



# Procedure for the Investigation of Allegations of Misconduct in Research

June 2021

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## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

### Contents

A. Introduction	3
B. Scope	4
C. Definitions	5
D. Receipt of Allegations	7
E. Preliminary Investigation	10
F. Formal Investigation	14
G. Findings and Subsequent Actions	18
H. Reporting to the University Research Ethics and Integrity Committee and use of anonymised reports for internal training	20
I. Approval of changes to the Procedure	20
Annex 1: Principles	20
Annex 2: Standards for the Conduct of this Procedure	26
Annex 3: Acknowledgements	27
Annex 4: Procedure for the Investigation of Allegations of Misconduct in Research for research students	29
A. Allegations of Research Misconduct: Initiation of Proceedings	29
B. Extent of Alleged Misconduct: Action Open to a School of Study	30
C. Process for action undertaken by a School of Study	31
D. Research Misconduct Discovered after Successful Completion of an Examination	32

## Procedure for the Investigation of Allegations of Misconduct in Research

June 2021

### A. Introduction

1. Ensuring and sustaining integrity in all aspects of research is a core aspect of the University's commitment to the advancement of knowledge. Because misconduct in research damages the integrity of research, brings both the individual and the institution into disrepute and can, in extreme circumstances, cause harm to those involved in research, this Procedure has been approved by the Senate and the Council of the University to provide a procedural framework for investigating allegations of misconduct in research concerning research conducted under the auspices of the University. The University of Sussex fully endorses the *UK Concordat to Support Research Integrity* in supporting 'the highest standards of rigour and integrity in all aspects of research'.
2. The Vice-Chancellor will appoint a senior member of the University to act as the institutional Named Person for oversight of this Procedure and research integrity concerns or complaints that may arise from outside of the University. The Named Person will be clearly identified on the University website and will report on the outcomes of this Procedure annually to Senate and Council who will approve the University's annual Research Integrity Statement.
3. Because research misconduct is such a serious matter, those responsible for staff and students conducting research have a particular duty to ensure that those new to research or to the University receive appropriate training in the ethical, legal and other conventions concerning the conduct of research. The University seeks to sustain this approach by providing a research environment that fosters and supports honesty in research and also discourages unacceptable behaviour by dealing seriously and sensitively with all allegations of misconduct in research.
4. It is, therefore, a condition of conducting research under the auspices of the University that practice conforms to the University's *Code of Practice for Research*. Failure by a researcher to comply with the provisions of that Code will be grounds for action to be taken under this Procedure.
5. Staff, research students and all others conducting research under the auspices of the University are required to report misconduct in research where they have good reason to believe it is occurring. The University will investigate allegations or complaints about misconduct in research. Those making an allegation or complaint will not be penalised, provided that it is done without malice and in good faith, reasonably believing it to be true.
6. When an allegation of research misconduct is raised under the University's *Public Interest Disclosure Policy*, the Named Person will refer the allegation of research misconduct to be dealt with under the *Procedure for the Investigation of Allegations of*

*Misconduct in Research*. This Procedure has been reviewed in the light of the publication of the UK Research Integrity Office's *Procedure for the Investigation of Misconduct in Research* and is compatible with its principles.

**B. Scope**

7. This Procedure recognises that the investigation of allegations of research misconduct can involve complex issues and seeks to discharge the University's responsibilities in a sensitive and fair manner. It outlines the process to be followed when allegations of misconduct in research are brought against a researcher in relation to research conducted under the auspices of the University. The University Statutes take precedence over anything set out in this Procedure. Notwithstanding the arrangements which follow, the Named Person or his/her nominee has the right to suspend a member of staff and the right to suspend a student in accordance with the relevant University Statute(s).
8. The Procedure will be carried out in accordance with the Principles set out in Annex 1 and the Standards set out in Annex 2. Those responsible for carrying out this Procedure must ensure they are familiar with the Principles and Standards.
9. The Named Person may, within the Principles and Standards of the Procedure (annexes 1 & 2), delegate tasks necessary for the effective and timely execution of its requirements.
10. This Procedure applies to any person conducting research under the auspices of the University, whether solely or in conjunction with others in the University or other organisations or in conjunction with other organisations, including but not limited to:
  - i) a member of staff;
  - ii) a research student;
  - iii) an independent contractor or consultant;
  - iv) a person with visiting or emeritus status; and
  - v) a member of staff on a joint clinical or honorary contract.
11. This Procedure will normally apply to research students, who are registered for an MPhil by research, a PhD or a Professional Doctorate (in accordance with Regulation 23 of the University Academic Regulations and following the procedures in Annex 4 below), but not normally to undergraduate, taught postgraduate and other types of students.
12. The Procedure will also apply to any allegation of Misconduct in research made against a person in relation to research by them before they started undertaking research under the auspices of the University.
13. The University will follow this Procedure through to completion even in the event that the individual(s) concerned has left or leaves the jurisdiction of the University, either before the operation of this Procedure is concluded or before the allegation(s) of research misconduct was made.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

14. Nothing in this Procedure shall limit the right of the University or a member of staff of the University or a student of the University to exercise their rights under any Statutes and Ordinances concerning discipline and grievance.
15. Proven research misconduct may result in action being taken under the University's disciplinary procedures for staff or students, as appropriate, or other relevant process and may be considered good cause for: dismissal in the case of members of staff; programme termination in the case of registered students; and rescission of award in the case of graduates of the University. Reports generated by this Procedure may be used in evidence by the University's disciplinary procedures and other processes and may be released in reporting the matter to any appropriate external organisation such as funders who may require specific notification of allegations and the outcome of investigations into research misconduct as part of the terms and conditions of awards.
16. Alleged misconduct in research relating to a thesis which has been submitted for examination will be investigated under this Procedure.
17. Financial fraud or other misuse of research funds or research equipment may be addressed under the University's Fraud Response Plan instead of under this Procedure.

