respondent(s).
- A3.14.3 In cases where the allegation was upheld, or the allegation was deemed to be vexatious or malicious, the Vice Chancellor's nominee and the Senior Manager will consider the recommendations of the Investigation

Panel; and any of the courses of action specified at A3.12.3 or A3.12.4 above; and will make a decision on the appropriate outcome or outcomes.

Where the decision includes reference to the University Disciplinary Procedures, the procedure to be followed is as set out in Section A4 of these regulations: Disciplinary Procedures associated with Misconduct in Academic Research. The outcomes of the disciplinary process will be notified to the Registrar and Secretary. Where this includes notification of a Professional or Statutory body or other outside body, the Registrar and Secretary will inform such bodies.

A3.14.4 Where the terms of the funding conditions of a research project, or other contractual conditions require, the Registrar and Secretary will inform the funding body or other relevant body of the outcomes of the Formal Investigation.

A3.14.5 Where there is reference to the academic regulations of the University, this may be under the relevant Unfair Practice regulations (Section C9). Where consideration is to be given to the revocation of an award of the University, on the grounds that this has been achieved, wholly or in part through research misconduct, proceedings will be conducted in accordance with Section A5 of these regulations: Regulations and Procedures for Consideration of the Revocation of an Award of the University.

A3.14.6 Where a research project, including work in preparation for submission for an award of the University, has been compromised through the research misconduct of another person, the Vice Chancellor's nominee and the Senior Manager must discuss with the member(s) of staff or student(s) concerned; and/or with the relevant Associate Dean or Head of Section; how his, her or their interests may be preserved. The outcomes of these discussions and any action decided on will be notified to the Registrar and Secretary.

A3.14.7 The Registrar and Secretary will make a confidential written report of the enquiry, including the outcomes of any appeal stage, with the conclusions and the reasons for the decisions, and including any actions taken in respect of these findings to the Vice Chancellor. A copy of this report, together with any documentation used in the enquiry, shall be held confidentially by the Registrar and Secretary for a period of 5 years. This concludes the procedures.

A3.15 Acknowledgements

A3.15.1 The University wishes to acknowledge, with thanks, the use of the following documents in the preparation of the Policy and Procedures Relating to Allegations of Misconduct in Academic Research.

- University of Manchester, Code of Practice for Dealing with Allegations of Misconduct in Research
- University of Glasgow, Code of Policy and Procedures for Investigation and Resolving Allegations of Misconduct in Research
- University of Leeds, Professional Integrity: Protocol for Investigating and Resolving Allegations of Misconduct in Academic Research
- University of Warwick, Code of Practice for Dealing with Allegations of Research Misconduct.

A4 DISCIPLINARY PROCEDURES ASSOCIATED WITH FINDINGS OF MISCONDUCT IN ACADEMIC RESEARCH

A4.1 General Principles

A4.1.1 These procedures are discrete to disciplinary issues arising from findings of research misconduct, and may not be used for any other disciplinary proceedings.

A4.1.2 The purpose of the disciplinary process is to consider the outcome of the Assessment Panel or Investigation Panel; hear any representation from the member of staff or student, and to

