

Policy & Procedures for Investigating Allegations of Misconduct in Research

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A. Policy Statement

1. Ensuring and sustaining integrity in all aspects of research is a core aspect of the University's commitment to the advancement of knowledge. Misconduct in research damages the integrity of research, brings both the individual and the institution into disrepute and can, in extreme circumstances, cause harm to those involved in research. This Procedure has been approved by the Academic Board of the University to provide a procedural framework for investigating allegations of misconduct in research conducted under the auspices of the University.
2. Misconduct in research is an extremely serious matter and, therefore, the University has a duty to ensure that any individuals conducting research receive appropriate training in the relevant ethical, legal and other related conventions. The University seeks to sustain this approach by providing an environment that fosters and supports honesty in research and discourages unacceptable behaviour by dealing seriously and sensitively with all allegations of misconduct in research.
3. It is a condition of conducting research under the auspices of the University and/or on University premises that practice conforms to the University's Code of Good Practice for Research ('the Code') which has been benchmarked against the UK Research Integrity Office Code of Practice for Research. Failure by a researcher to comply with the provisions of the Code will be grounds for action to be taken under this Procedure.
4. Staff, research students and all others conducting research under the auspices of the University are required to report misconduct in research where they have good reason to believe it is occurring. The University will investigate allegations or complaints about misconduct in research. Any complainant who has an honest and reasonable suspicion that research misconduct is taking or has taken place, can be assured that their 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.
5. The University 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 referred to the University disciplinary procedures, or elsewhere as appropriate, for further action.
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.
7. When an allegation of research misconduct is raised under the University's Whistleblowing Policy, at the point when the allegation is considered the University Secretary (the Designated Officer) will refer the allegation of research misconduct to be dealt with under the Whistleblowing Procedure.
8. This Policy & Procedure has been benchmarked against, and is aligned to, the principles of the Universities UK concordat to support research integrity (2012), the RCUK Policy and Guidelines on the Governance of Good Research Conduct (updated April 2017) and the UK Research Integrity Office's Procedure for the Investigation of Misconduct in Research (2008).

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

Equality and Diversity

10. To ensure fair treatment and, where appropriate, provision of support by the University in the application of this procedure, members of staff should be encouraged to provide information about any equality or diversity issues which may be relevant. In the case of a disability or language issue a member of staff may be accompanied by an appropriate person to provide support.
11. At all stages of the procedure, those investigating allegations of Research Misconduct should check if there are any special arrangements, e.g. support for a disability, that a member of staff or the individual who is accompanying them may require to enable them to participate fully in the procedure. Appropriate guidance may be sought from Human Resources. Correspondence in relation to this procedure will invite the member of staff to inform the University if they require additional support.
12. It is a requirement that those investigating allegations of Research Misconduct will have had appropriate training, are aware of the requirements of the Equality Act 2010 and of good practice in relation to equality and diversity. The possibility that research misconduct may arise from misunderstandings due to ethnic/cultural/gender/disability or other issues should also be considered and the Equality and Diversity Office/Disability Office consulted as appropriate. Cases in this category will be dealt with sympathetically

B. Scope

13. This Procedure applies to any person conducting research under the auspices of the University, whether solely or in conjunction with others in the University or with other organisations, including, but not limited to:
 - (a) a member of staff;
 - (b) a student;
 - (c) an independent contractor or consultant;
 - (d) a person with visiting or emeritus status;
 - (e) a member of staff on a clinical, honorary or secondment contract.
14. This Procedure recognises that the investigation of allegations of research misconduct can involve complex issues and seeks to discharge the University's responsibilities in a sensitive and fair manner. It outlines the process to be followed when allegations of misconduct in research are brought against a researcher in relation to research conducted under the auspices of the University.
15. This Procedure will normally apply to research students who are registered for an MPhil, PhD or a Professional Doctorate, but not normally to undergraduate or taught postgraduate students. Taught student misconduct is dealt with under the University's Student Code of Discipline.

16. The University will follow this Procedure even in the event that the individual(s) concerned has left or leaves the jurisdiction of the University, either before the operation of this Procedure is concluded or before the allegation(s) of research misconduct was made.
17. Nothing in this Procedure shall limit the right of the University or a member of staff or a student of the University to exercise their rights under any University policies concerning discipline and grievance.
18. Proven research misconduct may result in action being taken under the University's disciplinary procedures for staff or research students, as appropriate, or other relevant process and may be considered good cause for: dismissal in the case of members of staff; programme termination in the case of registered students; and rescission of award in the case of graduates of the University. Reports generated by this Procedure may be used in evidence by the University's disciplinary procedures and other processes and may be released in reporting the matter to any appropriate external organisation.
19. Alleged misconduct in research relating to a thesis which has been submitted for examination will be investigated under this Procedure.
20. Any allegations of financial fraud or other misuse of research funds or research equipment will be addressed under the University's Financial Regulations and Procedures.
21. For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission. As well as complying with accepted procedures, researchers must comply with all legislation that applies to the conduct of their research; the standards by which allegations of misconduct in research should be judged should be those prevailing at the date that the behaviour under investigation took place. Misconduct in research does not include unintentional error or professional differences in interpretation or judgement of data.
22. With the exception of the minimum notice periods for attendance at 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.
23. With respect to disciplinary procedures within the University, the proceedings and outcomes of a Formal Investigation are deemed to be the equivalent of the investigative stage of both staff and student disciplinary procedures for all levels of misconduct.