### C. Definitions

18. **The Code:** the University's *Code of Practice for Research*.
19. **Complainant:** the person making an allegation of misconduct in research, who need not be a member of staff or student of the University.
20. **Formal Investigation:** an inquiry to review all the relevant evidence and conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not upheld. It may also make recommendations regarding any further action necessary to rectify any misconduct it has found and correct the record of research and to preserve the academic reputation of the University, for consideration by the appropriate University authorities. The standard of proof used in the Formal Investigation is that of 'on the balance of probabilities'. A Formal Investigation may conclude that an allegation is not upheld for reasons of being mistaken, frivolous, otherwise without substance or vexatious and/or malicious.
21. **Formal Investigation Panel/ the Panel:** the persons appointed under this Procedure to conduct a Formal Investigation. The Panel does not have disciplinary powers.
22. **Investigator:** the person appointed under this Procedure to conduct a Preliminary Investigation of an allegation of misconduct in research. At the discretion of the Named Person, a Screening Panel may be appointed to conduct a Preliminary Investigation rather than a single person (see paragraphs 34 and 57, below).
23. **Misconduct in research/ research misconduct:** any breach of the University's *Code of Practice for Research*, or other practices that seriously deviate from those that are commonly accepted within the academic and scientific communities for proposing, conducting or reporting research. It specifically encompasses, but is not restricted to:

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

- i) Fabrication, including the creation of false data or other aspects of research, including documentation and participant consent.
  - ii) Falsification, including the inappropriate manipulation and/or selection of data, imagery and/or consents.
  - iii) Misrepresentation of data and/or interests and or involvement.
  - iv) Plagiarism, including the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission.
  - v) Failures to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to:
    - humans;
    - animals used in research; and
    - the environment.
  - vi) Failures to follow accepted procedures or to exercise due care in carrying out responsibilities for the proper handling of privileged or private information on individuals collected during the research.
  - vii) Any breach of data protection legislation and failure in the proper handling of privileged or private information on individuals collected during the research.
  - viii) Intentional damage to, or removal of, the research-related property of another.
  - ix) Intentional non-compliance with: the terms and conditions governing the award of external funding for research; the University's policies and procedures relating to research, including accounting requirements, ethics, and health and safety regulations; or any other legal or ethical requirements for the conduct of research.
24. Misconduct in research does not include unintentional error or professional differences in interpretation or judgment of data.
  25. For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission. In addition, the standards by which allegations of misconduct in research should be judged should be those prevailing at the date that the behaviour under investigation took place.
  26. The basis for reaching a conclusion that an individual is responsible for misconduct in research relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct of any aspect of a research project. Where allegations concern an intentional and/or reckless departure from accepted procedures in the conduct of research that may not fall directly within the terms detailed above, the Named Person will determine whether the matter should be investigated using the Procedure.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

27. Allegations of financial fraud or other misuse of research funds or research equipment may be investigated under the University's Fraud Response Plan rather than this Procedure.
28. **Preliminary Investigation:** an initial assessment of an allegation of misconduct in research to determine whether there is sufficient evidence to warrant a Formal Investigation of the allegation.
29. **The Procedure:** the University's *Procedure for the Investigation of Allegations of Misconduct in Research*.
30. **Research:** for the purposes of this Procedure, "research" involves, inter alia, the pursuit of truth in furtherance of the advancement of knowledge.
31. **Research student:** for the purposes of this Procedure, "research student" shall mean those registered for an MPhil by research, a PhD or a Professional Doctorate.
32. **Researcher:** any person conducting research under the auspices of the University, whether solely or in conjunction with others in the University or other organisations or in conjunction with other organisations, including but not limited to: a member of staff; a research student; an independent contractor or consultant; a person with visiting or emeritus status; and a member of staff on a joint clinical or honorary contract.
33. **Respondent:** the person against whom an allegation of misconduct in research is made.
34. **Screening Panel:** at the discretion of the Named Person, a Screening Panel may be appointed to conduct a Preliminary Investigation (see paragraph 57, below), rather than a single person (the Investigator; see paragraph 28, above). When appointed, a Screening Panel will take on the role of the Investigator as regards the conduct of a Preliminary Investigation and its members will be responsible for fulfilling all of the duties allocated to that role by this Procedure.
35. **The University:** the University of Sussex.

### **D. Receipt of Allegations**

36. Initial allegations of misconduct in research should be made to the Named Person. If the Complainant is not a member of the University, he/she should still make an initial allegation of misconduct in research to the Named Person. The Complainant must provide as detailed a statement as possible in writing in support of the allegation. Queries about the operation of this Procedure may also be directed to the Research Governance Officer in Research and Enterprise Services.
37. It is important to report alleged or suspected misconduct in research as it can have wide-ranging and damaging consequences, harming the integrity of research, bringing both the individuals involved and the University into disrepute and, in extreme circumstances, causing harm to those involved in research. Those making an allegation or complaint will

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

not be penalised, provided that it is done without malice and in good faith, reasonably believing it to be true.

38. While this Procedure encourages persons with concerns about the conduct of research to raise them with the Named Person direct, it is recognised that members of staff or students may fear that their own position could be jeopardised if they raise a particular concern directly. A member of staff or a student may, therefore, choose to raise a concern in the first instance with a Head of School or Unit, line manager, a trades union representative, a member of the Students' Union or a colleague and ask that person to bring the matter forward on his/her behalf.
39. This Procedure asks persons to put their name to any allegations they make. Allegations which are anonymous or where there is no specific Complainant will only be considered at the discretion of the Named Person, taking into account: the seriousness of the concerns raised; the credibility of the concerns; and the likelihood of confirming the concerns from alternative and credible sources.
40. If the Named Person is the Complainant or the Respondent, or is personally associated with the work to which the allegation relates or has any other conflict of interest, he/she will instead refer the allegation to the Pro Vice-Chancellor (Research) in writing and notify the Complainant of the referral also in writing. The Pro Vice-Chancellor (Research) will then take on the role of the Named Person as regards the conduct of this Procedure and he/she will be responsible for fulfilling all of the duties allocated to that role by this Procedure. In the case of any uncertainty, the Vice-Chancellor shall appoint an alternate for a case.
41. The Named Person will inform the Research Governance Officer in confidence that an allegation of misconduct in research has been received and, where appropriate, will seek the advice of Human Resources, General Counsel, Governance and Compliance or Student Services regarding the use of this Procedure, also in confidence. The Named Person will then acknowledge receipt of an allegation by the Complainant in writing, informing them that the allegation will be investigated under this Procedure. A copy of the Procedure will be provided to the Complainant.
42. The Named Person will review the allegations with reference to the definition of misconduct in research described in paragraphs 23 to 25 above and the status of the Respondent as described in paragraph 10 above. If he/she determines that the allegations fall outside either of the definitions, the Named Person (or delegated authority) will inform the Complainant in writing:
  - i) the reasons why the allegation cannot be investigated using this Procedure;
  - ii) which process for dealing with complaints might be appropriate for handling the allegation (if any) and/or, if appropriate, which external body; and
  - iii) to whom the allegation should be reported.



## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

43. When the allegation relates to financial fraud or other misuse of research funds or research equipment, the Named Person may choose to initiate an investigation under the University's Fraud Response Plan<sup>1</sup> rather than this Procedure.
44. In cases where an allegation is of a serious nature but does not fall under the definition of research misconduct, the Named Person may choose to initiate an appropriate University procedure to address the allegation or inform an appropriate external body, such as a statutory regulator or professional body. The latter may be particularly appropriate if concerns relate to Fitness to Practise.
45. Where an allegation does fall under the definition of research misconduct and where it concerns situations that require immediate action to prevent further risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice), then the Named Person will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated. It may be necessary to notify legal or regulatory authorities or relevant professional bodies. An allegation which does not require notification to legal or regulatory bodies will proceed to the next step of the Procedure.
46. The Named Person will investigate whether the research project to which the allegation relates includes contractual obligations that require the University to undertake prescribed steps in the event of an allegation of misconduct in research being made and take any actions that may be necessary to meet such obligations. Such obligations might be in:
  - i) a contract/agreement or guidance on research conduct from a funding organisation;
  - ii) a partnership contract/agreement/Memorandum of Understanding; or
  - iii) an agreement to sponsor the research.
47. The Named Person will ensure that all relevant information and evidence are secured, so that any investigation conducted under this Procedure can have access to them.
48. The actions described in paragraphs 42 – 46 above should take place as soon as is practicable upon receipt of an allegation, normally within ten working days. The Named Person may seek confidential advice from persons with relevant expertise, both within the University and outside it, as described in paragraph 140, below.
49. The Named Person may identify suitable administrative and other support to assist them in carrying out the above actions, including liaisons from Research and Enterprise Services, Human Resources, the Office of the General Counsel, Governance and Compliance and Student Services if deemed appropriate.

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<sup>1</sup> <http://www.sussex.ac.uk/ogs/policies/goodconduct/fraudbribery Corruption>

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

50. In the interests of fairness and to ensure appropriate oversight, brief summaries of allegations and the name of the Preliminary Investigator/ members of the Screening Panel will be communicated in full confidence to the relevant Human Resources Business Partner (s) for staff and to Student Services for students before the commencement of investigations. Each service will be requested to identify any potential procedural concerns relevant to either the Respondent or the Complainant to the Named Person. This may involve possible or actual conflicts of interest or any on-going processes relevant to the investigation. If deemed necessary, the same individuals may be approached upon the completion of the investigation (paragraphs 73 and 102 below).
51. Those selected to provide such support should confirm to the Named Person in writing that their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see paragraphs 136-140, below).
52. The Pro Vice-Chancellor (Research) shall be informed that an allegation of research misconduct has been received and be briefed on the nature of the allegation by the Named Person before any subsequent actions are taken. In addition, should the allegation be made against a current PGR student, the Head of Research Student Administration shall also be informed.

### **E. Preliminary Investigation**

53. As soon as is practicable upon receipt of an allegation, normally within ten working days, the Named Person will instruct the Head of the School or Unit in which the misconduct is alleged to have occurred to conduct a Preliminary Investigation into the allegation.
54. The Head of School or alternate(s) as described in paragraph 55 below (“the Investigator”) shall inform the Named Person in writing that their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see paragraphs 136-140, below).
55. If the Head of the School or Unit in which the misconduct is alleged to have occurred is the Complainant or the Respondent, is personally associated with the work to which the allegation relates or has any other conflict of interest or is directly involved with any related complaints, grievances or appeals. The Named Person will instead refer the allegation to another senior member of teaching or research faculty, including but not limited to the Head of a different School or Unit.
56. If an allegation relates to multiple Schools or Units, then the Named Person will normally instruct the Head who they consider most appropriate to conduct the Preliminary Investigation, although they may instead refer the allegation to another senior member of teaching or research faculty, as described in 55 above, if that would be considered more appropriate.
57. At the discretion of the Named Person, a Screening Panel may be appointed to conduct the Preliminary Investigation. This may be advantageous if an allegation is complex.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

- i) The Screening Panel will normally consist of three persons drawn from senior members of the University's teaching or research faculty.
  - ii) The Named Person may choose to appoint one or more members of the Screening Panel from outside the University.
  - iii) The Named Person will select one of the members of the Screening Panel to be its Chair.
  - iv) When appointed, a Screening 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 of the duties allocated to that role by this Procedure.
58. The purpose of the Preliminary Investigation is to determine whether there is sufficient evidence of research misconduct to warrant a formal investigation of the allegation.
59. The University is responsible for reporting allegations of misconduct in research to funders in accordance with the specific terms and conditions of the award of funding for the research under investigation.
60. The Named Person will identify suitable administrative and other support to assist the Investigator, including liaisons from Human Resources, Research and Enterprise Services, General Counsel, Governance and Compliance and Student Services if deemed appropriate. Those selected to provide such support will confirm to the Named Person in writing that their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see paragraphs 137-138, below).
61. The Investigator will inform the Respondent in writing that: an allegation of misconduct in research has been made against them; it will be investigated under this Procedure; and that the Respondent will be given the opportunity to respond to the allegation and set out his/her case. A written summary of the allegation will be provided to the Respondent together with a copy of this Procedure. As in paragraph 128, below, the identity of the Complainant will normally be kept confidential until a Formal Investigation is launched unless this is incompatible with a fair and thorough investigation and/or there is an overriding reason for disclosure.
62. If an allegation is made against more than one Respondent, the Investigator will inform each individual separately and not divulge the identity of any other Respondent.
63. Similarly, the Investigator will inform the Complainant that he/ she is to conduct a Preliminary Investigation into the allegation.
64. When writing to the Respondent and Complainant, the Investigator will inform them that they may raise with the Named Person in writing any concerns that they may have about the person(s) chosen to conduct the Preliminary Investigation. The Named Person will decide if any concerns raised by the Respondent and/ or the Complainant warrant the exclusion of the person(s) concerned from involvement in the investigation (see paragraphs 131 – 132), recording the reasons for the decision in writing. He/she

