

# Research Misconduct

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## Procedure

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# Research Misconduct Procedure

## 1. Introduction

UCEM is committed to excellent research supported by the Code of Practice chapter on Research which promotes good conduct at all stages in the research process and research of the highest quality. At UCEM, research integrity is overseen by the Associate Dean (Research) and the Research Ethics Panel which is a subcommittee of UCEM's Research Committee.

This document sets out the procedures for the investigation of research misconduct. The Procedure recognises that the investigation of research misconduct can be complex and seeks to ensure that the procedure allows for UCEM's responsibilities to be effectively discharged whilst investigating allegations sensitively and fairly.

UCEM is committed to acting in accordance with the provisions of The Concordat to Support Research Integrity and as such is committed to:

- Upholding the highest standards of rigour and integrity in all aspects of research.
- Ensuring that research is conducted according to appropriate ethical, legal and professional frameworks, obligations and standards.
- Supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice, and support for the development of researchers.
- Using transparent, timely, robust and fair processes to deal with allegations of research misconduct should they arise.
- Working together to strengthen the integrity of research and to review progress regularly and openly.

## 2. Definition of research misconduct

The definition of research misconduct used throughout this Procedure has been taken from the Concordat to support Research Integrity <sup>1</sup>, namely: *'research misconduct is characterised as behaviours or actions that fall short of the standards of ethics, research and scholarship required to ensure that the integrity of research is upheld. It can cause harm to people and the environment, wastes resources, undermines the research record and damages the credibility of research. The Concordat recognises that academic freedom is fundamental to the production of excellent research. This means that responsibility for ensuring that no misconduct occurs rests primarily with individual researchers.'*

Thus, research misconduct includes:

- a. 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.
- b. falsification: inappropriately manipulating and/or selecting research processes, materials, equipment, data, imagery and/or consents.

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<sup>1</sup> UKRIO (2019) The Concordat to Support Research Integrity. Available at [The Concordat to Support Research Integrity \(universitiesuk.ac.uk\)](https://www.universitiesuk.ac.uk/research-integrity)

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- c. plagiarism: using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission.
- d. failure to meet legal, ethical and professional obligations, for example:
  - I. 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;
  - II. breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent;
  - III. misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality;
  - IV. 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;
  - V. failure to follow protocols contained in ethics approvals and unethical behaviour in the conduct of research;
  - VI. failure to obtain appropriate permission to conduct research with ethical implications.
- e. misrepresentation of:
  - I. research findings and data, including suppression of results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data;
  - II. the ideas or the work of others, whether or not for personal gain or enhancement;
  - III. involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution;
  - IV. interests, including failure to declare competing interests of researchers or funders of a study or any other conflict of interest that may appear to compromise or appear to compromise the integrity of research findings;
  - V. qualifications, experience and/or credentials;
  - VI. publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication.
- f. Deliberately attempting to deceive when making a research proposal.
- g. 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.

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- h. inciting others to commit research misconduct or facilitation of research misconduct through concealment.
- i. submitting a vexatious accusation of research misconduct.

## 3. Scope of procedure

This Procedure applies to any person (including but not limited to, staff, postgraduate researchers (PGR), visiting researchers/students, independent contractors/ consultants, honorary appointments and emeritus roles) conducting research on behalf of UCEM. The procedure can be used to investigate research that has been previously carried out regardless of whether the student or member of staff (including honorary contracts) has left UCEM.

UCEM will also ensure that arrangements are in place for collaboration with other organisations over investigations where appropriate. This could include where an individual has moved during research or where respondents are based at more than one institution or are on honorary contracts. Appendix D provides further information including on investigations across national boundaries.

The Procedure will normally apply to PGR students but alleged misconduct in research relating specifically to the assessed element of a research degree i.e., to a thesis which has been submitted for examination may be investigated under UCEM's examination regulations. However, at the discretion of UCEM related allegations of misconduct in research may be dealt with under this procedure.

This Procedure does not apply to any allegation of research misconduct for students on assessment leading to a taught award if the alleged misconduct is specifically related to an assessment element (i.e. thesis): instead, the [Student Academic Misconduct Procedure](#) will apply.

Financial fraud or other misuses of research funds or research equipment may be addressed by Executive Director of Finance as a financial fraud investigation, instead of under this Procedure.

Where there are allegations of research misconduct that include allegations of harassment UCEM will determine whether these are investigated under this Procedure or instead via UCEM's student or staff disciplinary procedures.

## 4. Standards for the conduct of this procedure

1. Those implementing the Procedure must ensure that they are familiar with the Procedure and with the Principles set out in Appendix A.
2. Those conducting and supporting the procedure should endeavour to retain confidentiality of both the Complainant and Respondent and ensure investigations are completed in a timely manner in line with the timescales set out in the Procedure.
3. In the event a counter-allegation of research misconduct is made it should be investigated as a separate case under this Procedure.
4. Where a Complainant, Respondent or other person involved in the investigation identifies difficulties due to a disability, the Associate Dean (Research) should ensure that reasonable adjustments are put in place to allow them to fully participate in the Procedure.
5. Research misconduct allegations are difficult for all parties. UCEM should consider how best to support all parties in terms of their health and wellbeing.

