

Research Misconduct Policy Annexe

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Purpose	To provide a procedural framework for investigating allegations of research misconduct relating to research conducted under the auspices of the University.

Version number **Purpose / changes** **Document**

7. Any persons considering making a formal allegation should read the Policy and this procedure in full.
8. This procedure asks persons to make any allegations in their own name. Allegations which are anonymous or where there is no specific Complainant (for example, allegations raised in the public domain arising from unknown sources) will only be considered at the discretion of the

Complainant in writing as to: the reasons why the allegation cannot be investigated using this

- ii. Research conducted under the auspices of another organisation by a Respondent who is currently employed by the University: where the University has received such an allegation of research misconduct (e.g. where publications are affiliated with the other organisation), the Vice-Principal (Research and Innovation) will contact the equivalent post at the other organisation at the commencement of a Preliminary Investigation. Employees of that organisation may be invited to be involved in the investigation of the allegation.
- iii. Research conducted under the auspices of the University by a Respondent who is current employer if they have not been already. Where another organisation has received such an allegation of research misconduct (including where publications are affiliated with the University) every reasonable effort will be made by the University to comply with the requests of the investigation, e.g. by providing material and/or data.
- iv. Research conducted with the involvement of United States Public Health Service funds, Statement on Dealing with Allegations of Research Misconduct Under United States Public Health Service (USPHS) Research related Activities for Foreign Institutions³.

17. The above actions should take place as soon as is practicable upon receipt of an allegation, normally within ten working days, provided this does not compromise the Principles of the Policy and the full and fair investigation of the allegation. Any delays to this timescale will be explained to the Complainant in writing, presenting an estimated revised date of completion.

Preliminary Investigation

18. The following will be informed, at different points and to different levels of detail, of the existence and/or outcome of a Preliminary Investigation (further individuals, including the Principal, may be notified at the discretion of the Vice-Principal (Research and Innovation)): the Complainant; each Respondent individually; for staff Respondents, the Head of School and the

s Director of Teaching; and in cases where appropriate contractual/legal obligations exist, external bodies.

19. The purpose of the Preliminary Investigation is to:

- i. determine whether there is sufficient evidence of research misconduct and sufficient grounds to believe that the misconduct may have been a result of intention and/or recklessness and/or gross negligence to warrant a Formal Investigation of the allegation; and
- ii. make recommendations, for consideration by the appropriate University authorities, regarding any further action necessary by the University and/or other bodies.

20. The Vice-Principal (Research and Innovation) will appoint an Investigator. The Investigator will not make any comment on the allegation or its Investigation unless formally requested by the University or otherwise required to by law. They will treat all information concerning the allegation and its Investigation as confidential. This will happen as soon as is practicable after the decision to undertake a Preliminary Investigation has been made, normally within ten working days. Any delays to this timescale will be explained to the Complainant and Respondent in writing, presenting an estimated revised date of completion. The Investigator will be:

- i. normally - the Head of, or a senior member of staff from, a different but cognate School to that (or those, if multiple Schools) in which the misconduct is alleged to have

occurred, who is not personally associated with the work to which the allegation relates or has any conflict of interest;

- ii. in cases where the Vice-Principal (Research and Innovation) considers it appropriate, for example for a particularly complex allegation, a Preliminary Investigation Panel appointed by the Vice-Principal (Research and Innovation), in accordance with the following:
 - a. The Preliminary Investigation Panel will normally consist of three persons drawn
 - b. The Vice-Principal (Research and Innovation) may choose to appoint one or more members of the Preliminary Investigation Panel from outside the University.
 - c. The Vice-Principal (Research and Innovation) will select one of the members of the Preliminary Investigation Panel to be its Chair.
 - d. When appointed, a Preliminary Investigation Panel will take on the role of the Investigator as regards the conduct of the Preliminary Investigation, and its members will be responsible for fulfilling all the duties allocated to that role by this procedure.