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

- will inform the person(s) concerned and the Respondent and/or the Complainant, as appropriate, of his/her decision in writing.
65. The Investigator will consider the evidence available concerning the allegation, including: the allegation and any supporting evidence from the Complainant; any comment and supporting evidence from the Respondent; and any other documentation and background information relevant to the allegation.
  66. In the course of conducting the Preliminary Investigation, the Investigator shall follow Principles and Standards of the Procedure (see Annexes 1 and 2) to ensure full and fair investigation of the allegation. The standard of proof used in the Preliminary Investigation is that of 'on the balance of probabilities'.
  67. The Investigator will also interview the Complainant, the Respondent and any other persons considered appropriate. When the Investigator interviews the Respondent, he/she shall be given the opportunity to formally respond to the allegation made against them, set out their case and to present evidence. The Complainant and Respondent may be accompanied at meetings as described in paragraphs 123-124, below. The Respondent and the Complainant shall ensure that the Investigator is informed of their availability to allow timely receipt of any further resulting communications.
  68. If the Investigator considers that there is insufficient information to make a decision on how to proceed or requires additional expertise to carry out the Preliminary Investigation, they may seek confidential advice from persons with relevant expertise, both within the University and outside it, as described in paragraph 152, below.
  69. The Investigator will normally aim to complete the Preliminary Investigation within 30 working days following instruction from the Named Person (see paragraph 53, above) provided this does not compromise the Principles and Standards of the Procedure (see Annexes 1 and 2) and the full and fair investigation of the allegation. Any delays to this timescale will be explained to the Complainant, the Respondent and the Named Person in writing, presenting an estimated revised date of completion.
  70. At the conclusion of the Preliminary Investigation, the Investigator will determine whether the allegation of misconduct in research:
    - i) is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; or
    - ii) is unfounded, because it is vexatious and/or malicious, and will be dismissed; or
    - iii) warrants referral directly to: the University's disciplinary procedures; another relevant University process; or to an external organisation, including but not limited to statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; or
    - iv) has some substance but due to a lack of intent to deceive or due to its relatively minor nature, will be addressed through education and training or other non-

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

- disciplinary approach, such as mediation under the oversight of the Named Person, rather than through the next stage of the Procedure or other formal processes; or
- v) is shown to be sufficiently serious and have sufficient substance to warrant a Formal Investigation of the complaint.
71. The Investigator will make a confidential written record of his/her investigation, including any response from the Respondent, and the Investigator's conclusions.
  72. The Investigator will make the draft report available to the Named Person, who will then forward it to the Respondent and the Complainant for comment on its factual accuracy. Only when the report includes errors of fact, as indicated by the Respondent and/or the Complainant, will the Investigator amend the report. The Investigator will judge the validity of such comments before making amendments to the report. The Respondent and the Complainant shall be given five working days to review the report. Where an extension is requested by the Respondent or the Complainant on the grounds of exceptional circumstances, the Named Person may permit a brief extension to this period. All reasonable efforts will be made to ensure that the Respondent and the Complainant receive advanced notice that the draft report will be made available to them for review.
  73. The Investigator will then forward the final report to the Named Person (together with any documentation used in the investigation) who, after review, will forward the final report to the Complainant and the Respondent. The work of the Investigator is then concluded, although he/she may be: asked by the Named Person to clarify any points in the final report of the Preliminary Investigation; called as a witness by any subsequent Formal Investigation, including being asked to clarify any points in the final report of the Preliminary Investigation; and/or consulted by the Named Person regarding any subsequent actions taken under this Procedure or other University processes. 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. He/she will treat all information concerning the allegation and its investigation as confidential.
  74. When allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The Named Person will then take such steps, as are appropriate in the light of seriousness of the allegations, to sustain the reputation of the Respondent and the relevant research project(s) and, provided the allegation is considered to have been made in good faith, the Complainant. When a Preliminary Investigation has concluded that an allegation is vexatious and/or malicious, the Named Person will consider whether disciplinary proceedings should be initiated against the Complainant.
  75. In cases where it is concluded that an allegation warrants referral directly to the University's disciplinary procedures or other relevant process or to an external organisation, the Named Person will initiate the appropriate University procedure(s) or inform the appropriate external organisation(s). Appropriate external organisations may

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

include, but are not limited to, statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise.

76. In cases where it is concluded that the allegation will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes, the Named Person will work with relevant University staff to establish a programme of training or supervision in conjunction with the Respondent and his/her line manager. This programme will include measures to address the needs of staff and students working with the Respondent. The use of this Procedure will then conclude at this point.
77. When the Preliminary Investigation concludes that an allegation is sufficiently serious and has sufficient substance to warrant a formal investigation of the complaint, the Named Person will take immediate steps to set up a Formal Investigation.
78. The Named Person will make available to the Research Governance Officer, in confidence, a copy of the Preliminary Investigation report and also a summary of any actions taken under paragraphs 75–76, above.
79. The Pro Vice-Chancellor (Research) shall be informed of the outcome of any Preliminary Investigation. Should the allegation have been made against a current PGR student, the Head of Research Student Administration shall also be informed.
80. The Named Person, Investigating Officer and Pro Vice-Chancellor (Research) shall advise the University Research Governance Officer of any 'lessons learnt' from the investigation that may be suitable to be conveyed to any committees or officers responsible for policies or processes cited .

### **F. Formal Investigation**

81. The purpose of the Formal Investigation is to review all the relevant evidence and:
  - i) conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not upheld (see paragraphs 95 to 96, below, for further details); and
  - ii) make recommendations, for consideration by the appropriate University authorities, regarding any further action the Formal Investigation Panel ("the Panel") deems necessary to: address any misconduct it may have found; correct the record of research, and/or preserve the academic reputation of the University (see paragraph 99, below, for further details).
82. If a Formal Investigation is considered necessary, the Named Person will inform the Complainant and Respondent that a Formal Investigation of the allegation is to take place and appoint a Formal Investigation Panel. The Panel will normally be appointed within 30 working days of the completion of the Preliminary Investigation stage. Any delays to this timescale will be explained to the Complainant, the Respondent and other relevant parties in writing, presenting an estimated revised date of appointment.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

83. Where a regulatory body, including statutory bodies regulating professions, or grant- or contract-awarding body or partner organisation requires to be informed about such a Formal Investigation, the Named Person will provide the necessary confidential information to that body.
84. The Named Person will consider whether, without prejudice to the proper conduct of the investigation, any other action should be taken at this stage pending the outcome of the investigation.
85. The Panel should consist of at least three impartial investigators, of which at least one will be from outside the University. Two members of the Panel will be academic specialists in the discipline(s) in which the misconduct is alleged to have taken place; such persons may include the Panel member(s) from outside the University. Where an allegation involves research being conducted in conjunction with a partner organisation, then it may be advisable for a representative of that organisation to be a member of the panel. Similarly, when an allegation involves a researcher on a joint clinical or honorary contract, it may be advisable for a representative of the other employing organisation to be a member of the Panel. Members of the Panel will not have previously been involved in the investigation of the allegation.
86. When the research to which the allegation relates is deemed to be commercially sensitive, it may be appropriate for members of the Panel to sign a Non-Disclosure Agreement. However, the terms of any such Non-Disclosure Agreement must not compromise the ability of the Panel to conduct a full and fair investigation of the allegation, as described in paragraph 85 above, including its ability to seek confidential advice from persons with relevant expertise and make recommendations regarding any further action necessary by the University and/or other bodies to address any misconduct it has found, correct the record of research and to preserve the academic reputation of the University (see paragraphs 99 and 104, below).
87. The Named Person will select the Chair of the Panel from its members. The Chair will normally be a senior member of the University from outside the discipline in which the misconduct is alleged to have taken place. At the discretion of the University, the Chair may be selected from the member(s) of the Panel from outside the University and this may be advantageous if an allegation is complex. In a case which involves complex legal issues, the Named Person may select an external lawyer or other suitably qualified person to act as Chair and/or provide legal assistance to the Panel.
88. Each member of the Panel, including the Chair, will confirm in writing to the Named Person that their participation involves no conflict of interest (see paragraphs 130 -132, below). They should seek advice from the Named Person if unsure.
89. The Named Person will give the Respondent and Complainant the opportunity to raise in writing any concerns that they may have about the persons chosen to conduct the Formal Investigation. The Named Person will decide if any concerns raised by the Respondent and/or the Complainant warrant the exclusion of the person(s) concerned