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6. Reports produced as part of this Procedure may be used as evidence in subsequent investigation, for example where the matter is referred to other UCEM procedures.
7. To facilitate full and fair investigations those persons conducting and supporting investigations shall be free to seek confidential advice. They should however anonymise information that relates directly to the Complainant, Respondent and others involved.
8. Confidential records will be maintained at all stages of the investigation and will be kept in line with the Retention and Destruction Schedule.

### 5. Making an allegation

It is an expectation of anyone connected with UCEM research (including staff and students) that they report research misconduct where they believe it is occurring. It is understood that it is not easy to make an allegation and UCEM therefore seeks to make the process as simple as possible. If required before making a formal allegation confidential advice can be sought from the Associate Dean (Research). Anyone making an allegation in good faith will not be penalised in any way. UCEM also reserves the right to investigate any allegations or suspicions of research misconduct that may otherwise have been made known to UCEM.

Formal allegations should be made in writing and sent to the Associate Dean (Research) along with any supporting evidence. It is normally expected that the person making the allegation will be named but there are instances where an anonymous allegation will be accepted. The person making the allegation will be provided with a copy of this Procedure and asked to specify the type of research misconduct that they believe has occurred. The allegation will be logged by the Secretary of the Research Ethics Panel and a written acknowledgement provided.

If an allegation of research misconduct is made under [UCEM's Whistleblowing Policy](#) it will be investigated under this Research Misconduct Procedure.

If the allegation is linked in any way to the Associate Dean (Research) or there is a perceived or actual conflict of interest, the allegation should be sent to the Vice Principal - Education who will either conduct the investigation instead of the Associate Dean (Research) or appoint a senior member of the Education Team such as a Dean to fulfil the role.

For the purposes of this Procedure the 'Complainant' is the person making an allegation of research misconduct. The 'Respondent' is the person against whom an allegation has been made. Within this Procedure 'Complainant' or 'Respondent' should be read as singular or plural as appropriate as there may be instances where there is more than one Complainant or Respondent.

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## 6. Stage 1- Receipt and initial assessment of allegations

### 6.1 Procedure

The Associate Dean (Research), or a deputy in their absence, will make an initial assessment of the allegation. This will normally be completed within 10 working days of receipt of the written allegation. The initial assessment will determine whether the allegation can be investigated under this Procedure or whether it should be referred to a different procedure. Any allegation of research misconduct for students on assessment leading to academic credit should be referred to the [Student Academic Misconduct Procedure](#). Initial assessment will also consider whether the allegation is a mistake, vexatious or the matter falls outside of UCEM's definition of research misconduct, or alternatively whether the matter is of such a nature that it will be necessary to notify legal or regulatory parties and allow that investigation to be first carried out by the legal or regulatory body before proceeding.

When assessing the allegation an assessment will be made as to whether immediate action is required to prevent further harm to staff, research participants, animals or negative environmental consequences. If so the Associate Dean (Research) will take appropriate immediate actions including notifying any external regulatory agencies.

If the allegation is to proceed to the next stage of this Procedure the Associate Dean (Research) will ensure that they have collated all relevant evidence relating to the allegation. If UCEM is not the Respondent's primary employer, the Associate Dean (Research) will contact the Respondent's primary employer and inform them of the allegations made. It is usually the responsibility of the Primary Employer to conduct the investigation in line with their internal procedures. Where there is more than one Respondent with different primary employers a discussion should take place around who will take responsibility for leading the investigation of the allegations. The Associate Dean (Research) will also check if there are any stipulations requiring disclosure of the allegation of research misconduct, for example to regulatory or funding bodies.

If the allegation is determined as appropriate to be progressed under this Procedure the person making the allegation, to be known as the 'Complainant' for the purposes of this Procedure, will be updated on the next stages.

If it is determined that the allegation falls outside of this Procedure or warrants referral to another process (i.e., academic misconduct, financial fraud) the Complainant will be notified in writing of the reasons why and any alternative process for dealing with the allegation.

### 6.2 Possible outcomes

At the conclusion of the Receipt of Allegations stage, the Associate Dean (Research) will determine whether the allegation of misconduct in research (it may be the case that more than one course of action needs to be followed):

- a. falls under the definition of research misconduct and the scope of the Procedure and should advance to the Initial Investigation Stage of this Procedure;
- b. falls within the scope of another formal process of the Organisation and warrants referral directly to it, including but not limited to examination regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary process; or
- c. warrants referral directly to an external organisation, including but not limited to the research organisation(s) under whose auspices the research in question took place; statutory regulators; or professional bodies, or

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d. presents as being related to potential poor practice rather than to misconduct (see Appendix E for definition), and therefore the initial approach to addressing the matter will be via informal measures, such as education and training, mediation or other non-disciplinary approach, rather than through the next stage of the Procedure or other formal processes; or

e. should be dismissed because it does not fall under the remit of the Procedure and does not need to be referred elsewhere.

## 7. Stage 2 – Screening

Stage 2 is to undertake screening of the allegation which is to determine whether there is at first sight sufficient evidence of misconduct in research to warrant progressing the case to Stage 3 formal investigation. There may be instances where the allegation is sufficiently serious in nature to progress straight to Stage 3 formal investigation.