- determine the appropriateness of any disciplinary sanction.
- A4.1.3 These procedures apply to both staff and students. "Stage" is used throughout to indicate the degree of seriousness of the proceedings and the available sanctions. For the purposes of these procedures "Stage One" is equivalent to staff disciplinary procedures stage one, and student disciplinary procedures level one. "Stage Two" is equivalent to staff disciplinary procedures stage two and student disciplinary procedures level two. "Stage Three" is equivalent to staff disciplinary procedures stage two-disciplinary panel, and student disciplinary procedures level three.
- A4.1.4 Reference to disciplinary procedures may arise from the findings of either an Assessment Panel or an Investigation Panel. Where an Assessment Panel has found that the allegations or causes of concern had some substance which could be addressed at the level of the Academic Unit through the disciplinary procedures, any disciplinary procedures arising from this outcome may only be at Stage One of these procedures. Where reference to disciplinary procedures arises from the findings of an Investigation Panel, disciplinary action may take place at any level, but is likely to be at Stages Two or Three.
- A4.1.5 The outcomes of either an Assessment Panel, and any subsequent review if relevant, or an Investigation Panel; constitute the investigatory process of any disciplinary proceedings.
- A4.1.6 Because either an Assessment Panel or an Investigation Panel will have considered the issue in detail, any disciplinary hearing is not a re-hearing of the issue which has been considered by either an Assessment Panel or an Investigation Panel; and the findings of either an Assessment Panel or an Investigation Panel are not in themselves open to challenge during the disciplinary process. Consequently, it will not be possible for the outcome of a disciplinary hearing under this process to find that the allegation of research misconduct has no substance; although the outcome may be the determination that no further action is needed.
- A4.1.7 Because the findings of an Assessment Panel or an Investigation Panel are not open to challenge, and on account of maintaining confidentiality in all issues except those of vexatious or malicious allegation, it is inappropriate for there to be an adversarial exchange at any stage of the disciplinary process. It is recognised that this is outside the normal practices of a disciplinary hearing.
- A4.1.8 While a finding that there is substance to the allegation of research misconduct cannot be overturned, a member of staff or student is not prohibited from maintaining his, her or their innocence; putting forward an explanation of their conduct; or adducing extenuating circumstances if any.
- A4.1.9 On account of the disciplinary hearing not being a re-hearing of the original issue, it is not normally expected that witnesses will be called. However, if witnesses are material to any explanation or extenuating circumstances they may be allowed at the discretion of the Manager conducting the disciplinary hearing, or the Chair of a Disciplinary Panel (as appropriate). To assist in this determination, any employee or student wishing to call a witness should indicate what it is anticipated that witness will contribute to the proceedings.
- A4.1.10 New evidence may not be presented to a disciplinary hearing unless there is compelling reason why this could not have been produced earlier during the Research Misconduct proceedings. A decision on the admissibility of any new evidence rests with the Manager conducting the disciplinary hearing or the Chair of a Disciplinary Panel.
- A4.1.11 Proceedings in investigations, disciplinary hearings and appeal hearings will remain strictly confidential.
- A4.2 Staff designated to invoke the disciplinary procedures**

- A4.2.1 Disciplinary action will be invoked by the University Managers specified below. In the procedures, these will be referred to as the “Designated Person”.
- A4.2.2 Disciplinary action at Stage One will normally be conducted by the relevant Associate Dean. Any appeal from this will be heard by the Dean of the Faculty. The Associate Dean will present the case for the disciplinary action.
- A4.2.3 Where the Associate Dean was involved in the matter, disciplinary action at Stage One will be conducted by the Dean of Faculty. Any appeal from this will be heard by another Dean (or equivalent) who has had no previous involvement in the matter. The Dean of Faculty will present the case for the disciplinary action.
- A4.2.4 Disciplinary action at Stage Two will normally be heard by the Dean of Faculty. The case for the disciplinary will be presented by the Associate Dean. Any appeal under these disciplinary procedures will be heard by another Dean (or equivalent) who has had no previous involvement in the matter. The Dean of Faculty will present the case for the disciplinary action.
- A4.2.5 Disciplinary action at Stage Three will be conducted by a Disciplinary Panel. In the case of staff the Panel will be composed of 3 members: a Chair and 2 assessors. The Chair will be the Vice-Chancellor or nominee; and the 2 assessors will be a Dean or other equivalent Senior Manager of the University and an employee appointed by the locally recognised trade union for that category of employee. None of the Panel should have had previous involvement in the case. In the case of students the Panel will be composed of 3 members: a Chair and 2 assessors. The Chair will be nominated by the Vice Chancellor and will be a Senior Manager of the University. The other two members will be a Dean or other equivalent Senior Manager of the University, and an Associate Dean. None of the Panel should have had previous involvement in the case. The Dean of Faculty will present the case for the disciplinary action.
- A4.2.6 An appeal against a penalty less than dismissal or expulsion, will be heard by a further Disciplinary Panel, identical to the above, but comprised of different personnel. The Chair of the initial Disciplinary Panel will present the case for the disciplinary action.
- A4.2.7 An appeal against a penalty of dismissal or expulsion will be heard by the Appeals Committee of the Board of Governors, under the relevant staff and student disciplinary procedures.
- A4.2.8 Where the disciplinary proceedings involve more than one person, these may be heard separately. However, the same manager or Disciplinary Panel may hear all the proceedings relating to the one issue of research misconduct. In such instances it will be inappropriate to determine a penalty until all cases have been heard.
- A4.2.9 At any Stage Two or Stage Three disciplinary hearings a representative from the Human Resources Division may be present at all times to assist the Designated Person or Panel, and to ensure fairness and consistency.
- A4.2.10 Where a member of staff or a student fails, without good reason, to attend a disciplinary hearing, the hearing may go ahead and a decision reached in his, her or their absence.
- A4.3 Stage One Disciplinary Hearings**
- A4.3.1 The procedure to be followed is essentially that set out in the staff disciplinary procedures.
- A4.3.2 The member of staff or student will receive in writing the report of the Assessment Panel or Investigation Panel (as appropriate) and notification of their right to be represented or accompanied by a fulltime Trade Union/Student Union Officer; Trade Union/Student Union representative; a work colleague, or a fellow student; provided that the work colleague or fellow student is not a professionally contracted advocate. A