C. Definitions

24. Accepted procedures include but are not limited to the following:
 - (a) gaining informed consent where required;
 - (b) gaining formal approval from relevant organisations where required;
 - (c) any protocols for research contained in any formal approval that has been given for the research;
 - (d) any protocols for research as defined in contracts or agreements with funding bodies and sponsors;

- (e) any protocols approved by the Medicines and Healthcare Products Regulatory Authority (MHRA) for a trial of medicinal products;
 - (f) any protocols for research set out in the guidelines of the employing institution and other relevant partner organisations;
 - (g) any protocols for research set out in the guidelines of appropriate recognised professional, academic, scientific, governmental, national and international bodies;
 - (h) any procedures, including ethical reviews, that are aimed at avoiding unreasonable risk or harm to humans, animals or the environment;
 - (i) good practice for the proper preservation and management of primary data, artefacts and materials;
 - (j) any existing guidance on good practice on research.
25. Misconduct in research/research misconduct: any breach of the Code or accepted procedures that seriously deviate from those that are commonly expected within the academic and scientific communities for proposing, conducting or reporting research. It specifically encompasses, but is not restricted to:
- (a) Piracy by the exploitation of the ideas of others without permission or acknowledgement, including the piratical use of material that has been provided in a privileged way for review, examination, assessment or appraisal;
 - (b) Plagiarism by the misappropriation of ideas, data or text without adequate acknowledgement or citation. Complaints of this nature against students of the University would normally be heard via the University's regulations and procedures concerning Cheating, Plagiarism and Other Forms of Unfair Practice;
 - (c) Fraud by the manipulation of data or findings with an intention to deceive, including the fabrication of data and the falsification of data;
 - (d) Collusion by the deliberate participation in the research misconduct of another person, or concealment of such action by others;
 - (e) Failures to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to human or animal participants in research and/or to the environment;
 - (f) Failures to follow accepted procedures or to exercise due care in carrying out responsibilities for the proper handling of privileged or private information relating to individuals, and collected during the research;
 - (g) Interference by the intentional damage to, withholding or removal of, the research-related property of another person;
 - (h) Negligence by the culpable serious departure from legal, institutional and ethical practices in research which involves human or animal subjects, including unjustifiable departure from accepted practices, procedures and protocols;
 - (i) Failure to declare or resolve a conflict of personal interest in research;
 - (j) Breach of confidentiality required by external research contractors.

D. Receipt of allegations

26. 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.
27. All allegations and/or concerns which fall within these procedures should be referred to the University Secretary. The University 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.

28. The University Secretary will ask the person(s) or organisation making the allegation of research misconduct or raising the concern to submit a detailed written statement containing details of the allegation/concern together with supporting evidence where available. The University Secretary will provide the Complainant(s) with a copy of these procedures, drawing their attention to the provisions on confidentiality and the possible limits of this should the matter go to Formal Investigation stage. The University Secretary will also draw the attention of Complainant(s) to the provisions in respect of vexatious or malicious allegations.
29. This Procedure encourages people with concerns about the conduct of research to raise them with the University Secretary directly and asks that they put their name to any allegations they make. It is recognised however that members of staff or students may wish to make an anonymous allegation due to fear that their own position could be jeopardised if they raise a particular concern. Allegations which are anonymous or where there is no specific complainant will only be considered at the discretion of the University Secretary, taking into account: the seriousness of the concerns raised; the credibility of the concerns; and the likelihood of confirming the concerns from alternative and credible sources.
30. If the University Secretary is the Complainant or the Respondent(s) or is personally associated with the work to which the allegation relates or has any other conflict of interest, they will instead refer the allegation to a Deputy Vice Chancellor in writing and notify the Complainant(s) accordingly, also in writing. The roles of the University Secretary under these regulations are then transposed to a designated Deputy Vice Chancellor who will then take on the role of the University Secretary as regards the conduct of this Procedure and he/she will be responsible for fulfilling all of the duties allocated to that role by this Procedure.
31. The University Secretary will review the allegations with reference to the definition of misconduct in research described in paragraph 25 and the status of the Respondent(s) as described in paragraph 13.
32. Where it appears that an allegation falls under these definitions, the University Secretary will acknowledge receipt of an allegation by the Complainant(s) in writing, informing them that the allegation will be investigated under this Procedure. A copy of the Procedure will be provided to the Complainant(s).
33. If the University Secretary determines that the allegations fall outside the definitions, set out in paragraph 25 then they will inform the Complainant(s) in writing:
 - (a) the reasons why the allegation cannot be investigated using this Procedure;
 - (b) which process for dealing with complaints might be appropriate for handling the allegation (if any) and/or, if appropriate, which external body; and
 - (c) how the allegation should be reported.
34. In cases where an allegation is of a serious nature but does not fall under the definition of misconduct in research, the University Secretary may choose to initiate an alternative University procedure to address the allegation.