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

from involvement in the Formal Investigation (see paragraphs 130–132), recording the reasons for the decision in writing. He/she will inform the person(s) concerned and the Respondent and/or the Complainant, as appropriate, of his/her decision in writing.

90. The Chair of the Panel will be responsible for the conduct of the Panel under this Procedure and will determine its own procedure in the conduct of the investigation. The Panel does not have any disciplinary powers.
91. The Named Person will identify suitable administrative and other support to assist the Investigator, including liaisons from Human Resources and Student Services if deemed appropriate. Those selected to provide such support will confirm to the Named Person in writing that their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see paragraphs 137-139, below).
92. Both the Complainant and the Respondent will have the right to submit evidence to the Panel orally and in writing. In the case of the Respondent, this includes the right to formally respond to the allegation made against them and set out their case. Both the Complainant and the Respondent will have the right to be accompanied at meetings by another person if they so desire as described in paragraphs 123-126, below.
93. The Panel may seek confidential advice from persons with relevant expertise, both within the University and outside it, as described in paragraph 152, below.
94. In carrying out the Formal Investigation the Panel will not work to a prescribed timetable. The Panel should conduct the Formal Investigation as quickly as possible without compromising the Principles and Standards of the Procedure (see Annexes 1 and 2) and the full and fair investigation of the allegation.
95. The Chair will report the progress made by the Investigation Panel, by reference to criteria agreed by the Panel in advance, to the Named Person on a monthly basis. The Named Person will then provide appropriate information on the progress of the investigation, in confidence, to the Complainant and the Respondent, and to other interested parties as appropriate.
96. At the conclusion of the Formal Investigation, the Panel will conclude, giving the reasons for its decision and recording any differing views, whether the allegation of misconduct in research is:
  - i) upheld in full; or
  - ii) upheld in part; or
  - iii) not upheld and will be dismissed.
97. When concluding whether an allegation is upheld in full, upheld in part or not upheld, the standard of proof used is that of 'on the balance of probabilities'.
98. The Panel may determine that an allegation is not upheld because it is mistaken or is frivolous or is otherwise without substance or is vexatious and/or malicious. The Panel may also determine that an allegation is not upheld because of a lack of intent to



## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

deceive or due to its relatively minor nature and will therefore be addressed through education and training or other non-disciplinary approach, such as mediation under the oversight of the Named Person.

99. 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 to: address any misconduct it has found; correct the record of research; and/or preserve the academic reputation of the University. Such recommendations might include but are not limited to:
- i) whether the allegation should be referred to the University's relevant disciplinary procedure; and/or
  - ii) whether the allegation should be referred to another relevant University process or the University's Fraud Response Plan;
  - iii) 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, the latter being particularly relevant if concerns relate to Fitness to Practise;
  - iv) 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 an upheld allegation of misconduct in research and/or by a person against whom an allegation of misconduct in research has been upheld; and/or
  - v) 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
  - vi) informing research participants or patients or their doctors; and/or
  - vii) other matters that should be investigated, including allegations of misconduct in research 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.
100. The Panel will make a confidential written record of its investigation, including any response from the Respondent, and the Panel's conclusions and recommendations.
101. The Panel will make its draft report available to the Respondent and the Complainant, in confidence, for comment on its factual accuracy. The Respondent and the Complainant should submit any concerns about errors of fact to the Panel in writing. The Respondent and the Complainant shall be given five working days to review the report., Where an extension is requested by the Respondent or the Complainant on the grounds of exceptional circumstances, the Named Person may permit a brief extension to this period. The Respondent and the Complainant

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

shall ensure that the Investigator is informed of their availability to allow timely receipt of any further resulting communications. The Panel will decide if any concerns related to factual accuracy 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.

102. The Chair will then forward the final report to the Named Person, together with any documentation used in the investigation.
103. The work of the Panel is then concluded and it should be disbanded, although its members may be: asked by the Named Person to clarify any points in the final report of the Formal Investigation and/or be consulted by the Named Person regarding any subsequent actions taken under this Procedure or other University processes. Members of a disbanded Panel will not make any comment on the allegation or its investigation unless formally requested by the University or otherwise required to by law. They will treat all information concerning the allegation and its investigation as confidential.

### **G. Findings and Subsequent Actions**

104. The Named Person will:
  - i) notify the Complainant and the Respondent in writing of the outcome of the investigation; and
  - ii) make available to the Research Governance Officer, in confidence, a copy of the final report of the Formal Investigation; and
  - iii) where appropriate, notify the following in writing of the outcome of the investigation: any relevant regulatory or professional bodies, any relevant partner organisations and any other persons or bodies as he/she deems appropriate, including but not limited to the editors of any journals which have published articles concerning research linked to an upheld allegation of misconduct in research and/or by a person against whom an allegation of misconduct in research has been upheld; and
  - iv) take any administrative actions that may be necessary to: meet all legal and ethical requirements; protect the funds and/or other interests of grant- or contract-awarding bodies; and meet all contractual commitments, including any relating to disclosure of the outcome of the Formal Investigation.
105. When an allegation is not upheld, for whatever reason, the Named Person will then take such steps, as are appropriate in the light of seriousness of the allegation, to sustain the reputation of the Respondent and the relevant research project(s) and, provided the allegation is considered to have been made in good faith, the Complainant. If the case has received any publicity the Respondent shall be offered the possibility of having an official statement released to the media.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

