

PROCEDURES FOR DEALING WITH ALLEGATIONS OF MISCONDUCT IN RESEARCH

Author: The University's Research Integrity Manager, Research and Innovation Services (RIN) with the University Research Ethics Committee (UREC), working from the document updated in March 2019.

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| Version | Date | Notes |
|---------|----------|---|
| 4.2 | 29 04 20 | <p>Scheduled review. Revised to:</p> <ul style="list-style-type: none"> ➤ present that the Procedures have been produced in line with the principles of the <i>Concordat to Support Research Integrity</i> and guidance issued by the UK Research Integrity Office; ➤ describe research misconduct using the terminology in the 2019 revised <i>Concordat to Support Research Integrity</i>; ➤ include self-plagiarism as an example of research misconduct; ➤ include advice on taking informal actions; ➤ clarify the next steps: <ul style="list-style-type: none"> ○ if a UEA-related research misconduct case is being managed outside of the University; ○ if an allegation of misconduct in research does not proceed to a Formal Investigation; ○ if a personal data breach has occurred; ○ for any appeal under the University's <i>Staff Disciplinary Procedures</i>; ➤ change Executive Dean of Faculty to Faculty Pro-Vice-Chancellor. <p>To be approved by the University Research Ethics Committee and the Research Executive on 6th and 14th May 2020 resp. To be approved by Senate on 3rd June 2020.</p> |

Background

The University's *Procedures for Dealing with Allegations of Misconduct in Research* have been produced in line with the principles of the Universities UK [Concordat to Support Research Integrity](#) and guidance issued by the UK Research Integrity Office. Use of this framework to assess allegations of misconduct in research can result in a range of different outcomes.

The Procedures outline the actions to be taken when any allegation of misconduct in research is brought against any **present or past student or member of staff** of the University in respect of research undertaken while registered with or employed by the University.

The principles set out in Parts A and B will apply to allegations of misconduct in research against a **present or past student** while registered by the University, where they are **not** also a present

or past member of staff of the University. However, the actions to be taken will follow a different Procedure (Parts C - G below are NOT applicable), set out in the University’s Calendar, [Procedures for Investigating Allegations of Research Misconduct Made Against Students](#).

The number of alleged cases of research misconduct will be reported in the University’s Annual Research Integrity Report. This Report is produced to comply with the *Concordat to Support Research Integrity*, and is a requirement of Research England and the Office of Research Integrity (ORI) in the USA.

Review

These Procedures will be reviewed and updated by the University Research Ethics Committee and recommendations will be made to the Research Executive, and thereafter to Senate before 31st July 2023.

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Part A. Introduction

- A1 These Procedures outline the actions to be taken when an allegation of misconduct in research is brought against any **present or past student or member of staff** of the University in respect of research undertaken while registered with or employed by the University. Where a research breach is being managed through an alternative route external to UEA, for example failures relating to HRA ethics approvals, this can be treated as an equivalent to a UEA research misconduct review. These cases should be reported to the University's Research Integrity Manager, and in the case of students to the Head of the Postgraduate Research / Learning and Teaching Service as appropriate. No further action may be required within UEA.
- A2 Research misconduct can take many forms, including¹:
- **fabrication**: making up results, other outputs (for example, artefacts) or aspects of research, including documentation and participant consent, and presenting and/or recording them as if they were real;
 - **falsification**: inappropriately manipulating and/or selecting research processes, materials, equipment, data, imagery and/or consents;
 - **plagiarism**: using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission;
 - **failure to meet**: legal, ethical and professional obligations, for example:
 - not observing legal, ethical and other requirements for human research participants, animal subjects, or human organs or tissue used in research, or for the protection of the environment;
 - breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent;
 - misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality;
 - improper conduct in peer review of research proposals, results or manuscripts submitted for publication. This includes failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for the purposes of peer review;

¹ Using the description in the 2019 revised [Concordat to Support Research Integrity](#).