### 7.1 Procedure

To undertake the screening stage the Associate Dean (Research) will appoint a Screening Panel which will consist of three senior members of the Education Department not responsible for the line management and/or supervision/mentor of the Respondent. Members of the Screening Panel should be asked to declare any conflicts of interest and should confirm that they are aware of the processes set out within this Procedure. From the three panelists, they should identify a Chair.

The Associate Dean (Research) will notify the Respondent in writing that:

- An allegation of research misconduct has been made against them and then provide a summary of the allegation.
- It will be investigated under Stage 2 of this Procedure by a Screening Panel and provide the names of the Screening Panel appointed.
- They will have the opportunity to respond to the allegation.

The identity of the Complainant is normally kept confidential at this stage. If there is more than one Respondent at this stage the Associate Dean (Research) will notify each individually and will not disclose the details of the other Respondents.

The Associate Dean (Research) when writing to both the Complainant and Respondent will notify them of the names of the Screening Panel and invite them to raise any conflicts of interest. Should concerns be raised the Associate Dean (Research) should review the membership to see whether it should be changed.

The Screening Panel members will be provided in confidence with the following information:

- The identity of the Complainant and the Respondent.
- Details of the allegation made.
- Details of any research funding (where known and if applicable) and all internal and external collaborators for the research in question (where known and if applicable).

The Respondent will be provided with the documentation being considered by the Screening Panel. This information will not be shared with the Complainant.

The Respondent will be given the opportunity to respond formally to the allegation by providing evidence in writing and in person (either as a face-to-face meeting or via online meeting). The Screening Panel should interview the Respondent and may interview others as appropriate (including the Complainant). It should be made clear to the Respondent and Complainant that they can be supported at a meeting by a colleague or union representative

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or for PGR students by a friend or family member but that they need to notify the Screening Panel Chair no later than five days prior to the meeting.

If the Respondent has left UCEM, UCEM reserves the right to continue with the screening panel without a response or attendance by the Respondent as long as the Respondent has been provided with sufficient opportunity to respond and engage.

The Screening Panel will review all available evidence including the information provided by the Respondent and Complainant and any other people interviewed. A written record of the discussions held, the evidence considered, and conclusions reached should be maintained by the Secretary.

The Stage 2 investigation by the Screening Panel will normally be concluded within 30 working days from the point at which the Screen Panel was convened by the Associate Dean (Research) provided this does not compromise the full and fair investigation of the allegation. Any delays will be clearly communicated and explained to the Complainant and Respondents.

### 7.2 Outcome

At the end of Stage 2 Screening the Panel will determine whether the allegations of research misconduct were deemed:

- To be mistaken, vexatious and/or malicious. In which case it will be dismissed, and a decision will be made in the event that the allegation was vexatious or malicious as to whether further action should be taken against the Complainant. The Associate Dean (Research) will then take such steps as appropriate in light of the seriousness of the allegations to sustain the reputation of the Respondent and the relevant research projects.
- To have some substance but is either considered minor or without motivation to deceive and therefore would be best addressed with a warning and a referral to further training or informal resolution see Appendix B. The Associate Dean (Research) will take steps in conjunction with the Respondents line manager as appropriate to put in place an appropriate programme of training or supervision as appropriate.
- To require referral to UCEM's disciplinary procedure or other internal process. The Associate Dean (Research) will refer the case to UCEM's disciplinary procedure or other internal process.
- Warrants referral directly to an external organisation. The Associate Dean (Research) will refer to appropriate external organisations.
- To be sufficiently serious and of sufficient substance to justify formal investigation at Stage 3. The Associate Dean (Research) will take steps in a timely manner to set up an investigation panel.

If there is more than one Respondent they will be individually provided with their outcome. The outcomes may vary by Respondent and will be based on the information considered by the Screening Panel. Each outcome will be provided confidentially to the Respondent and the Respondent will not be notified of the outcomes of the other Respondents.

The Chair of the Screening Panel will write a formal written report confirming the outcome which will be shared with the Complainant and Respondent to check factual accuracy before the final report is shared with the Complainant, Respondent and Associate Dean (Research). If the Complainant has not participated in the Screen Hearing the Chair will determine whether they should be provided with a copy of the formal written report. Following this the Screening Panel will be disbanded and will not be involved in any Stage 3 investigation unless they are called upon to provide clarification.

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Any resulting actions from this stage of the Procedure will be the responsibility of Associate Dean (Research) to ensure that they are carried out.

## 8. Stage 3 – Formal investigation

Allegations that are deemed sufficiently serious or of sufficient substance will progress to Stage 3 formal investigation. In this instance an Investigation Panel will be convened to investigate the allegations in detail. The Associate Dean (Research) will notify the Complainant and Respondent in writing that a formal investigation is commencing. The Associate Dean (Research) will also notify the Vice Principal Education and Director of HR.