- i) When a Formal Investigation has concluded that an allegation is not upheld because it is vexatious and/or malicious, the Named Person will consider whether disciplinary proceedings should be initiated against the Complainant.
  - ii) When it is concluded that the allegation is not upheld and will be addressed through education and training or other non-disciplinary approach, such as mediation, the Named Person will work with relevant University staff to establish a programme of training or supervision in conjunction with the Respondent and his/her line manager. This programme will include measures to address the needs of staff and students working with the Respondent. The use of this Procedure will then conclude at this point.
106. When an allegation of misconduct in research is upheld, the Named Person will decide what action needs to be taken under the University's relevant disciplinary procedure and/or otherwise.
- i) In making this decision, the Named Person will take into account any recommendations made by the Panel as in paragraph 97, namely any further action it would consider necessary by the University and/or other bodies to address any misconduct it has found, correct the record of research and preserve the academic reputation of the University.
  - ii) Particular attention will be paid to: any recommendations concerning research participants or patients; and any recommendations concerning allegations of misconduct, whether research misconduct or otherwise, unrelated to the allegation which was the subject of the investigation (see paragraph 99, above).
107. The Named Person will liaise, as appropriate, with relevant committees and officers of the University and with other external bodies to ensure any necessary courses of action are completed .
108. In addition, when an allegation is upheld the Named Person will take such steps, as are appropriate in the light of seriousness of the allegation, to sustain the reputation of the Complainant. If the case has received any publicity the Complainant shall be offered the possibility of having an official statement released to the media. Care may need to be taken, and appropriate advice sought, regarding the wording of any such statement and the timing of its release, to avoid prejudicing actions being taken by the University and/or other bodies subsequent to the allegation being upheld.
109. The Pro Vice-Chancellor (Research) shall be informed of the outcome of any Formal Investigation. Should the allegation have been made against a current PGR student, the Head of Research Student Administration shall also be informed.
110. The outcome of any allegation previously communicated to a research funder or previously informed external body shall be provided to that organisation upon completion of the Procedure.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

111. The Named Person will make available to the Research Governance Officer, in confidence, a summary of any actions taken under paragraphs 97-99, above.
112. In carrying out any of the above actions (paragraphs 104 -107), the Named Person will be free to seek confidential advice from persons with relevant expertise, both within the University and outside it, as described in paragraph 152, below.
113. The Named Person, Investigating Officer and Pro Vice-Chancellor (Research) shall advise the University Research Governance Officer of any 'lessons learnt' from the investigation that may be suitable to be conveyed to any committees or officers responsible for policies or processes cited .

### **H. Reporting to the University Research Ethics and Integrity Committee and use of anonymised reports for internal training**

- i) Reports generated by Preliminary and Formal Investigations of allegations addressed under this Procedure will be circulated, in confidence, on an annual basis to the Research Ethics and Integrity Committee, and will follow-up reports relating to any actions taken following the conclusion of such Investigations. All such reports will be anonymised and/or have content redacted if deemed appropriate, the decision to be made by the Named Person in consultation with the Research Governance Officer and any other relevant officers of the University. With the specific agreement of the Named Person, suitably anonymised and/ or redacted accounts of completed investigations may be used by the Research Governance Officer for internal training purposes on a confidential basis.

### **I. Approval of changes to the Procedure**

114. Proposals for changes to this Procedure shall be approved by the Research Ethics and Integrity Committee (REIC), Research and Knowledge Exchange Committee and Council. Senate will be notified of these changes.

### **Annex 1: Principles**

115. Misconduct in research is a serious matter. Equally, the investigation of allegations of misconduct in research must be conducted in accordance with the highest standards of integrity, accuracy and fairness.
116. 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 detailed screening of the allegations without releasing the Complainant's identity to the Respondent.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

117. The Named Person will be responsible for resolving any such conflicts between the Principles, keeping in mind at all times that the primary goal of this Procedure is to determine the truth of the allegation.
118. **Fairness:** the investigation of any allegation of misconduct in research must be carried out objectively and with due sensitivity.
119. Those responsible for carrying out this procedure will do so with knowledge of the statutory obligations of the University and the rights of its employees and students according to current law and any additional rights and obligations as bestowed by the University's Statutes and Ordinances.
120. The Respondent must be given full details of the complaint in writing. Where an individual is under investigation by a regulatory body for research and/or other appropriate organisation, such as the police, regarding an offence that may have been committed in the course of or related to his/her employment, and is in breach of the University's *Code of Practice for Research* and/or the University's disciplinary rules, this Procedure will apply separately to any such investigations. In all such cases, advice will be sought from Human Resources and/or the Office of General Counsel, Governance and Compliance before taking action.
121. When someone is formally investigated for alleged misconduct in research, they must be given the opportunity to set out their case and respond to the complaint against them by asking questions, presenting information/ evidence in their defence, adducing evidence of witnesses and raising points about any information given by any witness, regardless of who has called the witness in question. In the interests of fairness care shall be taken that key documentary evidence is shared appropriately within the requirements of data protection legislation.
122. The Respondent and Complainant may be accompanied at any meeting convened under this Procedure and will be informed of that right in any correspondence. Further details as to who may accompany the Respondent and Complainant are given in paragraphs 124 – 125, below. In addition, the Respondent and Complainant can seek advice and assistance from anyone of their choosing but they shall only do so in private and in strict confidence and on the basis that that person undertakes not to discuss the case with any other person.
- i) It may be advisable, particularly in complex cases, for those selected to accompany the Respondent or Complainant to be an academic specialist in the discipline(s) in which the misconduct is alleged to have taken place.
  - ii) If the Respondent/Complainant is disabled, it may be appropriate to allow them to be accompanied by a suitable person because of his/her disability, in addition to any chosen companion.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

- iii) If the Respondent's/Complainant's first language is not English, it may be appropriate to allow them to be accompanied by someone who can provide support with communication in English, in addition to any chosen companion.
  - iv) The individual accompanying the Respondent or Complainant should not be involved in any other on-going actions or processes that may have a bearing on investigation of the allegation.
123. If a student of the University, the Respondent or Complainant may be accompanied by a relevant member of the Students' Union at any meeting convened under this Procedure and will be informed of that right in any correspondence. The Students' Union representative may, if the Respondent or Complainant wishes, answer questions on his or her behalf at any meeting convened under this Procedure.
- i) Respondents and Complainants who are students of the University are strongly advised to contact the Students' Union Advice and Representation Centre which can offer free and confidential advice, and which is independent of the University.
  - ii) Relevant members of University staff may also assist Respondents and Complainants who are students of the University in helping them to understand this Procedure and relevant University rules which apply. However, members of University staff – for example academic advisors, supervisors, or advisors within the Student Life Centre – should not be expected to provide students of the University with assistance with regard to aspects related to the presentation of evidence to this Procedure, or to act as advocates on their behalf.
  - iii) Students of the University who are Respondents or Complainants should not therefore ask an advisor within the Student Life Centre, or any other member of University staff, to act as their representative (and answer questions on their behalf) under this Procedure. As stated above, if a student requires representation at any meeting convened under this Procedure, they are strongly recommended to request this via the Students' Union Advice and Representation Centre.
  - iv) Students of the University who are Respondents or Complainants should not expect anyone who advises them with respect to this Procedure to provide them with any indication of the likely outcome.
124. All other Respondents and Complainants, including those who are members of staff of the University, may be accompanied at any meeting convened under this Procedure by a fellow worker or trade union representative and will be informed of that right in any correspondence. The chosen companion will be allowed to address the meeting in order to put the case of the Respondent or Complainant, sum up his/her case, and respond on behalf of them to any view expressed at the meeting. The companion does not have a right to answer questions on behalf of the Respondent or Complainant.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