- **misrepresentation of:**
 - data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data;
 - involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution;
 - interests, including failure to declare competing interests of researchers or funders of a study;
 - qualifications, experience and/or credentials;
 - publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication;

- **improper dealing with allegations of misconduct:** failing to address possible infringements, such as attempts to cover up misconduct and reprisals against whistle-blowers, or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding. Improper dealing with allegations of misconduct includes the inappropriate censoring of parties through the use of legal instruments, such as non-disclosure agreements

It also includes, but is not restricted to, any other practices that seriously deviate from those that are commonly accepted within the academic and scientific communities for proposing, conducting or reporting research:

- self-plagiarism - the reproduction, without acknowledgement, of one's own previously written work.
- piracy - the deliberate exploitation of ideas from others without acknowledgement;
- conducting research in a manner which contravenes the terms of approval granted by the University or by other relevant bodies and accepted by the University as governing the conduct of the research in question²;
- conducting research for which the University requires there to be prior approvals whilst having failed to secure those approvals;
- mismanagement or inadequate preservation of data and / or primary materials;
- inciting others to commit research misconduct, or facilitating misconduct in research;
- impersonation.

² Research Ethics Committee, organisational Research Governance Committees, Medicines and Healthcare products Regulatory Agency (MHRA), Home Office etc.

Honest errors and differences in, for example, research methodology or interpretations do not constitute research misconduct. Minor infractions, including honest errors, particularly by less experienced researchers or where there is no evident intention to deceive, may often be addressed informally through mentoring, education and guidance.

Part B. General Principles

- B1 Researchers are encouraged to try to resolve the matter they are concerned about informally before beginning these formal Procedures. In the first instance, an informal approach should be made to the person concerned and the advice of the Head of School may be sought. If an informal resolution cannot be achieved, any formal allegation should be made following these Procedures.
- B2 An allegation of misconduct in research is a serious and potentially defamatory action. All allegations of misconduct in research will be treated seriously and fairly and their merit investigated with integrity and with sensitivity.
- B3 In all enquiries and in any action taken as a result of their outcome, due regard will be had to the need to:
- protect researchers against malicious, frivolous or ill-founded allegations of misconduct in research;
 - protect the position and reputation of those alleged to have engaged in misconduct in research when such allegations are not confirmed;
 - protect the position and reputation of those who make allegations of misconduct in research in good faith, ie. with the honest belief that misconduct in research may have occurred;
 - observe the principle of non-detriment, ie. neither the person making the allegation of misconduct in research ("the Complainant" - also refer to Section D2) nor the person against whom such an allegation is made ("the Respondent") should suffer solely as a consequence of the fact that a good faith allegation has been made;
 - protect the funds and / or other interests of the research funder(s) to meet all contractual commitments; and
 - consider the public interest, particularly where issues of health and safety, and research integrity may be relevant.
- B4 All enquiries will be conducted on the basis of confidentiality to the strictest extent possible without compromising health and safety, or any issue related to the safety

of the participants in any research, or the appropriate and thorough investigation of the allegation of misconduct in research.

- B5 The University will throughout take all reasonable measures to preserve the anonymity of the Complainant. However, there may be a balance to be struck in the application of this principle e.g. it may be impractical to undertake a detailed screening of the allegation without revealing the identity of the Complainant, and the Respondent may be unable to respond without knowing the identity of the Complainant.
- B6 The identity of the Respondent and the Complainant will not be made known to any third party unless:
- it is deemed necessary for the purpose of carrying out a full and fair investigation;
 - it is deemed, by the University, that the allegation is so serious that relevant legal or regulatory bodies should be informed so as to prevent risk or harm to staff, participants or other persons involved in the research;
 - in the event that the University is required to declare such details according to the terms of a contract or research grant; or
 - at the discretion of the Research Misconduct Panels.

Any disclosure of personal data will be made in accordance with current UK data protection law.

- B7 Whilst allegations are being investigated under this Procedure, the Respondent, Complainant, witnesses or any other persons involved in this Procedure will not make any statements about the allegations to any third party unless formally sanctioned by the University.
- B8 The University will seek to ensure that in conducting any investigations and considering any findings, information concerning the allegation and investigation is made available only to persons who have a reasonable need to receive it, in order to assist the University in reaching an informed decision in relation to the allegation and any action that may at any stage need to be taken. In making information available during an investigation, the University will make clear that whilst investigative procedures have been initiated, no conclusion has yet been reached.
- B9 The principles of natural justice will be observed, that is to say the Respondent will be fully informed about what they have to answer and will have the fullest opportunity to reply. The Respondent has the right to be accompanied by friend, colleague or representative at any stage of the proceedings.