- minimum of 24 hours notice will be given to the respondent(s). This may be varied by mutual agreement.
- A4.3.3 In the interview the Designated Person will summarise the findings of the Assessment or Investigation Panel and invite the respondent(s) to reply.
- A4.3.4 On the conclusion of the hearing (or all associated hearings) the Designated Person will take into account any mitigating factors, including those which may have been presented by a respondent, but also including factors such as previous record of service or conduct.
- A4.3.5 The possible outcomes of this Stage are no further action, an oral warning or a Stage One written warning, with supporting advice as appropriate.
- A4.3.6 Where an oral warning is given, the Designated Person should indicate that a note will be made that a discussion has taken place and an oral warning given. Where a written warning is given to an employee, a copy will be sent to the Human Resources Division and, if appropriate, the person who represented the employee. Where a written warning is given to a student, a copy will be placed on the student's file within the School and a further copy lodged with the Dean.
- A4.3.7 Any respondent will be informed of their right of appeal.
- A4.4 Stage Two Disciplinary Hearings**
- A4.4.1 The procedure to be followed is essentially that set out in the staff disciplinary procedures.
- A4.4.2 The member of staff or student will receive in writing the report of the Investigation Panel at least 5 working days prior to the date of the hearing. A minimum of 5 working days notice of the date of the hearing will be given. This may be varied by mutual agreement.
- A4.4.3 The member of staff or student will receive written notification of their right to be represented or accompanied by a full-time Trade Union/Student Union Officer; Trade Union/Student Union representative; or a work colleague or fellow student, provided that the work colleague or fellow student is not a professionally contracted advocate. The member of staff or student must tell the Designated Person in advance whether or not he, she or they are to be accompanied or represented, and if so by whom. If they are to be represented, the representative will be copied in on all correspondence.
- A4.4.4 The member of staff or student should give the Designated Person reasonable notice of any witness they wish to call, to facilitate their attendance.
- A4.4.5 In the interview the management representative will present the case for the disciplinary action. This will be a presentation summarising the findings contained in the report of the Investigation Panel, modified, if relevant, by an Appeal hearing under the Misconduct in Academic Research regulations.
- A4.4.6 The respondent(s) will be invited to reply. A respondent may then call any witnesses. The respondent (or representative) will question the witness to elicit their evidence. The Designated Person may then question the witness. The HR representative may also ask questions. The witness will then withdraw.
- A4.4.7 On the conclusion of the evidence the respondent(s) will retire. The HR representative will remain. Where there is more than one Respondent a final decision may be postponed until all associated hearings have been concluded. In reaching a decision, the Designated Person will take into account any mitigating factors, including those which may have been presented by a respondent, but also including factors such as previous record of service or conduct.
- A4.4.8 The possible outcomes of this Stage for members of staff are: no further action; any of the sanctions available at Stage