35. Where the allegations fall within the definition of misconduct in research, the University Secretary should inform the Vice Chancellor that an allegation of misconduct in research has been received on a particular date and that it will be investigated using this Procedure. The Vice Chancellor should be provided in confidence with the following information:
- (a) the identity of the Respondent(s);
 - (b) the identity of the Complainant(s);
 - (c) details of all relevant sources of internal and external funding;
 - (d) details of all internal and external collaborators for the research in question; and
 - (e) other details that the University Secretary considers appropriate.
36. It should be stressed that the allegation of misconduct in research that is to be investigated is as yet unproven and that the information is confidential.
37. The actions described in paragraphs 26–36 above should take place as soon as is practicable upon receipt of an allegation, normally within ten working days. The University Secretary may identify suitable administrative and other support to assist them in carrying out the required actions.

E. Preliminary Adjudication

38. As soon as is practicable upon receipt of an allegation, normally within ten working days, the University Secretary will inform the Deputy Vice Chancellor (Research & Enterprise) of the existence of an allegation of research misconduct, identifying only the Complainant(s) and Respondent(s), and the Academic Unit and School concerned. The Deputy Vice Chancellor (Research & Enterprise) will then recommend to the University Secretary the names of three Adjudicators to be appointed from the Directors of Research and the Professors across the University, at least one of whom must be external to the School or Schools in which the alleged misconduct is said to have occurred. The Adjudicators should have the expertise to evaluate the relevant research issues, and should themselves have no conflict of interest in the conduct of this enquiry.
39. The purpose of the Preliminary Adjudication is to determine whether there is sufficient evidence of research misconduct to warrant a formal investigation of the allegation.
40. The University Secretary will identify suitable administrative and other support to assist the Adjudicators. Those selected to provide such support will confirm to the University Secretary in writing that their participation involves no conflict of interest.
41. The Adjudicators 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 to its conduct.
42. The University Secretary will write to the Complainant(s) to confirm the identity of the Adjudicators. When writing to the Complainant(s) the University Secretary will inform them that they may raise in writing any concerns that they may have about the person(s) chosen to conduct the Preliminary Adjudication. The University Secretary will decide if any concerns raised by the Complainant(s) warrant the exclusion of the person(s) concerned from involvement in the investigation, recording the reasons for the decision in writing. He/she will inform the person(s) concerned and the Complainant(s), as appropriate, of his/her decision in writing.

43. The University Secretary will instruct each Adjudicator to independently consider the allegation, including any supporting evidence from the Complainant(s) and any other documentation and background information relevant to the allegation.
44. The Adjudicators will normally aim to complete the Preliminary Adjudication within 15 working days following instruction from the University Secretary. Any delays to this timescale will be explained to the University Secretary who will then contact the Complainant(s) in writing, presenting an estimated revised date of completion.

F. Preliminary Adjudication: Findings and subsequent actions

45. At the conclusion of their review of the allegation each Adjudicator will independently determine whether the allegation of misconduct in research:
 - (a) is unfounded; or
 - (b) is sufficiently serious and has sufficient substance to warrant a Formal Investigation of the complaint.
46. Each Adjudicator will make an independent written record setting out their decision and send them to the University Secretary.
47. The University Secretary will write to the Complainant(s) with a report of the outcomes of the Preliminary Adjudication and the majority decision of the three Adjudicators.
48. When allegations are, in the judgement of the Adjudicators, considered to be unfounded the University Secretary will write a completion of procedures letter to the Complainant(s). The University Secretary will then take such steps to sustain the reputation of the person(s) whom the allegations were made against and the relevant research project(s) and, provided the allegation is considered to have been made in good faith, the Complainant(s).
49. When the Preliminary Adjudication recommends that an allegation is sufficiently serious and has sufficient substance to warrant a formal investigation of the complaint, the University Secretary will take immediate steps to set up a Formal Investigation.
50. Where the Preliminary Adjudication judges that an allegation does fall under the definition of research misconduct and requires immediate action to prevent further risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice), then the University Secretary will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated. It may be necessary to notify legal or regulatory authorities or relevant professional bodies. An allegation which does not require notification to legal or regulatory bodies will proceed to the next step of the Procedure.
51. The University Secretary will investigate whether any research project to which the allegation relates includes contractual obligations that require the University to undertake prescribed steps in the event of an allegation of misconduct in research being made and take any actions that may be necessary to meet such obligations. Such obligations might be in:
 - (a) a contract/agreement or guidance on research conduct from a funding organisation;
 - (b) a partnership contract/agreement/Memorandum of Understanding; or
 - (c) an agreement to sponsor the research.