- B10 Those making enquiries will endeavour to conduct them so as to retain the confidence of both the Complainant and the Respondent.
- B11 The standard of proof required by the University will be that of ‘the balance of probability’.
- B12 Action taken following an allegation will be proportionate, taking account of the nature of the allegation.
- B13 In certain circumstances, the University may consider it appropriate to conduct its enquiries following an allegation of misconduct in research jointly or otherwise in collaboration with other bodies or institutions. Such circumstances could include where collaborative research is being undertaken, or where research is conducted by a student in the course of their employment with another institution or body. In any such collaborative investigation, the University will satisfy itself that the joint procedure to be followed above will respect confidentiality in the spirit of Sections B4 - B8.
- B14 Any allegations of misconduct in research against a present or past student (undergraduate, postgraduate taught or postgraduate research students), where they are not also a present or past member of staff of the University, will be handled in accordance with the [Procedures for Investigating Allegations of Research Misconduct Made Against Students](#). Parts C - G below are NOT applicable.

Part C. Summary of the Stages in the Procedure

- C1 These Procedures cover the actions to be taken following the Receipt of an Allegation of misconduct in research and the three stages which may follow to deal with the allegation:
- Pre-Screening Stage
 - Screening Stage
 - Formal Investigation Stage.

Throughout the Procedure, the Chief Resource Officer (or nominee) has been designated the Responsible Person for the purposes of this Procedure who has responsibility for taking decisions at key stages of the Procedure.

C2 The key details about each of the above four stages are given below:

| STAGE | 1. Receipt of an Allegation  | 2. Pre-Screening  | 3. Screening  | 4. Formal Investigation |
|---------------------|---|--|--|---|
| PURPOSE | To address the allegation of misconduct in research. | To determine whether there is a case to answer based on the available information. | To determine whether there is <i>prima facie</i> evidence of misconduct in research. | To determine if there is evidence to substantiate the allegation of research misconduct. |
| RESPONSIBLE PERSON | Head of School (or equivalent / nominee) <u>Support:</u> School Manager | Head of School (or equivalent / nominee) <u>Support:</u> School Manager | Head of School (or equivalent / nominee) <u>Support:</u> School Manager | Registrar & Secretary (or equivalent / nominee) <u>Support:</u> Research Integrity Manager |
| COMPLETION TIMELINE | Within a maximum of 10 working days from the start of this stage. | Within a maximum of 20 working days from the start of this stage. | Within a maximum of 30 working days from the start of this stage. | Within a maximum of 80 working days from the start of this stage. This stage will commence within 30 working days of the completion of the investigation by the Screening Panel. |
| STEPS | Refer to Sections D1 - D9 for the steps in this stage. | Refer to Sections E1 - E16 for the steps in this stage. | Refer to Sections F1 - F20 for the steps in this stage. | Refer to Sections G1 - G18 for the steps in this stage. |

C3 Any allegations of misconduct in research against a **present or past member of staff** of the University in respect of research undertaken while employed by the University, and

/or while registered as a student at the University will be handled in accordance with the steps outlined in Parts D - G below.

Part D. The Procedure: Stage 1 - Receipt of an Allegation

D1 The receipt of an allegation will normally be dealt with within a **maximum of 10 working days** of the allegation being made. The Head of School should set a date for completion of this stage. Any delays should be explained to all parties in writing, and a revised completion date given.

- D2 Any allegations of misconduct in research must be made in writing by the Complainant to:
- the relevant Head of School; or
 - other equivalent senior office holder in non-School units; or
 - their nominee if the office holder is the Complainant or the Respondent or there is a real or apparent conflict of interest.

In certain circumstances, the University may nominate a Faculty Pro-Vice-Chancellor or other equivalent senior office holder to be the Complainant, e.g. where an allegation has been revealed through the work of the Research and Innovation Division.

- D3 The Complainant must provide a detailed written statement in support of the allegation before any inquiries are instigated.