### 8.1 Procedure

The Associate Dean (Research) will convene a panel to investigate which will consist of at least three members of senior academic staff including at least one member who is external to UCEM, and two members shall be academic specialists in the general area within which the research misconduct has been alleged, or for highly specialist areas, one member. The Associate Dean (Research) will appoint one of the members to chair the panel. A representative from HR should be appointed by the Director of HR to advise on the process and to attend all panel meetings. Where the Respondent is employed by another HEI it may be appropriate to include representation from the employing institution, but they are not counted as a member of the panel. The investigation panel should not include any members of the Stage 2 Screening Panel. Members of the panel will be invited to raise any conflicts of interest.

The Associate Dean (Research) when writing to both the Complainant and Respondent will notify them of the names of the investigation panel and invite them to raise any conflicts of interest. Should concerns be raised the Associate Dean (Research) should review the membership to see whether it should be changed.

The investigation panel's role is to examine the evidence collected during the Stage 2 Screening Panel and carry out further investigation as required. The panel secretary for the Research Ethics Panel will act as secretary and provide administrative support to the panel.

Each panel member will be provided with:

- A copy of this Procedure.
- Details of the allegations raised.
- A copy of the report and outcome of the Stage 2 screening panel.
- Names and contact details of the Complainant and Respondent.
- A summary of the previous correspondence to the Complaint and Respondent.
- A copy of any additional evidence provided by the Complainant and Respondent.
- A summary of any evidence secured by the Associate Dean (Research) during the receipt of allegations stage or during the initial assessment.

A formal panel hearing should be convened as soon as possible. Prior to the hearing the Complainant and Respondent will be invited to submit further evidence, which should be submitted no later than five days prior to the hearing. It should be made clear to the Respondent and Complainant that they can be supported at a meeting by a colleague or union representative or for PGR students by a friend or family member but that they need to notify the Investigation Panel Chair no later than five days prior to the meeting.

The investigating panel hearing will take place in accordance with the following:

- The Investigation Panel will convene for a private panel meeting to discuss the documentation received and the format of the Investigation Panel meeting.

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- The Respondent and their representative (if applicable) will be invited to join the meeting and introductions will be made.
- The Chair of the Investigating panel will introduce the meeting outlining the purpose of the meeting and the order of proceeding including a reminder of the requirement for confidentiality.
- The Chair will outline the allegations made, the documentation received and whether any witnesses will be called as part of the meeting (this could include the Complainant).
- The Respondent is provided with an opportunity to respond to the allegations made referring to the documentation as appropriate. The representative accompanying the Respondent may also respond to the allegations made.
- Members of the Investigation Panel are provided with the opportunity to ask questions and seek clarification.
- The Chair will then call any witnesses who are questioned by the Investigation Panel or Respondent or their representative, after which they will leave the meeting.
- The Respondent is invited to present a closing statement.
- The Respondent and their representative will leave the meeting.
- The Investigation Panel will hold a private meeting to determine the outcome of the Stage 3 Investigation Panel Hearing. This will include a determination of whether the allegation is made in good faith, a confidential review and assessment of the evidence provided and heard as part of the Investigation Panel meeting. The Panel will then reach a consensus through discussion and determine an outcome. The Panel will also determine any recommendations regarding further actions.

### 8.2 Outcome

On conclusion of the Stage 3 Investigation the Panel will determine based on the standard of proof 'on the balance of probabilities' as opposed to 'beyond all reasonable doubt' on one of the three outcomes:

- The allegation is upheld in full.
- The allegation is upheld in part.
- The allegation is not upheld.

If there are multiple Respondents involved, the Investigation Panel may reach different outcomes for the different Respondents. The decision relating to each Respondent will remain confidential to that Respondent.

Within any of the three outcomes there may be instances where the case needs to be referred directly to other UCEM procedures or referred directly to external agencies and this should be detailed in the outcome and actioned following the Investigation Panel by the Associate Dean (Research).

If the outcome at Stage 3 is that the allegation is not upheld, the Associate Dean (Research) shall take all appropriate steps to preserve the good reputation of the Respondent.

If the allegation was upheld in full or part the panel should recommend whether the allegation needs to be referred to the staff or student disciplinary or academic misconduct procedure or whether resolution using informal measure can be used (see Appendix B). Or if the allegation was a result of poor academic practice, training and support should be identified. If the allegation is referred to the staff or student disciplinary procedures a copy of the investigation may form part of the evidence considered.

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There may also be actions around procedural or organisational matters that should be addressed by UCEM or other relevant bodies through a review of research management. Please see Appendix C for examples of resulting actions.

The panel should also give consideration to whether actions are required to retract or correct publications, notify external organisations or notify research participants or employers.

The Stage 3 investigation by the Investigation Panel will normally be concluded within 30 working days from the point at which the investigation panel was convened by the Associate Dean (Research), provided this does not compromise the full and fair investigation of the allegation.

The Chair of the Investigation Panel will provide a written report confirming the outcome which will be shared with the Complainant and Respondent for fact checking. The final report will then be shared with the Associate Dean (Research), Vice Principal Education, Director of HR, Postgraduate Research Team and the Respondent's line manager. Following this the Investigation Panel will be disbanded, and the Stage 3 process concluded. The Associate Dean (Research) will ensure that any resulting actions are discharged.