52. For the avoidance of doubt there is no right of appeal available to the Complainant(s) at the conclusion of the Preliminary Adjudication stage.

G. Formal Investigation

53. The purpose of the Formal Investigation is to review all the relevant evidence and:
- (a) conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not upheld; and
 - (b) make recommendations, for consideration by the appropriate University authorities, regarding any further action the Formal Investigation Panel ('the Panel') deems necessary to: address any misconduct it may have found; correct the record of research, and/or preserve the academic reputation of the University.
54. If a Formal Investigation is considered necessary, the University Secretary will write to the Complainant(s) and Respondent(s) identified in the complaint to inform them that a Formal Investigation of the allegation is to take place and that a Panel will be appointed. The Panel will normally be appointed within 15 working days of completion of the Preliminary Adjudication stage. Any delays to this timescale will be explained to the Complainant(s), the Respondent(s) and other relevant parties in writing, providing an estimated revised date of appointment.
55. Where a regulatory body, including statutory bodies regulating professions, or grant or contract-awarding body or partner organisation requires to be informed about such a Formal Investigation, the University Secretary will provide the necessary confidential information to that body.
56. The University Secretary will consider whether, without prejudice to the proper conduct of the investigation, any other action should be taken at this stage pending the outcome of the investigation. It should be made clear that any actions that might be taken by the University Secretary in response to the notification of an allegation of misconduct in research are not to be regarded as a disciplinary action and do not in themselves indicate that the allegations are believed to be true by the University. Those conducting this Procedure will take steps to make it clear to the Respondent(s), Complainant(s) and any other involved parties that these actions are necessary to prevent further risk or harm to any persons involved in the research and that the allegations of misconduct in research can be properly investigated and to meet contractual and other obligations of the University.
57. The University Secretary will arrange the appointment of a Panel. The Panel should consist of at least three impartial investigators, one of which will be independent of 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 School concerned. Where allegations concern highly specialised areas of research the Panel should have at least one member with specialised knowledge of the field.
58. Where an allegation involves research being conducted in conjunction with a partner organisation, then it may be advisable for a representative of that organisation to be a member of the panel. Similarly, when an allegation involves a researcher on a clinical, honorary or secondment contract, it may be advisable for a representative of the other employing

organisation to be a member of the Panel. Members of the Panel will not have previously been involved in the investigation of the allegation.

59. When the research to which the allegation relates is deemed to be commercially sensitive, it may be appropriate for members of the Panel to sign a Non-Disclosure Agreement. However, the terms of any such Non-Disclosure Agreement must not compromise the ability of the Panel to conduct a full and fair investigation of the allegation, including its ability to seek confidential advice from persons with relevant expertise and make recommendations regarding any further action necessary by the University and/or other bodies to address any misconduct it has found, correct the record of research and to preserve the academic reputation of the University.
60. The University Secretary will select the Chair of the Panel from its members. The Chair will normally be a senior member of the University chosen from Directors of Research and / or Professors, from outside the discipline in which the misconduct is alleged to have taken place. In a case which involves complex legal issues, the University Secretary may appoint an external lawyer or other suitably qualified person to act as adviser to the Panel.
61. The Chair of the Panel, will confirm in writing to the University Secretary that the participation by panel members involves no conflict of interest. They should seek advice from the University Secretary if they are unclear about whether any member of the Panel has a conflict of interest.
62. The University Secretary will write to the Respondent(s) and the Complainant(s) to inform them of the composition of the Panel. The Respondent(s) and Complainant(s) will be given the opportunity to raise in writing any concerns that they may have about the persons chosen to conduct the Formal Investigation. The University Secretary will decide if any concerns raised by the Respondent(s) and/or the Complainant(s) warrant the exclusion of the person(s) concerned from involvement in the Formal Investigation, recording the reasons for the decision in writing. He/she will inform the person(s) concerned and the Respondent(s) and/or the Complainant(s), as appropriate, of their decision in writing.
63. The Chair of the Panel will be responsible for the conduct of the Panel under this Procedure. The Panel does not have any disciplinary powers.
64. The University Secretary will identify suitable administrative and other support to assist the Panel. Those selected to provide such support will confirm to the University Secretary in writing that their participation involves no conflict of interest, seeking advice from the University if unsure.
65. The 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 University Secretary with their final report.
66. Both the Complainant(s) and the Respondent(s) will have the right to submit evidence to the Panel orally and in writing. In the case of the Respondent(s), this includes the right to formally respond to the allegation made against him/her and set out his/her case. Both the Complainant(s) and the Respondent(s) will have the right to be accompanied at meetings by another person if they so desire (as described in paragraph 69 & 70 below).
67. The Panel shall be free to seek confidential advice from persons with relevant expertise, both within the University and outside it.