- One; a Stage Two written warning; a Stage Two final written warning. The possible outcomes of this stage for students: no further action; any of the sanctions available at Stage One; a Stage Two written warning; or suspension not in excess of 5 days.
- A4.4.9 Where a written, or final written warning, is given to a member of staff, a copy will be sent to the Human Resources Division and, if appropriate, the representative. Where a written warning is given to a student, a copy will be placed on the student's file within the School and a further copy lodged with the Dean.
- A4.4.10 Any respondent will be informed of their right of appeal.
- A4.5 Disciplinary Panel**
- A4.5.1 The procedure to be followed is that of a Stage Two disciplinary hearing with the following exceptions.
- A4.5.2 The disciplinary issue will be heard by a Disciplinary Panel constituted according to the Staff Disciplinary Procedures or the Student Disciplinary Procedures as appropriate. For the purposes of consistency, where both members of staff and students are respondents, the Chair of the Panel and the Senior University Manager shall be the same for both Panels.
- A4.5.3 In the interview the management representative will present the case for the disciplinary action. This will be a presentation summarising the findings contained in the report of the Investigation Panel, modified, if relevant, by an Appeal hearing under the Misconduct in Academic Research procedures.
- A4.5.4 At the conclusion of the evidence all parties except the Panel members and the HR representative will withdraw. Where there is more than one respondent a final decision may be postponed until all associated hearings have been concluded. The Panel will reach a decision taking into account any mitigating factors, including those which may have been presented by a respondent, but also including factors such as previous record of service or conduct.
- A4.5.5 The sanctions available to a Disciplinary Panel in respect of a member of staff are all sanctions available at Stage Two, and dismissal with or without notice. The sanctions available to a Disciplinary Panel in respect of a student are all sanctions available at Stage Two, and a penalty exceeding 5 days suspension, or expulsion. Where the decision is to expel a student, the procedures contained in the Student Disciplinary Procedure will then follow.
- A4.6 Appeals against a decision of a Disciplinary Hearing**
- A4.6.1 It is open to any member of staff or student to appeal against any disciplinary decision. The outcome of an appeal may be to confirm, reduce or dismiss the earlier decision. The decision at Appeal will be final.
- A4.6.2 In respect of an Appeal against a lesser penalty than dismissal or expulsion, the procedure to be followed is that found in the Staff Disciplinary Procedure, with the exception that the appeal notification from students will be forwarded to the Registrar and Secretary, who will liaise with the Director of Human Resources on the relevant arrangements. An Appeal Panel for a student appeal will be constituted in accordance with the provisions of the Student Disciplinary Procedure, and with common membership with any staff Appeal Panel as specified at A4.5.2 above.
- A4.6.3 In respect of an Appeal against either dismissal or expulsion, an appeal to the Appeal Committee of the Board of Governors will follow the procedures set out in the Staff Disciplinary Procedures or the Student Disciplinary Procedures, as relevant.
- A4.7 Expiry of Warnings**

A4.7.1 Warnings will remain on record as set out in the Staff Disciplinary Procedures, section 9.

A4.7.2 When a warning or other sanction has expired, the full record of the matter will be expunged from the personal file of the member of staff or student concerned. Human Resources and/or the Registrar and Secretary will notify Associate Deans and Deans of the requirement to destroy any records they hold.

A4.7.3 For the purposes of consistency, Human Resources (for staff) and the Registrar and Secretary (for students) will retain a confidential log of any disciplinary sanctions imposed under these procedures.