## 9. Appeals

The Complainant and/or Respondent on completion of either Stage 2 or Stage 3 Investigation may be permitted to appeal on one or all of the following grounds:

- i. Procedural irregularity in the conduct of the investigation up to and before the Appeal Panel that could have had a material impact on the outcome.
- ii. Fresh evidence becoming available which could not have been made available to the Stage 2 Screening Panel and/or the Stage 3 Investigation Panel.
- iii. There was evidence of bias or unfairness in the process or decisions taken by the Associate Dean (Research), Screening Panel or Investigation Panel.
- iv. The recommendations made as part of an outcome of the Procedure / subsequent action taken are either excessive or inadequate concerning the misconduct found as part of the investigation.

### 9.1 Procedure

The appeal must be made in writing to the Deputy Principal within 10 working days of the date of the Stage 3 outcome. It must set out the grounds of the appeal in line with the grounds set out above and where possible should be accompanied by supporting documentation.

The Deputy Principal will then assess the appeal to determine whether it falls within one or more of the permitted grounds for appeal.

If the appeal does not meet one or more of the permitted grounds for appeal the appeal should be dismissed and the decision communicated to the person who submitted the appeal. The appeals stage now ends.

If the appeal does meet one or more of the permitted grounds the Deputy Principal should appoint an Appeals Panel as soon as reasonably practical. Appeals Panels normally consist of three people but this will depend on the individual case and the need to ensure sufficient expertise. One member of the panel must be external to UCEM and one member of the panel must be an academic specialist in the general area for which the misconduct occurred. All members must not have been involved in the proceeding stages of this procedure in relation to the case concerned. The Deputy Principal shall determine one of the Panel to Chair.

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The Complainant and Respondent will be notified of the membership of the Appeals Panel in order that they can raise any conflicts of interest. Any conflicts of interest will be considered by the Deputy Principal.

The Appeals Panel will review the conduct of the previous investigations and any evidence submitted in support of the appeal(s), rather than carry out an investigation of the previous allegations.

The review by the Appeals Panel will normally be concluded within 30 working days from the point at which the appeal is permitted by the Deputy Principal.

## 9.2 Outcomes

The Appeals Panel will decide on whether to uphold the original decision or reverse or modify the decision, including the decision and/or recommendations associated with them.

Possible outcomes: The following outcomes are available:

- a. A conclusion that an allegation is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; or
- b. A conclusion that an allegation is unfounded, because it is vexatious and/or malicious, and will be dismissed; or
- c. A conclusion that an allegation has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approaches, such as mediation, rather than through the next stage of the Procedure or other formal processes; or
- d. A conclusion that an allegation is upheld in full; or
- e. A conclusion that an allegation is upheld in part.

The Appeals Panel will write a report setting out the outcome and its justification for this conclusion. The report will be sent to the Complainant and Respondent for fact checking. The Appeals Panel will consider the responses and will consider if the report needs to be amended. The decision of the Appeals Panel will be final. A copy of the report will be provided to the Deputy Principal who will undertake any required actions including sharing the report with relevant internal or external parties.

A summary of the outcome will be sent to Complainant and Respondent.

Following this the Appeals Panel will be disbanded, and the Stage 3 process concluded.

Any actions from the Appeals Panel outcome will be implemented including any external reporting. Examples of potential actions that UCEM may consider are set out in Appendix C.

## 10. Data Protection and confidentiality

UCEM strictly adheres to the UK General Data Protection (GDPR) 2018 when dealing with personal and sensitive information (or special categories of personal data under UK GDPR).

Throughout the Procedure confidentiality will be maintained as far as reasonably practicable to protect the Complainant, Respondent and others involved.

To facilitate full and fair investigations of allegations, there may be instances where the Associate Dean (Research) and panels conducting investigations need to seek confidential advice from persons with relevant expertise both within and outside of UCEM.

UCEM and/or its staff may have contractual/legal obligations to inform third parties, such as funding bodies or collaborating organisation(s), of allegations of misconduct in research. In

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such cases, those responsible for carrying this Procedure out should ensure that any such obligations are fulfilled at the appropriate time through the correct mechanisms, always keeping in mind the legal rights of the employees, students and others involved in the allegations.

Confidential records will be maintained at all stages of the Procedure and notes will be made of all meetings convened. These records will be kept in accordance with the Retention and Destruction Schedule.

## 11. Prevention of detriment

Anyone accused of misconduct in research is entitled to the presumption of innocence until investigations have been concluded.

Involvement of the Respondent in the Procedure should not prevent the Respondent from being considered for promotion, completion of probation or other steps related to their professional development. UCEM may however choose to suspend the implementation of any promotion, completion of probation or any similar step, for the period that allegations are investigated under this Procedure.

As far as practicable UCEM will take steps to ensure that the Respondent does not suffer material harm to their reputation because an allegation is being investigated.

Please refer to Appendix A for further information for those operating the procedure on steps to prevent detriment.

## 12. Monitoring of procedures

This Procedure is subject to annual review. The Research Committee maintains oversight of this Procedure and can bring forward the date of review to ensure that the procedures for investigating research misconduct remain effective.