68. The Investigation Panel will:
- (a) Interview the Complainant(s) and the Respondent(s), on more than one occasion if necessary.
 - (b) Interview any witnesses called by the Complainant(s) and the Respondent(s).
 - (c) Interview any other persons deemed relevant to the investigation.
 - (d) Inspect any paper or electronic documentation, research records or materials deemed relevant. If access to documents, records or materials is refused, the University Secretary will assist the I Panel in the disclosure of such evidence.
69. The Panel has discretion to widen the scope of the Investigation if the need for this becomes apparent. The University Secretary will be informed of such a development.
70. The Complainant(s) and Respondent(s) will be given at least 5 working days' notice in advance of their interview. Both parties may be accompanied 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.
71. This right of accompaniment is a general right and is not the right to accompaniment and/or representation by a specific individual. Where a Complainant and / or Respondent proposes to use and pay a legal professional or equivalent person with whom they have contracted with to provide support in preparation for and through attendance and advocacy at a hearing, the prior approval of the University Secretary must be obtained.
72. In the event of difficulties arising in respect of Complainant(s), Respondent (s) or witnesses attending the scheduled Panel interview, the Chair of the Panel should consult with the University Secretary to aim to find a resolution to any difficulties. This may include informing the relevant academic line manager about the Formal Investigation in order to enable duties to be prioritised to enable attendance.
73. 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 their belief that research misconduct has or may have occurred; and to answer any questions put to them by members of the Panel.
74. 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(s) with the opportunity to rebut the allegation. The quantity and quality of information provided should reflect the fact that a Respondent(s) does not have the opportunity to put direct questions to the Complainant(s). The Respondent(s) will then be interviewed. The purpose of this interview is for the Respondent(s) to present their rebuttal of the allegation.
75. 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. The Chair will determine the extent of the number of nominees from the Complainant(s) and Respondent(s)

76. 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 the Respondent(s).

H. Formal Investigation: Findings and subsequent actions

77. At the conclusion of the Formal Investigation, the Panel will conclude, giving the reasons for its decision including whether the allegation of misconduct in research is :

- (a) upheld in full; or
- (b) upheld in part; or
- (c) not upheld and dismissed as unfounded or mistaken; or
- (d) not upheld and dismissed as vexatious or malicious; or
- (e) not upheld because of a lack of intent to deceive or due to its relatively minor nature.

78. When concluding whether an allegation is upheld in full, upheld in part or not upheld, the standard of proof used by the Panel will 'on the balance of probabilities'.

79. Where the allegation is upheld in whole or part the Investigation Panel will also make recommendations to the University Secretary on any action it considers to be appropriate. These may include, but are not limited to, the following:

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

80. 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.

81. Where the allegation is dismissed, and the Panel have deemed the allegation to be vexatious or malicious, the Panel will also make recommendations to the University Secretary. These may include, but are not limited to:

- (a) Reference to the University's Disciplinary Procedure
- (b) Informing the appropriate Professional or Statutory Body
- (c) Informing relevant research collaborators.

82. Recommendations of the Panel are advisory only. Complainant (s) have the right to appeal. No action may be taken in respect of the findings until such time as any appeal has been heard.