- D4 On receipt of the Complainant's written statement the Head of School shall consider whether any immediate action is required, for example in the interests of:
- health and safety;
 - safeguarding evidence;
 - protecting personal data (refer to: [Data Breaches: What They Are, What To Do](#))

In case of sufficient seriousness, the Head of School may ask the Vice-Chancellor to suspend the member of staff without prejudice pending the outcome of further inquiries.

- D5 The Head of School will formally acknowledge receipt of the allegation to the Complainant and should advise them of the Procedure that will be followed, and provide the Complainant with a copy of the University's *Procedures for Dealing with Allegations of Misconduct in Research* to be used to investigate the allegation.

- D6 The Head of School will inform the Respondent that an allegation of misconduct in research has been made which involves them taking care not to disclose the identity of the Complainant³. The Head of School will inform the Respondent of this in a confidential meeting, with a HR Manager in attendance. The Respondent may be accompanied to the meeting with the Head of School, by friend, colleague or representative.
- D7 The purpose of the meeting in D6 is to notify the Respondent formally that an allegation of misconduct in research has been made against them. The Respondent will be given the opportunity to respond to the allegation and set out their case at a later stage.
- D8 The Head of School will give the Respondent a summary of the allegation in writing at the meeting, together with a copy of the University's *Procedures for Dealing with Allegations of Misconduct in Research* to be used to investigate the allegation. The Head of School will outline the Procedure to be used and the opportunities that the Respondent will have to respond to the allegation. The Head of School will also offer a timetable for the Procedure.
- D9 The Head of School will inform the Chief Resource Officer, the Pro-Vice-Chancellor for Research and Innovation, the relevant Faculty Pro-Vice-Chancellor, the HR Manager and the Research Integrity Manager of the allegation of research misconduct. Where the present or past member of staff is also or has been an undergraduate, postgraduate taught or postgraduate research student at the University, the Head of School will also inform the Head of the Learning and Teaching Service or the Head of the Postgraduate Research Service as appropriate.

Part E. The Procedure: Stage 2 - Pre-Screening

E1 The Pre-Screening Stage of the Procedure will normally be completed within a **maximum of 20 working days** from the start of this stage. The Head of School should set a date for completion of the Pre-Screening Stage. Any delays should be explained to all parties in writing, and a revised completion date given.

E2 The School Manager or equivalent / nominee will provide confidential administrative support for the Pre-Screening Stage. During the Pre-Screening Stage, all records and

³ However, there may be a balance to be struck in the application of this principle e.g. it may be impracticable to undertake a detailed screening of the allegation without revealing the identity of the Complainant, and the Respondent may not be able to respond without knowing the identity of the Complainant.

related evidence will be kept confidential. Records of any interviews will be agreed with the interviewee. The School Manager will report on the progress to the Chief Resource Officer, the Pro-Vice-Chancellor for Research and Innovation, the Research Integrity Manager, and if appropriate the Head of the Postgraduate Research / Learning and Teaching Service, on a regular (weekly) basis.

- E3 The Head of School should ensure that all relevant information and evidence are secured, so that the Panel(s) involved in any investigation conducted under this Procedure can have access to them. This may include:
- securing all relevant records, material and locations associated with the work, and
 - liaising with a HR Manager as appropriate to request:
 - the temporary barring of the Respondent from part, or all, of the premises of the University, taking into account the Respondent's responsibilities for supervision, teaching and management, and make alternative arrangements to meet these responsibilities; and / or
 - a temporary restriction be placed on the Respondent requiring them not to have contact with some or all of the staff or students of the University.
- E4 The Head of School should only take such action in E3 where there is clear risk to individuals or that evidence might be destroyed and only after careful consideration of those risks and consequences.
- E5 The reason(s) for taking any such actions should be recorded in writing by the Head of School, and communicated to all relevant parties. In taking this action, the Head of School should reassure the Respondent that it is not a part of any disciplinary action and does not indicate that the allegations are believed to be true by the University; rather it should be stressed that it is essential to ensuring that the allegation of misconduct can be properly investigated.
- E6 If appropriate, the Head of School will establish if the Respondent has any manuscripts under review, any manuscripts about to be submitted for review, and any other manuscripts in preparation.
- E7 If appropriate, the Head of School will establish if the Respondent is undertaking any activities on behalf of any research funders e.g. peer-review committees / advisory boards.
- E8 If appropriate, the Research Integrity Manager will inform the Head of School of the Respondent's current grants, pending grant applications, and grant applications in

preparation. A list of the Respondent's publications whilst employed at the University will also be produced.