## 13. Related documents

This document should be read alongside:

- Research Misconduct Investigation Panel Terms of Reference
- Research Ethics Panel Terms of Reference
- Research Ethics Policy
- [Whistleblowing Policy](#)
- [Student Academic Misconduct Policy](#)
- [Authorship and Publication Policy](#)
- [IP Policy](#)

# Research Misconduct Procedure

## Appendix A: Principles

This section sets out the Principles for the investigation of allegations of misconduct in research and is adapted from UK Research Integrity Office Procedure for the Investigation of Misconduct in Research. The Principles set out to ensure that cases of misconduct in research are conducted by the highest standards of integrity, accuracy and fairness. It is the responsibility of those carrying out investigations of alleged misconduct in research to ensure they act with sensitivity and integrity.

The following principles of Fairness, Integrity, Prevention of Detriment and Balance are designed to inform investigations of misconduct in research. All investigations also need to be conducted in line with data protection and confidentiality requirements as set out in section 10 above.

### 1. Fairness

The investigation of any allegations of misconduct in research must be carried out fairly and in accordance with the statutory rights of all parties involved.

Matters should be dealt with promptly – without unreasonable delay of meetings, decisions or outcomes.

Respondents should be dealt with consistently – dealing with similar cases in different ways or by delivering different outcomes creates a risk of unfair outcomes, claims and reputational damage for those involved.

Those carrying out this Procedure should do so with knowledge of:

- a. The Statutory obligations of UCEM and the rights of employees according to current law.
- b. Any additional rights and obligations particularly to UCEM and/or its employees and/or its students.

Those responsible for carrying out the Procedure should be mindful of equality, diversity and inclusion, and also ensure that all related obligations are met. Where the allegations concern equality, diversity or inclusion issues, those carrying out this Procedure will be appropriately trained or have relevant experience in dealing with equality, diversity or inclusion matters.

Where anyone is accused of misconduct in research, that person must be given details of the allegations in writing at the appropriate stage.

When someone is investigated for alleged misconduct in research under this Procedure, they must be given a reasonable opportunity to set out their case and respond to the allegations against them.

They must also be allowed to:

- a. Ask questions.
- b. Submit evidence in their defence.
- c. Suggest witnesses.
- d. Raise points about any information given by any witness.

The Complainant and Respondent may be accompanied at any meeting by a companion who must be a workplace colleague or trade union representative (for members of staff or honorary staff) or for PGR students by a friend or family member.

They may also be represented by this companion during the Screening and Formal Investigation stages of the process i.e. address the panel, put and sum up the Complainants / Respondents case, respond on their behalf to any views expressed

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during the meeting, and confer with the Complainant / Respondent during the meeting. The companion does not have the right to answer questions on the Complainants / Respondents behalf, address the meeting if the Complainant / Respondent does not wish it, or prevent others from explaining their case. The Complainant should notify the panel of their chosen companion prior to the meeting.

No communication, either verbal or written, will be entered into with any representative (including legal advisers) advising the Complainant and/or Respondent. All parties must only communicate with the panel via the Secretary throughout the process.

To ensure a fair investigation, an individual may not be a member of both the Screening Panel and the Formal Investigation Panel.

## 2. Integrity

An investigation into allegations of misconduct in research using the stages set out in this Procedure will be fair and comprehensive. The investigation will be conducted expediently without compromise to the fairness and thoroughness of the investigation.

Anyone asked to take part in the processes as a Panel member will make sure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised.

Similarly, those who give evidence to the investigation will do so honestly and objectively in accordance with the Principles set out in this Procedure and should be provided with the Procedure before giving evidence.

All parties involved will inform the Associate Dean (Research) immediately of any conflicts of interest. Where the Associate Dean (Research) has any interest that might constitute a conflict they should declare it to the Vice Principal Education who will decide whether they should be excluded from the investigation, recording the reasons for the decision.

The declaration of an interest by an individual does not automatically exclude them from participating in the investigation. The Associate Dean (Research) will decide if an interest declared by the individual warrants exclusion from involvement in the investigation and record the reasons for the decision.

In the interests of openness and transparency, at least one member of the Formal Investigation Panel at Stage 3 of the Procedure should be external to UCEM. In the case of complex or contentious investigations consideration should be given to inviting multiple external members.

It is the responsibility of the Associate Dean (Research) to ensure that confidential records are maintained on all aspects and during all stages of the Procedure and that these records are made available for use in subsequent investigations under different procedures e.g. UCEM's Disciplinary Procedure.

To preserve the integrity of the Procedure, great care must be taken to ensure that all relevant information is transferred to those involved in the various stages of the Procedure.

## 3. Prevention of Detriment

In using this Procedure, and in any action taken as a result of using the Procedure, care must be taken to protect:

- a. Individuals against frivolous, vexatious and/or malicious allegations of misconduct in research.
- b. The position and reputation of those suspected of, or alleged to have engaged in, misconduct, when the allegations or suspicions are **not** confirmed; and

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- c. The position and reputation of those who make allegations of misconduct in research in good faith, i.e., in the reasonable belief and/or based on supporting evidence that research misconduct may have occurred.