83. Where an allegation is dismissed as being unfounded or mistaken there is no right of appeal against this decision.
84. Where an allegation is dismissed because of a lack of intent to deceive or due to its relatively minor nature the Panel can make recommendations to the University Secretary for it to be addressed through education and training or other non-disciplinary approaches, such as mediation.
85. The Panel will make a confidential written record of its investigation, including any response from the Respondent and the Complainant, and the Panel's conclusions and recommendations.
86. The Chair of the Panel will then forward the final report of the investigation to the University Secretary, together with any documentation used in the investigation.
87. The work of the Panel is then concluded and it should be disbanded, although its members may be asked by the University Secretary to clarify any points in the final report of the Formal Investigation and/or be consulted by the University Secretary regarding any subsequent actions taken under this Procedure or other University processes. Members of a disbanded Panel will not make any comment on the allegation or its investigation unless formally requested to do so by the University or they are otherwise required to do so by law. They will treat all information concerning the allegation and its investigation as confidential.
88. The University Secretary will:
 - (a) notify the Complainant(s) and the Respondent(s) in writing of the outcome of the investigation; and
 - (b) where appropriate, notify the following in writing of the outcome of the investigation: any relevant regulatory or professional bodies, any relevant partner organisations and any other persons or bodies as they deem appropriate, including but not limited to the editors of any journals which have published articles concerning research linked to an upheld allegation of misconduct in research and/or by a person against whom an allegation of misconduct in research has been upheld; and
 - (c) take any administrative actions that may be necessary to: meet all legal and ethical requirements; protect the funds and/or other interests of grant- or contract-awarding bodies; and meet all contractual commitments, including any relating to disclosure of the outcome of the Formal Investigation.
89. Where an allegation is not upheld, for whatever reason, the University Secretary will then take such steps, as are appropriate in the light of seriousness of the allegation, to sustain the reputation of the Respondent(s) and the relevant research project(s) and, provided the allegation is considered to have been made in good faith, the Complainant(s). If the case has received any publicity, the Respondent(s) shall be offered the possibility of having an official statement released to the media.
 - (a) Where a Formal Investigation has concluded that an allegation is not upheld because it is vexatious and/or malicious, the University Secretary will consider whether disciplinary proceedings should be initiated against the Complainant(s).

- (b) Where an allegation is not upheld and it has been determined that it should be addressed through education, training or another non-disciplinary approach, such as mediation, the University Secretary will work with relevant University staff to establish a programme of training or supervision in conjunction with the Respondent(s) and their line manager. This programme will include measures to address the needs of staff and students working with the Respondent(s). The use of this Procedure will then conclude at this point.
90. When an allegation of misconduct in research is upheld, the University Secretary will decide what action needs to be taken under the University's relevant disciplinary procedure and/or otherwise. In making this decision, the University Secretary will:
- (a) take into account any recommendations made by the Panel, namely any further action it would consider necessary by the University and/or other bodies to address any misconduct it has found, correct the record of research and preserve the academic reputation of the University;
 - (b) pay particular attention to any recommendations concerning research participants and any recommendations concerning allegations of misconduct, whether research misconduct or otherwise, unrelated to the allegation that was the subject of the investigation;
 - (c) confirm that any penalties for cases where research misconduct was proven would be set out in relevant disciplinary procedure that staff or students had been considered under.
91. The University Secretary will liaise, as appropriate, with relevant officers of the University and with other bodies to ensure any necessary courses of action are taken.
92. In addition, when an allegation is upheld the University Secretary will take such steps, as are appropriate in the light of seriousness of the allegation, to sustain the reputation of the Complainant(s). If the case has received any publicity the Complainant(s) shall be offered the possibility of having an official statement released to the media. Care may need to be taken, and appropriate advice sought, regarding the wording of any such statement and the timing of its release, to avoid prejudicing actions being taken by the University and/or other bodies subsequent to the allegation being upheld.
93. In carrying out any of the above actions, the University Secretary will be free to seek confidential advice from persons with relevant expertise, both within the University and outside it.

I. Appeal

94. Any party having the right of appeal under these regulations must lodge the appeal with the University Secretary within 5 working 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.
95. The grounds for appeal are limited to:
- (a) Material procedural irregularity.
 - (b) Some other material irregularity.
 - (c) Unfair treatment during the course of the enquiry or investigation.
 - (d) New research evidence.

96. On receipt of notification of appeal, the University Secretary will establish an Appeal Panel of three Senior University Managers, and will designate one of them as the Chair of the proceedings.
97. The Appeal Panel will be constituted as soon as is practicable (normally within 5 working days) and will hear the appeal within a reasonable time (normally within 15 working days). 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 University Secretary.
98. 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.
99. If the Panel accepts that there are valid grounds for appeal, the University Secretary will arrange for the appeal hearing to take place. The appellant, and any witnesses will be given at least five working days' notice of the appeal. The appellant may be accompanied in the same way as provided for at the earlier stages of the process.
100. 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 Appeal Panel will be confined solely to the grounds for appeal.
101. 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:
 - (a) Upheld.
 - (b) Modified (in which case the Panel should specify in what way).
 - (c) Rejected.
 - (d) In very exceptional circumstances the Appeal Panel could recommend that there be a new investigation.
102. At the conclusion of the appeal, the Chair of the Appeal Panel will make a report in writing to the University Secretary. This report (or any abridgement of it as agreed with the University Secretary to preserve the anonymity of the Complainant(s) 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 as a consequence of a finding of misconduct in research.