A5 REGULATIONS AND PROCEDURES FOR THE CONSIDERATION OF THE REVOCATION OF A RESEARCH AWARD OF THE UNIVERSITY

A5.1 Use of this Procedure

A5.1.1 Outcome of the Misconduct in Academic Research Procedure

Where an allegation of misconduct in academic research has been upheld (see Section A3.14) the Vice-Chancellor's nominee and a Senior University Manager previously uninvolved with the matter, are authorised to determine the final course of action.

A5.1.2 Consideration of the use of this Procedure

In determining whether this action shall include consideration of revocation of an award of the University, the Vice Chancellor's nominee and the Senior University Manager may, if they consider it appropriate, consult with a Senior Academic, normally a Professor.

A5.1.3 Decision to use this Procedure

Where the decision of the Vice-Chancellor's nominee and the Senior University Manager is that consideration should be given to the revocation of an award of the University on the grounds that this has been achieved, wholly or in part, through research misconduct, the procedure set out here will be followed.

A5.2 Appointment and Composition of a Panel

A5.2.1 Appointment of Research Misconduct Panel

The Vice-Chancellor's nominee will inform the Registrar and Secretary of the decision. The Registrar and Secretary, in consultation with the Chair of the University Research Committee of Academic Board, will establish a Research Misconduct Panel to consider the matter.

A5.2.2 Composition of the Research Misconduct Panel

The Panel will be composed as follows:

- there will be a minimum of 5 members
- at least three members of the Panel will be members of the University Research Committee of Academic Board
- none of the members should be from the Faculty or Faculties which had recommended the award in question
- none of the members should have had previous involvement in the matter

A5.2.3 Appointments by the Registrar and Secretary

The Registrar and Secretary is responsible for:

- Appointing one of the panel members to act as Chair of the proceedings.
- Appointing an experienced member of the RSO to be in attendance to advise the Panel on regulations and procedures and any other appropriate matters, and, if appropriate, to ask questions as provided for in A5.5.8 below.
- Providing a Secretary to the Panel, who will be in attendance, but who will not be a member of the Panel.

A5.3 Remit of the Research Misconduct Panel

A5.3.1 Remit of the Research Misconduct Panel

The Panel is established to authorised to do the following:

- Consider the seriousness of the research misconduct.
- Consider the impact of the research misconduct on the integrity of the research award.
- Hear representations from the award holder and any other persons it considers relevant.

A5.3.2 Outcomes

At the conclusion of its deliberations the Panel will make one of the following recommendations:

- the research award of the University should stand
- the research award of the University should be revoked.

A5.3.3 Reports and Documentation

The Panel is authorised to read all the documentation associated with the procedure relating to misconduct in academic research, and the confidential report of the enquiry and its findings made by the Registrar and Secretary for the Vice-Chancellor (see Section A3.14.7). With the agreement of the Registrar and Secretary, the Panel may request the provision of other written material which it considers relevant.

A5.3.4 Confidentiality

The proceedings of the Panel will be confidential.

A5.4 Consideration by the Research Misconduct Panel

A5.4.1 Process

The Research Misconduct Panel will normally hold a formal Revocation Hearing, at which the award holder is entitled to make representations in person or in writing, and the Panel will also hear representations, verbal or written, from any other persons proposed by the award holder. The process is subject to the following limitations: A5.4.2 to A5.4.5 below.

A5.4.2 Validity of Previous Findings

Because either an Assessment Panel or an Investigation Panel will have considered the issue in detail, this Revocation Hearing is not a reconsideration of the issue of misconduct in academic research itself; and the findings of either an Assessment Panel or an Investigation Panel are not themselves open to challenge. Consequently, it will not be possible for the outcome of any consideration under this process to find that the allegation of research misconduct has no substance.

A5.4.3 Representations from the Award Holder

While the finding of misconduct in academic research cannot be overturned, the award holder is not prohibited from maintaining his or her innocence; putting forward an explanation of his or her conduct; or adducing extenuating circumstances if any.