The Initial Assessment and Screening stages of the Procedure are intended to determine whether allegations are mistaken, frivolous, vexatious and/or malicious. Only allegations that are judged to be sufficiently serious and of sufficient substance will proceed to a Formal Investigation.

Anyone accused of misconduct in research is entitled to the presumption of innocence.

Formal Investigation should establish, on the balance of probabilities, the truth of any allegations.

Any formal steps taken to discipline the respondent can only be taken through UCEM's disciplinary processes which provides the respondent with the right of appeal. Only when allegations have been upheld through UCEM's disciplinary process and, where called upon, the appeals process, may it be appropriate to apply any sanctions to the Respondent.

UCEM must take all reasonable steps to ensure that the Respondent (or any other party) does not suffer because of unconfirmed or unproven allegations.

Involvement of the Respondent in the Procedure should not prevent the Respondent from being considered:

- a. For promotion;
- b. or the completion of probation;
- c. or other steps related to their professional development.

UCEM may choose to suspend the implementation of any promotion, completion of probation or any similar step, for the period that allegations are investigated using the Procedure, rather than delay the actual consideration of such matters.

If the allegations are upheld at the end of the Procedure, subject to UCEM's disciplinary process and/or appeals process, UCEM's normal rules concerning steps related to professional development, such as those detailed above, should apply.

It should be made clear that any actions that might be taken by the Associate Dean (Research) in response to the notification of allegations 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 UCEM. The Associate Dean (Research) and any Investigators and members of any investigation Panels should take steps to make it clear to the Respondent, Complainant and any other involved parties that these actions are necessary to ensure that the allegations of misconduct in research can be properly investigated.

Appropriate action should be taken against:

- a. Respondents where the allegations of misconduct in research have been upheld, in full or in part, under this Procedure; and
- b. Anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research.

### 4. Balance

Those responsible for carrying out this Procedure must be aware that there may be occasions when a balance has to be struck in the application of the Principles: for example, it may, in certain circumstances prove to be impracticable to undertake a

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detailed screening of the allegations without releasing the Complainant's identity to the Respondent.

The Associate Dean (Research) or designate will be responsible for resolving any such conflicts between the Principles, keeping in mind at all times that the primary goal of the Procedure is to determine the truth of the allegations.

In addition, the Associate Dean (Research) will be responsible for ensuring the integrity of this Procedure and any actions taken as a consequence of it. The Associate Dean (Research) will decide the course of action to be taken in cases of doubt.

The Associate Dean (Research) should keep a written record of all decisions taken throughout all the steps of the Procedure liaising with Panel chairs and secretaries as appropriate.

Signed:



Professor Angela Lee, Chair of the Research Committee

Date: 16/10/2023

# Research Misconduct Procedure

## Appendix B: Resolution using informal measures

A potential outcome of Stage 2 and 3 investigations is that the misconduct is relatively minor or is related to poor practice as opposed to misconduct and can be resolved through informal measures as opposed to through disciplinary or academic misconduct procedures.

There are a number of informal measures that can be applied and it is up to the Associate Dean (Research) or designate (using external guidance as required) to determine which informal measures will be used depending on the nature of the case. The informal measures can apply to the Respondent, Complainant and other relevant parties. A record of the measures to be used and a brief rationale must be recorded. Along with who is responsible for completing the measures, the timeframe for completion and a record of the completion and outcome and any further measures required.

Below is a non-exhaustive list of some of the informal measures that can be used:

- Education, training and other development activities.
- Enhanced supervision or oversight of research activities.
- Restriction of research activities.
- Mentoring.
- Mediation between involved parties.
- Awareness raising of relevant issues of good research practice.
- Pastoral care and support.
- Revision of relevant research practices, systems and policies.

If external communication is required to support any of the informal measures this is usually undertaken by the Associate Dean (Research) on behalf of UCEM.

The informal measures requiring implementation must be communicated clearly in writing to the people involved by the Associate Dean (Research) or designate. The communication should set out who will oversee the completion of the measures and what support will be available.

When informal measures have been completed involved parties (e.g. Complainant, Respondent, Associate Dean (Research) and as appropriate Line Managers, Human Resources, PGR Office should be informed in writing summarising the delivery and outcome.

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## Appendix C: Potential Actions

The following is a non-exhaustive list of the potential actions that may result from an investigation into misconduct in research:

- a. Recommendations for retraction/correction of published research, via notification of findings to editors/publishers.
- b. Withdrawal / repayment of funding.
- c. Notifying research participants and other involved parties.
- d. Notification of findings to relevant employers, statutory, regulatory, professional, grant-awarding bodies and other public with a relevant interest.
- e. Notifying other employing organisations.
- f. Notifying other organisations involved in research.
- g. Adding a note of the outcome of the investigation to a researcher's file for any future reference requests.
- h. Review internal management and/or training and/supervisory procedures for research.
- i. Revocation of any degrees awarded based on research that is the subject of research misconduct finding.
- j. Review other work that may have been carried out by the individual(s) concerned.
- k. Referral of the case to another UCEM procedure.
- l. If the allegation was vexatious or malicious to refer the complainant to the appropriate UCEM disciplinary procedure.
- m. Where there is no evidence of misconduct in research to take appropriate steps to preserve the good reputation of the Respondent. If the case has received adverse publicity to allow the opportunity for an official statement to be released by UCEM.