I Communication of appeal outcome

103. For all outcomes, other than where the allegation is dismissed as being unfounded or mistaken where there is no appeal against this decision, the University Secretary will issue a letter confirming that the process is now at an end. This letter will be issued immediately after the conclusion of any action taken under the appeals stage process of this procedure (whether an appeal takes place / or on the expiration of the time limit to appeal).

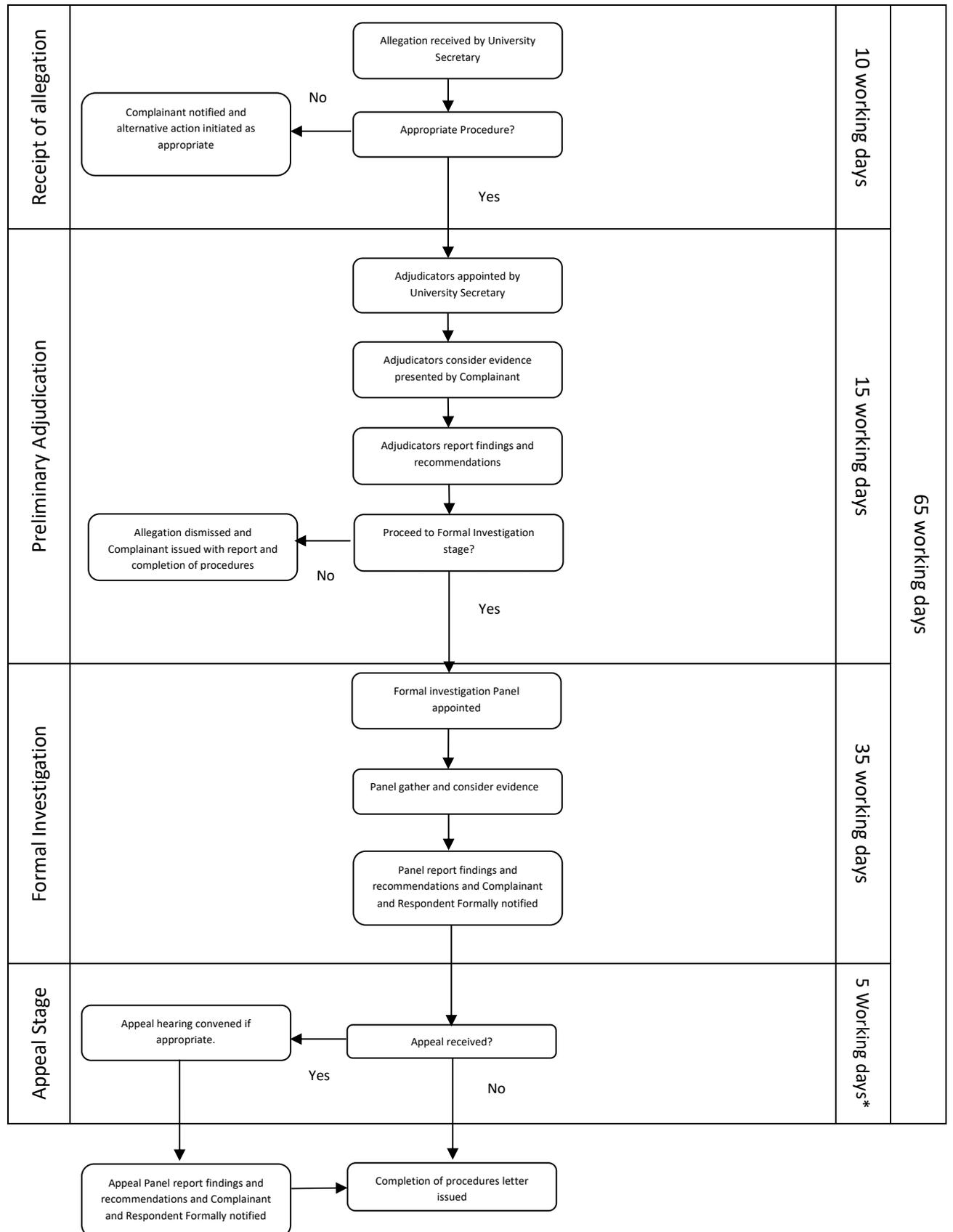
104. For allegations that have been dismissed as being unfounded or mistaken and where there is no appeal against this decision, the University Secretary will issue a formal "Completion of Procedures" letter confirming that the process is now at an end.
105. Where the completion of procedures letter is issued to a student it must also provide information concerning the potential for them to ask the Office of the Independent Adjudicator (OIA) to review the case. Information on what to include can be obtained from Governance & Legal Services.