21. The Investigator will make a written declaration of conflicts of interest to the Vice-Principal (Research and Innovation). The Vice-Principal (Research and Innovation) will give the Respondent and Complainant the opportunity to raise in writing any concerns that they may have about the persons chosen to act as Investigator. Any such conflicts of interest or concerns will be considered by the Vice-Principal (Research and Innovation), who will decide whether they warrant the exclusion of any individual from the procedure. The Vice-Principal

with the Respondent and their line manager. This programme may include measures to address the needs of staff and/or students working with the Respondent. The use of this procedure will then conclude at this point.

31. The Investigator will normally aim to complete the Preliminary Investigation within 30 working days following instruction from the Vice-Principal (Research and Innovation), provided this does not compromise the Principles of the Policy and the full and fair investigation of the

42. The Panel may also make recommendations, for consideration by the appropriate University authorities, regarding any further action necessary by the University and/or other bodies. Such recommendations might include but are not limited to:
- i. whether the allegation should be referred to another University process or the
 - ii. what external organisations should be informed of the findings of the Investigation, with appropriate confidentiality, including but not limited to statutory regulators, relevant funding bodies, partner organisations and professional bodies; and/or
 - iii. whether any action will be required to correct the record of research, including but not limited to informing the editors of any journals that have published articles concerning research linked to the allegation of research misconduct and/or by a person against whom the allegation was made; and/or
 - iv. whether procedural or organisational matters should be addressed by the University or other relevant bodies through a review of the management of research; and/or
 - v. informing research participants or patients or their doctors; and/or
 - vi. other matters that should be investigated, including allegations of research misconduct which are either unrelated to the allegation in question or alleged to have been committed by persons other than the Respondent and/or other forms of alleged misconduct.
43. The Panel will produce a draft written report of its Investigation, stating its conclusions and recommendations and appending all the documentation and evidence. The Panel will make the draft report available to the Vice-Principal (Research and Innovation), who will then forward it to the Respondent and Complainant for comment on its factual accuracy. To protect confidentiality, the Vice-Principal (Research and Innovation) may redact any of the contents of the draft report that they deem to be sufficiently confidential and/or personally sensitive, meaning that the Respondent and Complainant may receive a non-equivalent version of the report. The Respondent and Complainant should submit any concerns about errors of fact to the Panel in writing. The Panel will decide whether any concerns about errors of fact raised by the Respondent and/or the Complainant warrant the revision of the draft report and inform the Respondent and/or the Complainant, as appropriate, of its decision in writing.
44. The Panel will then forward the final report and appendices to the Vice-Principal (Research and Innovation). The work of the Panel is then concluded and it should be disbanded, although its members may be: asked by the Vice-Principal (Research and Innovation) to clarify any points in the final report of the Formal Investigation; asked to attend by any subsequent Formal Investigation and/or disciplinary procedure, including being asked to clarify any points in the final report of the Formal Investigation; and/or consulted by the Vice-Principal (Research and Innovation) regarding any subsequent actions taken under this procedure or other University processes.

Subsequent actions

45. The Vice-Principal (Research and Innovation) will consider the final report of the Formal Investigation and potential subsequent actions and in the following situations, will involve the following individuals in those considerations: if staff of the University are involved, the Master and Director of HR; if students of the University are involved, the Proctor or Provost, and Registrar (as appropriate); if individuals are involved who are neither staff nor students of the University, the Principal.
46. If the Panel has concluded that the alleged act of research misconduct occurred (detailing the nature and extent of the misconduct) and that there are sufficient grounds to believe that the misconduct may have been a result of intention and/or recklessness and/or gross negligence, the Vice-Principal (Research and Innovation) will:

53. In line with the University Disciplinary procedure, an Investigation Manager will be appointed to undertake an investigation in accordance with the relevant provisions of the Disciplinary procedure. The Investigation Manager will take the report of the Formal Investigation Panel as expert evidence and ascertain any responsibility for the acts of misconduct that the Panel