- E9 The Head of School will consider whether the allegation is mistaken, frivolous, vexatious and / or malicious. If the Head of School decides that the allegation is mistaken or frivolous, then the allegation will be dismissed. If deeming the allegation to be vexatious and / or malicious the allegation will be dismissed and the Chief Resource Officer informed who may invoke appropriate disciplinary action against the Complainant.
- E10 The Head of School will consider whether the allegation falls within the areas of misconduct in research under this Procedure as detailed at A2. If the allegation is judged to fall outside those areas of misconduct in research under this Procedure as detailed at A2, the Head of School will communicate to the Complainant in writing:
- the reasons why the allegation cannot be investigated using this Procedure;
 - any alternative process for dealing with complaints which might be appropriate for handling the allegation (if any), and
 - to whom the allegation should be reported.
- E11 An allegation of misconduct in research that is assessed by the Head of School as falling within the definition of misconduct of research and does not require immediate referral to the *University's Staff Disciplinary Procedures*, as advised by the HR Manager, will proceed to the Screening Stage of the Procedure as detailed at F1. The Head of School may, if he / she sees fit, direct that the allegation proceeds immediately to the Formal Investigation Stage (refer to G1) without any Screening Stage, subject to approval by the Chief Resource Officer.
- E12 The Head of School will consider whether the allegation relates solely to research undertaken by the Respondent as a student at UEA rather than as a member of staff, in which case the Head of School will refer the allegation for further consideration under the [Procedures for Investigating Allegations of Research Misconduct Made Against Students](#), and inform the Head of the Postgraduate Research / Learning and Teaching Service as appropriate.
- E13 The Head of School will inform in writing the Respondent, Complainant, Chief Resource Officer, Pro-Vice-Chancellor for Research and Innovation, the relevant Faculty Pro-Vice-Chancellor, the HR Manager, the Head of the Postgraduate Research / Learning and Teaching Service as appropriate, and the Research Integrity Manager of the University's decision to proceed to the Screening Stage.

- E14 The Head of School will instruct the Research Integrity Manager to inform in writing the relevant research funder(s), as appropriate to meet contractual commitments, of the University's decision to proceed to the Screening Stage.
- E15 The Head of School will make a decision whether, as a precautionary measure, to suspend any of the Respondent's current research activities including:
- undertaking peer-review;
 - submitting any research grant applications;
 - appointing new research staff to the Respondent's research grants;
 - submitting any manuscripts for publication; and
 - supervising research staff / students in their research group.
- E16 At all times the Head of School will emphasise to all parties that the allegation is to be investigated, is as yet unproven and that the information is confidential.

Part F. The Procedure: Stage 3 - Screening

- F1 The Screening Stage of the Procedure will normally be completed within a **maximum of 30 working days** from the start of this stage. The Screening Panel should set a date for completion of the Screening Stage. Any delays should be explained to all parties in writing, and a revised completion date given.
- F2 The Head of School will convene a Screening Panel to determine whether there is *prima facie* evidence of misconduct in research.
- F3 The Screening Panel will consist of:
- the Head of School (Chair) and the School Director of Research or equivalent; and
 - additional expertise if the Head of School considers this to be required to undertake the evaluation.
- F4 The Head of School will appoint an alternative Screener(s) of appropriate expertise and seniority in circumstances where either Screener:
- is also the Complainant or the Respondent; or
 - considers there to be a real or apparent conflict of interest.
- F5 The Head of School will take great care to ensure that all currently available information on the case is fully and accurately presented to the Screening Panel.