J. Reporting to the University Committees

106. Summaries of reports generated by the Preliminary Adjudication and the Formal Investigation of allegations addressed under this Procedure will be circulated, in confidence, on an annual basis to the University's Audit Committee as part of the Annual Fraud Management report, as will summaries of follow-up reports relating to any actions taken following the conclusion of such Investigations. All such summaries will be anonymised and/or have content redacted if deemed appropriate, the decision for which will be made by the University Secretary in consultation with any other relevant officers of the University.
107. Records of investigations under this Procedure shall be held by Governance & Legal Services. In the case that an allegation is dismissed, addressed informally or referred by a Preliminary Investigation or is not upheld after a Formal Investigation, on closure of the investigation, a summary will be prepared and the original records destroyed. The summary will be retained for a period of six years. In the case that an allegation is upheld (in full or in part) after Formal Investigation, original records will be retained for a period of six years from the date of closure of the investigation under this Procedure.

Annex 1: Flowchart

High-Level Flowchart of the Procedure for investigating allegations of Research Misconduct.



*The 5 working days set out for the Appeal Stage reflects the timescale allowed for a Complainant or Respondent to submit an appeal. If an appeal is received this stage could potentially last up to 25 working days as an appeal panel will need to be convened and allowed sufficient time to conduct its investigation. The overall timescale for the investigation could therefore increase to 85 working days.

Annex 2: Glossary

- (a) **Adjudicator:** A person(s) appointed under this Procedure to conduct a Preliminary Adjudication of an allegation of misconduct in research.
- (b) **Code:** the UK Research Integrity Office Code of Practice for Research: Promoting good practice and preventing misconduct.
- (c) **Complainant(s):** the person making an allegation of misconduct in research, who need not be those identified in 10 above.
- (d) **Formal Investigation:** an inquiry to review all the relevant evidence and conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not upheld.
- (e) **Formal Investigation Panel/the Panel:** the persons appointed under this Procedure to conduct a Formal Investigation. The Panel does not have disciplinary powers, but will make recommendations regarding further action necessary to rectify any misconduct it has found and correct the record of research and to preserve the academic reputation of the University, for consideration by the appropriate University authorities.
- (f) **Governance Officer:** the officer of the University (in Governance & Legal Services) designated as having responsibility for administrative support matters related to the procedures governing allegations of Research Misconduct.
- (g) **Preliminary Adjudication:** an initial assessment of an allegation of misconduct in research to determine whether there is sufficient evidence to warrant a Formal Investigation of the allegation.
- (h) **Procedure:** the University's Procedure for the Investigation of Allegations of Misconduct in Research.
- (i) **Research:** for the purposes of this Procedure, 'research' is defined in accordance with the definition set out in the Frascati Manual (The Proposed Standard Practice for Surveys of Research and Experimental Development - 6th edition): Research and experimental development (R&D) comprises creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society and the use of this stock of knowledge to devise new applications. R&D is a term covering three activities: basic research, applied research and experimental development.
- (j) **Researcher:** any person conducting research under the auspices of the University, whether solely or in conjunction with others in the University or with other organisations, including but not limited to: a member of staff; students of the University; an independent contractor or consultant; a person with visiting or emeritus status; and a member of staff on a clinical, honorary or secondment contract.
- (k) **Respondent(s):** the person against whom an allegation of misconduct in research is made.
- (l) **The University:** Leeds Beckett University
- (m) **University Secretary:** the senior representative of the University and 'Designated Officer', to whom a whistleblowing complaint should normally be made in the first instance, in accordance with the University's Whistleblowing Policy.

Annex 3 Bibliography

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.

- (a) University of Manchester, Code of Practice for Dealing with Allegations of Misconduct in Research.
- (b) University of Glasgow, Code of Policy and Procedures for Investigation and Resolving Allegations of Misconduct in Research.
- (c) University of Leeds, Professional Integrity: Protocol for Investigating and Resolving Allegations of Misconduct in Academic Research.
- (d) University of Warwick, Code of Practice for Dealing with Allegations of Research Misconduct.
- (e) University of York, Policy & Procedure for the Investigation of an Allegation of Research Misconduct.
- (f) UK Research Integrity Office, 2009. Code of Practice for Research: Promoting good practice and preventing misconduct.
- (g) Department of Health, 2005. Research Governance Framework for Health and Social Care: Second Edition.
- (h) Research Councils UK, 2013. RCUK Policy and Guidelines on the Governance of Good Research Conduct.
- (i) UK Research Integrity Office, 2008. Procedure for the Investigation of Misconduct in Research.
- (j) Universities UK, 2012. The Concordat to support research integrity.
- (k) University of Portsmouth, 2012.
- (l) Frascati Manual (The Proposed Standard Practice for Surveys of Research and Experimental Development - 6th edition)