125. A person may not be both an Investigator and a member of the Formal Investigation Panel and, if they have been involved in either, they cannot be a member of a subsequent Disciplinary Committee or Panel.
126. **Confidentiality:** in order to protect the Complainant, the Respondent and others involved in the Procedure, it will be conducted as confidentially as is reasonably practicable. The confidential nature of the proceedings will be maintained provided this does not compromise the full and fair investigation of an allegation of misconduct in research, any requirements of health and safety or any issue related to the safety of participants in research.
127. It is important that in the conduct of an investigation using this Procedure that the principles of confidentiality and fairness are applied with appropriate balance for both the Respondent and the Complainant.
128. The identity of the Complainant or the Respondent will not be made known to any third party unless it has been deemed necessary:
- i) in order to carry out a full and fair investigation; or
  - ii) as part of any action taken following a preliminary investigation or formal investigation under this Procedure, such as a referral to the relevant University disciplinary procedures or other appropriate processes; or
  - iii) as part of any action taken against a person who has been found to have made malicious, vexatious or frivolous allegations.
129. Any disclosure to a third party of the identity of the Complainant or Respondent, or of any other details of the investigation, will be made on a confidential basis. The third party should understand this, and that he/she must respect the confidentiality of any information received.
130. The University and/or its staff may have contractual/legal obligations to inform third parties, such as statutory bodies, professional bodies, funding bodies or collaborating organisation(s), of allegations of misconduct in research and/or the findings of a Preliminary and/or Formal Investigation. In such cases, those responsible for carrying this Procedure out will ensure that any such obligations are fulfilled at the appropriate time through the correct processes, always keeping in mind the legal rights of those persons involved in the allegations.
131. While the allegations are under investigation using this Procedure and/or any subsequent formal procedure of the University, the Complainant, the Respondent, witnesses or any other persons involved in this Procedure will not make any statements about the allegations to any third parties, unless formally sanctioned by the University or otherwise required to by law.
132. Breaching confidentiality may lead to disciplinary action, unless covered by the Public Interest Disclosure Act and/or the University's *Public Interest Disclosure Policy*.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

133. The identity of the Complainant will normally be kept confidential until a Formal Investigation is launched unless this is incompatible with a full and fair investigation or unless there is an overriding reason for disclosure. Thereafter the Complainant's identity may be kept confidential, if requested, unless this is incompatible with a full and fair investigation and/or there is an overriding reason for disclosure. The Complainant will be informed in writing if their identity is not to be kept confidential, and why.
134. **Integrity:** an investigation into an allegation of misconduct in research using the processes of Preliminary or Formal Investigation of the Procedure must be fair and comprehensive. The investigation will be conducted expediently although without compromise to the fairness and thoroughness of the process.
135. Anyone asked to take part in the processes as an Investigator or a Panel member (as detailed in Sections E and F) must make sure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised.
136. Similarly, those who give evidence under this Procedure should do so honestly and objectively in accordance with the Principles of the Procedure and will be provided with a copy of the Procedure before giving evidence.
137. All parties involved must inform the Named Person immediately of any interests that he/she has which might constitute a conflict of interest as regards any aspect of the allegations, the investigation, the area(s) of research in question, or any of the persons concerned. Where the Named Person has any interest which might constitute a conflict, he/she will declare immediately any such conflicts to the Vice-Chancellor, who will decide if he/she should be excluded from involvement in the investigation (as in paragraph 40, above), recording the reasons for the decision in writing.
138. The declaration of an interest by a person does not automatically exclude them from participating in the investigation. The Named Person will decide if an interest declared by the individual warrants exclusion from involvement in the investigation and record the reasons for the decision in writing.
139. To preserve the integrity of this Procedure, great care must be taken to ensure that all relevant information is transferred to those involved in the various stages of the Procedure, such as between the Preliminary Investigation and any Formal Investigation Panel and between the Panel and any subsequent formal University procedures. Those responsible for carrying out the Procedure will recognise that failure to transfer information could lead to the process being unfair to the Respondent and/or the Complainant. It could also lead to a complaint being made to the Named Person on the grounds of a failure to observe the Procedure, or to the collapse of the investigation.
140. **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:



## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

- i) individuals against frivolous, vexatious and/or malicious allegations of misconduct in research;
  - ii) the position and reputation of those suspected of, or alleged to have engaged in, misconduct, when the allegations or suspicions are not confirmed; and
  - iii) the position and reputation of those who make allegations of misconduct in research in good faith, i.e. in the reasonable belief and/or on the basis of supporting evidence that misconduct in research may have occurred.
141. Anyone accused of misconduct in research is entitled to the presumption of innocence.
142. The Preliminary Investigation stage of the Procedure consists of an initial assessment of an allegation of misconduct in research to determine whether there is sufficient evidence to warrant a Formal Investigation of the allegation. The Formal Investigation stage of the Procedure consists of an inquiry to review all the relevant evidence and conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not upheld. The Formal Investigation may also make recommendations regarding any further action necessary to rectify any misconduct it has found and correct the record of research and to preserve the academic reputation of the University, for consideration by the appropriate University authorities. The standard of proof used in the Formal Investigation is that of 'on the balance of probabilities'. A Formal Investigation may conclude that an allegation is not upheld for reasons of being mistaken, frivolous, otherwise without substance or vexatious and/or malicious.
143. It is acknowledged that allegations may be made for what appear to be malicious reasons. The Procedure should still be used where the Complainant makes a formal complaint, to establish whether the allegations are of sufficient substance to warrant investigation.
144. It should be made clear that any actions that might be taken by the Named Person in response to the notification of an allegation of misconduct in research are not to be regarded as a disciplinary action and do not in themselves indicate that the allegations are believed to be true by the University. Those conducting this Procedure will take steps to make it clear to the Respondent, Complainant and any other involved parties that these actions are necessary to prevent further risk or harm to any persons involved in the research and that the allegations of misconduct in research can be properly investigated and to meet contractual and other obligations of the University.
145. In accordance with the *Public Interest Disclosure Policy*, no detrimental action of any kind will be taken against a person within the Institution making a complaint of the nature described above, provided that it is done without malice and in good faith, reasonably believing it to be true. In addition, members of staff have statutory protection, provided that they comply with the relevant provisions of the Public Interest Disclosure Act 1998. A malicious or vexatious complaint, however, could result in disciplinary action.