- F6 The School Manager or equivalent / nominee will provide confidential administrative support for the Screening Stage. During the Screening Stage, all records and related evidence will be kept confidential. Records of any interviews will be agreed with the interviewee. The School Manager will report on the progress to the Chief Resource Officer, the Pro-Vice-Chancellor for Research and Innovation, the Research Integrity Manager, and the Head of the Postgraduate Research / Learning and Teaching Service as appropriate, on a regular (weekly) basis.
- F7 The School Manager will provide the Screening Panel with the relevant evidence collected during the Pre-Screening Stage.
- F8 The Screening Panel will consider the evidence available and, if considering that there is insufficient information to make a decision on how to proceed they will be free to seek confidential advice in writing from experts in the relevant subject both within the University and outside it, but in so doing they will at this stage make no information available which could lead to the identification of the Complainant or the Respondent when possible. If they consider it appropriate, the Screening Panel will also be free to consult in confidence with the Pro-Vice-Chancellor for Research and Innovation in the course of their evaluation.
- F9 At the conclusion of the Screening Panel's evaluation of the evidence but before finalising a written report, the Head of School will in confidence send the Screening Panel's Draft Report to the Respondent for comment on the factual accuracy of the report. The Respondent will be asked to reply **within 10 working days** of receipt of the Draft Report or otherwise agreed.
- F10 The Chair of the Screening Panel will judge the validity of the comments submitted by the Respondent and seek the agreement of the Panel before making amendments to the Panel's Draft Report.
- F11 The Screening Panel will produce a Final Report which includes a summary of the findings of the Panel, and determines whether the allegation of misconduct in research:
- a. is mistaken, frivolous, vexatious and / or malicious. If the Head of School decides that the allegation is mistaken or frivolous, then the allegation will be dismissed.
 - b. has some substance but that the matter does not warrant a Formal Investigation, in which event they will recommend what action if any is required to put the matter right in so far as is possible; or
 - c. has sufficient substance to instigate a Formal Investigation of the complaint.

- F12 The Screening Panel's Final Report will be sent by the Chair of the Screening Panel to the Chief Resource Officer, the Pro-Vice-Chancellor for Research and Innovation, the Research Integrity Manager, and the Head of the Postgraduate Research / Learning and Teaching Service as appropriate, together with any documentation used in the investigation.
- F13 The work of the Screening Panel is then completed and the Panel should be disbanded. Members of the Panel will take no part in any further investigation of the matter under this Procedure or make any comment on the continuing research misconduct investigation, unless formally sanctioned by the University or otherwise required by law. The Screening Panel should also remember that all information concerning the case was given to them in confidence. However, nothing in F13 will prevent a Panel member from presenting the Screening Panel's Final Report or findings as part of any relevant disciplinary procedures.
- F14 Any queries or requests for comment addressed to members of the Screening Panel should be referred to the Head of School.
- F15 The Chief Resource Officer will notify both the Respondent and Complainant in writing of the Screening Panel's decision, enclosing for each a summary of the Screening Panel's findings when appropriate.
- F16 If the allegation is deemed to be vexatious and / or malicious (F11a. above) the allegation will be dismissed and the Chief Resource Officer may invoke appropriate disciplinary action against the Complainant.
- F17 If the allegation is deemed to have some substance but that the matter does not warrant a Formal Investigation (F11b. above):
- the Chief Resource Officer will instruct the Research Integrity Manager to inform in writing any relevant research funder(s), as appropriate to meet contractual commitments, of the outcome of the Screening Stage; and
 - the Head of School will consider with the Chief Resource Officer the actions recommended by the Screening Panel and the Head of School will inform the Respondent of their agreed actions.
- F18 If the allegation is deemed to have sufficient substance to instigate a Formal Investigation of the complaint (F11c. above), then for present or past staff where misconduct in research is substantiated in relation to their **STUDENT** status: action

should be considered as in paragraph 6.3 of the [Procedures for Investigating Allegations of Research Misconduct Made Against Students](#).

- F19 If the allegation is deemed to have sufficient substance to instigate a Formal Investigation of the complaint (F11c. above), then for present or past staff where misconduct in research is substantiated in relation to their **STAFF** status: the Chief Resource Officer will take immediate steps to set up a Formal Investigation.
- F20 The Chief Resource Officer will:
- report to the Senate and the Council that a Formal Investigation will be initiated but without disclosing the name of the Respondent or Complainant;
 - instruct the Research Integrity Manager to inform in writing any relevant research funder(s), as appropriate to meet contractual commitments, that a Formal Investigation will be initiated; and
 - consider with the Pro-Vice-Chancellor for Research and Innovation whether, without prejudice to the proper conduct of the Formal Investigation, any other action should be taken at this stage pending the outcome of the Formal Investigation and if so to instigate such action.