A5.4.4 Witnesses at the Discretion of the Chair

Because this Revocation Hearing is not a re-hearing of the original issue, it is not normally

expected that witnesses will be called. However, if witnesses are material to any explanation or extenuating circumstances, they may be called at the discretion of the Chair of the Research Misconduct Panel. To assist in this determination, the award holder should indicate why he or she wishes to call the witness, and what it is anticipated the witness will contribute to the proceedings.

A5.4.5 New Evidence

New evidence may not be presented to the Revocation Hearing unless there is compelling reason why this could not have been produced at earlier stages of the Misconduct in Academic Research proceedings. A decision on admissibility of new evidence rests with the Chair of the Research Misconduct Panel.

A5.5 Procedure

A5.5.1 Information to the Award Holder

The award holder will receive in writing the report of the Assessment Panel or Investigation Panel (as appropriate); and notification of the right to be represented or accompanied by a full-time Trade Union/Student Union Officer, Trade Union/Student Union representative, or friend, provided that the latter is not a professionally contracted advocate.

A5.5.2 Date of the Revocation Hearing

The Registrar and Secretary (or nominee) will give the award holder at least 10 working day's notice of the date of the hearing. The proposed date may be varied at the discretion of the Chair of the Panel if the award holder gives good reason for this. Such request for a postponement should be sent to the Registrar and Secretary (or nominee arranging this Hearing).

A5.5.3 Attendance of the Award Holder

It is normally expected that an award holder will attend the Revocation Hearing in person, or arrange for the hearing to be by written representations only (See A5. 5.4 below). If the award holder declines to attend the Revocation Hearing, and does not arrange for the provision of written representations, the Panel is authorised to proceed in his or her absence. In such case, personal or written representations from other parties will not be permitted in the award-holder's absence. If the award holder fails to attend on the day without good reason given, the Panel is authorised to proceed in his or her absence, as above. If unforeseen extenuating circumstances prevent the award holder attending, he or she must contact the Registrar and Secretary (or

nominee arranging this hearing) to explain the circumstances and must be willing to provide independent documentary evidence of these if required. Where good grounds for the absence of the award holder are shown, the Revocation Hearing will be re-arranged.

A5.5.4 Consideration by Written Representations/Statements only

If the award holder does not wish to attend the Revocation Hearing, he or she is entitled to make written representations to the Panel. Such representations may be from the award holder, and, if the award holder wishes, from any other person who is willing to make representations on his or her behalf. These should be sent to the Registrar and Secretary (or nominee arranging this Hearing), and the award holder is responsible for ensuring that all written representations are received.

Where the award holder wishes to proceed through written representations only, the matter will be wholly considered in that way. In the absence of the award holder, personal representations from other parties will not be permitted.

Where an award holder is seeking permission for evidence from a witness or witnesses to be considered, and the award holder does not wish to attend the Hearing in person, any permitted witness may only provide evidence by written statement. Witnesses will not be heard in person in the award holder's absence.

A5.5.5 Persons Making Representations on Behalf of the Award Holder

The award holder is entitled to ask for representations to be made to the Revocation Hearing on his or her behalf. The award holder must notify the Registrar and Secretary (or nominee arranging this Hearing) of their names and the nature of the representations to be made at least five working days before the date of the hearing. The Chair of the Research Misconduct Panel, in consultation with the Registrar and Secretary, may restrict the number of such representations being made in person if they are excessive in number and/or replicate the same material. In such a case the award holder will be invited to arrange for their submissions to be made in writing.

Any such written submission must be received at least two working days before the date of the hearing. The non-attendance of any person

making representations on behalf of the award holder will not normally constitute grounds for the postponement of the Revocation Hearing unless the Chair of the Panel agrees that the representation(s) are essential to the fair conduct of the Hearing, and that unforeseen exceptional circumstances prevented the attendance of the person in question. Independent documentary evidence of such exceptional circumstances will normally be required for a hearing to be rearranged.