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## Appendix D: Cross institutional and national boundary investigation guidance

UCEM has a responsibility to ensure that it collaborates with other organisations over research misconduct investigations where appropriate. Matters for investigation can also be across national boundaries. Further guidance to support these collaborations are available at:

a. *Montreal Statement on Research Integrity in Cross-Boundary Research Collaborations* <https://wcrif.org/documents/354-montreal-statement-english/file>

b. *Russell Group Statement of Cooperation in Respect of Cross-Institutional Research Misconduct Allegations* <https://russellgroup.ac.uk/media/5708/russell-group-research-integrity-forum-statement-of-cooperation-may-2018.pdf>

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## Appendix E – Definition of poor research practice

Poor research practice is defined as the conduct of research that departs from the following accepted procedures for research, but the cause is not considered either intentional or reckless behaviour.

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, including submitting research for ethical approvals for the research.
- d. Any protocols for research defined in contracts or agreements with funding bodies and sponsors.
- e. Any protocols set by and/or approved by a regulatory authority.
- f. Any protocols for research set out in the guidelines of UCEM such as the Code of Practice Research or other relevant documentation set out by partners 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 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 data, artefacts and materials.
- j. Any existing guidance on good practice in research.

Accepted procedures do not include:

- a. Un-consented to / unapproved variation of the above.
- b. Any procedure that would encourage, or would lead to, breaches in the law.

Although allegations of research misconduct are often raised as departure from accepted procedures in the conduct of research, investigations should aim to establish intentional and/or reckless behaviour as set out in the definition of misconduct in research section 2 of this Procedure.

## Appendix F - Research Misconduct Flowchart

## Stage 1- Receipt and initial assessment of allegations

The Associate Dean (Research), or a deputy in their absence, makes an initial assessment of the allegation. This will normally be completed within **10 working days** of receipt of the written allegation.

Can the allegation be investigated under this Procedure?

No

Complainant notified in writing of the reasons why and any alternative process for dealing with the allegation

Yes

Associate Dean (Research) collates all relevant evidence relating to the allegation

Complainant updated on the next stages

## Stage 2 – Screening

Screening Panel appointed and members confirm there are no conflicts of interest

Associate Dean (Research) notifies the Respondent that an allegation has been made against them and provides a written summary of the allegation

Respondent provided with the documentation being considered by the Screening Panel, and given the opportunity to respond formally to the allegation

The Screening Panel hold interviews and review all available evidence to determine outcome

Outcome

Allegation dismissed

Refer to further training or informal resolution

Refer to disciplinary procedure or other internal process

Refer to appropriate external organisations

Progress to Stage 3: Formal investigation

The Stage 2 investigation by the Screening Panel will normally be concluded **within 30 working days** from the point at which the Screen Panel was convened by the Associate Dean (Research)

The Chair of the Screening Panel provides a formal written report confirming the outcome

Report shared with the Complainant and Respondent to check factual accuracy

## Stage 3 – Formal Investigation

Associate Dean (Research) notifies the Complainant and Respondent in writing that a formal investigation is commencing. The Vice Principal Education and Director of HR are also notified

Investigation Panel appointed and members confirm there are no conflicts of interest

Complainant and Respondent invited to submit further evidence

Investigation Panel convenes to determine outcome and makes recommendations

Outcome

The allegation is upheld in full

The allegation is upheld in part

The allegation is not upheld

The Stage 3 investigation by the Investigation Panel will normally be concluded **within 30 working days** from the point at which the investigation panel was convened by the Associate Dean (Research)

The Chair of the Investigation Panel provides a formal written report confirming the outcome

Report shared with the Complainant and Respondent to check factual accuracy

Final report shared with the Associate Dean (Research), Vice Principal Education, Director of HR, Postgraduate Research Team and the Respondent's line manager

## Appeals

The Complainant and/or Respondent on completion of either Stage 2 or Stage 3 Investigation may be permitted to appeal on one or all of the grounds set out in the Procedure

Appeal made in writing to the Deputy Principal **within 10 working days** of the date of the Stage 3 outcome

The Deputy Principal assess the appeal to determine whether it falls within one or more of the permitted grounds for appeal

Valid Grounds

Yes

No

Appeals Panel appointed and members confirm there are no conflicts of interest

Appeal dismissed

Complainant and Respondent notified of the membership of the Appeals Panel. Any conflicts of interest raised are considered by the Deputy Principal

Appeals Panel review the conduct of the previous investigations and any evidence submitted in support of the appeal(s)

Possible Outcomes

allegation is unfounded and will be dismissed

allegation to be addressed through education or other non-disciplinary approaches

allegation is upheld in full

allegation is upheld in part

The review by the Appeals Panel will normally be concluded **within 30 working days** from the point at which the appeal is permitted by the Deputy Principal

The Appeals Panel provide a report setting out the outcome and its justification for this conclusion

Report shared with the Complainant and Respondent to check factual accuracy

Final report provided to the Deputy Principal to undertake any required actions including sharing the report with relevant internal or external parties

A summary of the outcome sent to Complainant and Respondent