Part G. The Procedure: Stage 4 - Formal Investigation

- G1 The Formal Investigation Stage will commence **within 30 working days** of the completion of the investigation by the Screening Panel and will normally be completed within a **maximum of 80 working days** from the start of this stage. The Investigating Panel should set a date for completion of the Investigation Stage. Any delays should be explained to all parties in writing, and a revised completion date given.
- G2 The Chief Resource Officer will appoint an Investigating Panel to further investigate the allegation and any other issues as set out in the Screening Panel's Final Report.
- G3 The Investigating Panel will consist of three impartial investigators with appropriate expertise and seniority, at least one of whom will be from outside the University. Each will be asked to confirm in writing that their appointment involves no conflict of interest. The Chair will be allocated by the Chief Resource Officer and will usually be given to an internal member of staff. Members of the Screening Panel are excluded from serving on the Investigating Panel.

- G4 The Research Integrity Manager will provide confidential secretarial support for the Investigating Panel. During the investigation, all records and related evidence will be kept confidential by the Panel. Records of any interviews will be agreed with the interviewee. The Investigating Panel Secretary will report on the progress made by the Panel to the Chief Resource Officer, and the Pro-Vice-Chancellor for Research and Innovation on a regular (monthly) basis.
- G5 The aim of the Investigating Panel will be to ensure that justice is both done and seen to be done. Within the Procedure, the Panel will be free to determine its own detailed approach to the conduct of the investigation and its scope.
- G6 The Investigating Panel Secretary will provide the Panel with the relevant evidence collected during the Screening Panel's investigation.
- G7 The Investigating Panel will hold a Formal Hearing with the Respondent to receive their response to the allegations made. The Complainant and other individuals may be invited to the Hearing to provide evidence when the Investigating Panel consider that it may have relevance to the investigation.
- G8 The Investigating Panel will review all the evidence and conclude whether the allegation of misconduct in research is:
a. upheld in full;
b. upheld in part; or
c. not upheld.
- G9 At the conclusion of the Investigating Panel's investigation but before finalising a written report, the Investigating Panel's Secretary will in confidence send the Investigating Panel's Draft Report to the Respondent for comment on the factual accuracy of the report. The Respondent will be asked to reply **within 10 working days** of receipt of the Draft Report or otherwise agreed.
- G10 The Chair of the Investigating Panel will judge the validity of the comments submitted by the Respondent and seek the agreement of the Investigating Panel before making amendments to the Panel's Draft Report.
- G11 After any appropriate amendments have been made to the Investigating Panel's Draft Report following the response from the Respondent, the Investigating Panel's Secretary will in confidence send the appropriate portions of the Draft Report which address the Complainant's role and opinions in the investigation, to the Complainant

for comment on the factual accuracy of the report. The Complainant will be asked to reply **within 10 working days** of receipt of the Draft Report or otherwise agreed.

G12 The Chair of the Investigating Panel will judge the validity of the comments submitted by the Complainant and seek the agreement of the Investigating Panel before making amendments to the Panel's Draft Report.

G13 The Investigating Panel will produce a Final Report that:

- summarises the conduct of the investigation;
- states whether the allegation of misconduct in research has been upheld (in whole or in part) or not upheld, giving the reason for its decision and recording any differing views;
- states whether the allegation of misconduct in research if upheld (in whole or in part) relate to the Respondent's student status, if the Respondent was a member of staff and a student during the period of the allegation being investigated; and
- makes recommendations in terms of any action that it considers should be taken by:
 - a. the University in relation to the allegation of misconduct in research which it has investigated, and
 - b. any matters relating to any other misconduct identified during the investigation.