A5.5.6 Witnesses

These may only be called under the provisions of Section A5. 4.4 above, and their attendance is at the discretion of the Chair of the Research Misconduct Panel. The evidence of a witness may be given in person or in writing. It is the responsibility of the award holder to arrange for the attendance of any permitted witnesses, or the provision of a written statement from any permitted witness. Written statements must be sent to the Registrar and Secretary (or nominee arranging this Hearing) to arrive at least two working days before the date of the hearing. It is the responsibility of the award holder to ensure that any such written statements are received. The non-attendance of a witness will not normally constitute grounds for the postponement of the Revocation Hearing unless the Chair of the Panel agrees that the evidence in question is essential to the Hearing, and that unforeseen exceptional circumstances prevented the attendance of the witness. Independent documentary evidence of such exceptional circumstances will normally be required for a hearing to be re-arranged.

A5.5.7 Other Parties at the Hearing

Exceptionally, the Chair of the Research Misconduct Panel, with the agreement of the Registrar and Secretary, has the discretion to invite any other parties to make statements to the Revocation Hearing in person or in writing.

A5.5.8 Order of Proceedings: Award Holder present

At the commencement of the proceedings, the Chair of the Research Misconduct Panel will explain the procedure to be followed and the possible outcomes of the Revocation Hearing. Arrangements for notifying the award holder of the outcome of the hearing will be confirmed.

The Chair will then identify all written statements received in respect of the proceedings; and will confirm that these written statements will be considered by the Panel in its deliberations, but

they will not be addressed during the hearing itself.

The Panel will first hear any statement which the award holder wishes to make. Members may then question the award holder through the Chair.

The Panel will then hear from any witness or witnesses which the award holder has been permitted to call. Any witness will be first questioned by the award holder, and then by members of the Panel through the Chair. The award holder is then permitted to put any follow-up questions to the witness. The witness will then withdraw. The Panel will then hear any personal representations on behalf of the award holder. The person making the representation will make a statement; members of the Panel may then put questions through the Chair. The award holder is permitted to put any follow-up questions or points to the person making the representation, after which he or she will then withdraw.

Any other person called to the Hearing will make a statement. The award holder may question that person through the Chair, after which members of the Panel may put follow-up questions through the Chair. The person will then withdraw. The representative of the Registrar and Secretary's Office is entitled to ask questions of any party in order to elucidate or elicit key information if the Panel has failed to do this. The award holder will then be invited to sum up to the Panel. At the conclusion of this summing up the award holder will withdraw. The award holder will be advised that he or she will be notified of the outcome of the hearing in writing.

A5.5.9 Order of Proceedings: written submissions only

The Chair of the Research Misconduct Panel will ensure that each written statement is individually considered by the Panel, in the order described above.

A5.6 Outcomes

A5.6.1 Determination of the Outcome

At the conclusion of the hearing, or after consideration of written submission, the Research Misconduct Panel will come to a conclusion on the matter. The Panel will make one of the following recommendations:

- that the research award should stand
- that the research award should be revoked.

A5.6.2 Recommendation that the Research Award should stand

Where the Research Misconduct Panel makes the recommendation that the research award should stand, the Chair of the Panel will make a confidential report of the finding and the reasons for it to the Registrar and Secretary and the Chair of Academic Board. The Registrar and Secretary is responsible for notify the award holder of this outcome. The specific issue is deemed concluded at this point, but this outcome does not necessarily preclude other proceedings in the University, for example disciplinary proceedings.

A5.6.3 Recommendation that the research award should be revoked

Where the Research Misconduct Panel makes the recommendation that the research award should be revoked, the following procedure will be followed:

The Chair of the Panel will make a report of the finding and the reasons for it to the Registrar and Secretary and the Chair of Academic Board.

This report will be sent to the Chair of the relevant Faculty Research Committee which made the initial recommendation for the award. The Chair of the Faculty Research Committee will formally convey this recommendation to the Chair of the University Research Committee and the Chair of Academic Board.

A5.6.4 Conclusion of the Process

The decision of the Research Misconduct Panel is final and concludes this specific process within the University. The Registrar and Secretary will issue a formal "Completion of Procedures" letter confirming that the process is now at an end within 2 working days of the decision of the Panel.