G14 In addition, the Investigating Panel may make recommendations with respect to whether:

- any action will be required to correct the record of research, e.g. the retraction / correction of articles in journals;
- other organisations involved in the research should be notified;
- appropriate professional body(ies) and the editors of all journals in which the Respondent has published articles should be informed;
- organisational matters should be addressed by the University through a review of the internal management of research and / or training;
- any best practise in research should be addressed by the University through the appointment of a mentor for the Respondent;
- a note of the outcome of the investigation should be added to the Respondent's file for any future requests for reference; and
- there are other matters that should be investigated.

G15 The Investigating Panel's Final Report will be sent by the Investigating Panel's Secretary to the Chief Resource Officer, the Pro-Vice-Chancellor for Research and Innovation, and the Head of School together with any documentation used in the investigation,

including a copy of any written comments which were received as a result of the process described in G9 and G11.

- G16 The work of the Investigating Panel is then completed and the Panel should be disbanded. As the matter may then give rise to disciplinary or other action, members of the disbanded Investigating Panel should not make any comment on the matter in question, unless formally sanctioned by the University or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence. However, nothing in G16 will prevent a Panel member from presenting the Investigating Panel's Final Report or findings as part of any relevant disciplinary procedures.
- G17 Any queries or requests for comment addressed to members of the Investigating Panel should be referred to the Chief Resource Officer.
- G18 The Chief Resource Officer will:
- notify the Respondent and Complainant in writing of the outcome of the Formal Investigation, enclosing a summary of the Investigating Panel's findings or the Investigating Panel's Final Report when appropriate;
 - instruct the Research Integrity Manager to inform in writing any relevant research funder(s), as appropriate to meet contractual commitments, of the outcome of the Formal Investigation; and
 - inform Senate / Council in writing the outcome of the Formal Investigation and shall consider in doing so whether the report to these bodies should be made with or without identification of the Respondent (the Complainant remaining anonymous). If the allegation has been dismissed, the Chief Resource Officer will ensure that the Respondent is given the option of requesting that the report of the case to the Senate / Council shall be only that the allegation has been dismissed and shall not identify the Respondent.

Part H. Next Steps

- H1 For present or past staff where misconduct in research is substantiated in relation to their **STUDENT** status: action will be considered as in paragraph 2.5 of the *Procedures for Investigating Allegations of Research Misconduct Made Against Students*.
- H2 For present or past staff where misconduct in research is substantiated in relation to their **STAFF** status: the Chief Resource Officer, in consultation with the Head of School,

will decide what action needs to be taken either under the University's Staff [Disciplinary Procedures](#) or otherwise.

- H3 Should the allegation proceed to staff disciplinary procedures, all the information collected and brought to light through the Procedure will be made available by the Investigating Panel Secretary to the Disciplinary Panel. The Chair of the Investigating Panel (or nominee) may be required to present the findings of the Investigation Panel to the Disciplinary Panel.
- H4 In all cases of formal disciplinary action, the member of staff has a right to appeal against any sanction imposed under the University's Staff [Disciplinary Procedures](#).
- H5 The Chief Resource Officer will instruct the Research Integrity Manager to inform in writing any relevant research funder(s), as appropriate to meet contractual commitments, the outcome of the University's Staff [Disciplinary Procedures](#).
- H6 Should the allegation of misconduct in research be dismissed, all reasonable steps will be taken to preserve the position and reputation of the Respondent and provided the allegation is considered to have been made in good faith, that of the Complainant also. If the allegation has been found to be vexatious and / or malicious, then the appropriate disciplinary action may be invoked by the Chief Resource Officer against the Complainant. If the case has received any publicity, the Respondent will be offered the possibility of having an official statement released to the media.

Part I. Record Retention and Reporting

- I1 All documentation regarding the allegation, regardless of whether the allegation resulted in an investigation or not, will be retained in confidence for a period of six years since the last action on the case by the Research and Innovation Services. Access to the documentation will be limited to the Research Integrity Manager and the Head of Research in the Research and Innovation Services in the first instance.
- I2 The Research and Innovation Service is responsible for producing an annual report on Research Integrity, and a summary of the Report is published on the University's website. This Report includes data on the number of allegations of research misconduct, and is a requirement of Research England, and the Office of Research Integrity in the USA. The University is committed to ensuring all research is conducted in compliance with its [Guidelines on Good Practice in Research](#) and with the policies of the funders of research and innovation as appropriate.