**Annex 2: Standards for the Conduct of this Procedure**

146. Those conducting this Procedure will endeavour to do so as to retain the confidence of both the Complainant and the Respondent.
147. Every effort will be made to investigate allegations of research misconduct in the shortest possible timescale necessary to ensure a full and fair investigation. This will vary according to the time required to investigate a specific case.
148. Once initiated the Procedure should progress to the natural end-point irrespective of such developments as:
  - i) the Complainant withdrawing the allegations at any stage;
  - ii) the Respondent admitting, or having admitted, the alleged misconduct, in full or in part; and/or
  - iii) the Respondent or the Complainant resigning, or having already resigned, his/her post or otherwise leaving, or having already left, the University.
150. In the event of withdrawal of either the Preliminary Investigator, Chair of the Screening Panel or Chair of the Formal Investigation Panel, before the completion of a formal stage, the Named Person shall decide, after receiving advice from the Office of the General Counsel, Governance and Compliance on subsequent actions to ensure fairness in the case.
151. After an investigation into alleged misconduct by any person who is not a current or former member of staff or student of the University, the Named Person will determine the nature of any further action to be taken in relation to the misconduct.
149. If at any stage of this Procedure, a Respondent or other person raises a counter-allegation of misconduct in research or an allegation of misconduct in research unrelated to the matter under investigation, such allegations will be addressed under this Procedure as separate matters and will be forwarded to the Named Person for consideration (see paragraph 42, above). If at any stage of this Procedure, a Respondent or other person raises a complaint about the use or operation of this Procedure or any decision or action proposed or taken under this Procedure, or raises any other grievance, then the Deputy Vice-Chancellor will seek the advice of the Human Resources and/or Student Services Divisions, in confidence, to determine an appropriate course of action. Reports generated by an investigation under this Procedure may be used in evidence by subsequent investigations under this Procedure or by other University processes.
150. If required to facilitate a full and fair investigation and/or the operation of any aspect of this Procedure, the Named Person, those persons conducting Preliminary Investigations and Panels conducting Formal Investigations shall be free to seek confidential advice from persons with relevant expertise, both within the University and

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

outside it. Those seeking advice will, so far as is possible, make no information available which could lead to the identification of the Complainant, Respondent or other individuals involved in the case. Persons who might be consulted include but are not limited to:

- i) experts in particular disciplines of research; or
  - ii) experts in particular aspects of the conduct of research, such as statisticians or editors of academic journals, and/or in addressing misconduct in research and poor practice;
  - iii) representatives of University departments such as: Finance; the Quality, Safety, Health and Environment Team ; Human Resources; IT Services; Research and Enterprise, Office of the General Counsel or Student Services.
- iv) External legal advisers
151. Detailed and confidential records will be maintained on all aspects, and during all stages, of the Procedure and minutes will be made of all formal meetings convened under the Procedure.
152. On behalf of the Named Person, Research and Enterprise Services will retain all reports, correspondence, transcripts of meetings and other documentation relating to the operation of this Procedure for a period of at least seven years.
153. The Named Person will identify any additional suitable administrative and other support to assist them and other persons responsible for the operation of this Procedure. In particular, support from Human Resources, General Counsel, Governance and Compliance or Student Services may be appropriate. Those selected to provide such support will confirm to the Named Person in writing that their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see paragraphs 138-139, above).
154. In addition to the administrative and other support identified by the Named Person, as in paragraph 154 above, the Research Governance Officer or his/her designated alternate will also assist the Named Person and other persons responsible for the operation of this Procedure as necessary. The Research Governance Officer or alternate as described above will confirm to the Named Person in writing that his/her participation involves no conflict of interest, seeking advice from the Named Person if unsure (see paragraphs 139-140, above).

### **Annex 3: Acknowledgements**

Cardiff University, 2010. *Procedures for Dealing with Allegations of Misconduct in Academic Research*.

Department of Health, 2005. *Research Governance Framework for Health and Social Care: Second Edition*.

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

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- King's College London, 2009. *Procedure for Investigating and Resolving Allegations of Research Misconduct*.
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- Research Councils UK, 2009. *RCUK Policy and Code of Conduct on the Governance of Good Research Conduct*.
- School of Oriental and African Studies, 2009. *Policy for the Investigation of Allegations of Research Misconduct*.
- UK Research Integrity Office, 2008. *Procedure for the Investigation of Misconduct in Research*.
- UK Research Integrity Office, 2009. *Code of Practice for Research: promoting good practice and preventing misconduct*.
- University College London, 2010. *Procedure for Investigating and Resolving Allegations of Misconduct in Academic Research*.
- University of Bristol, 2010. *Regulations on Research Misconduct*.
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- Uk, U., 2012, 2019. *The Concordat to Support Research Integrity*.
- Wellcome Trust, 2005. *Guidelines on Good Research Practice, Including Statement on the Handling of Allegations of Research Misconduct*.

## Annex 4: Procedure for the Investigation of Allegations of Misconduct in Research for research students <sup>2</sup>

### A. Allegations of Research Misconduct: Initiation of Proceedings

155. All allegations of research misconduct in work<sup>3</sup> by research students (as defined in paragraph 31 of the main Procedure above) shall normally be investigated in accordance with the *Procedure for the Investigation of Allegations of Misconduct in Research* ('the Procedure'). **Exceptions** to this requirement are set out in paragraph 167 below.
156. In the event of doubt, the Named Person (in accordance with their role in the Procedure) shall advise on the most appropriate course of action.
157. Research students who are also engaged in taught modules as part of their studies will normally be subject to the *Examination and Assessment Regulations* for any allegations of Academic Misconduct that may arise from this work. The appropriate School Investigating Officer will advise the Named Person if a query arises.
158. At the completion of both the Preliminary Investigation (Part E) and the Formal Investigation (Part F) of the main Procedure, the Chair of the Panel or Investigator shall, in summarising the findings, give consideration to the role of the research student's main supervisor in fulfilling their responsibilities to ensure the student's awareness of appropriate conduct in research and the University's *Code of Conduct for Research*. The Named Person may recommend that disciplinary action is taken against the supervisor if there has been a significant failing in this regard.
159. A student who is being investigated under the Procedure shall not be able to submit their thesis for examination until such time as the Procedure has been completed.
160. Upon implementation of the Procedure, any on-going student examination process shall be suspended until the completion of the Procedure. The student shall be informed of the expected timescales. In the case of a research student who is both a member of staff and a student, the Named Person will make a decision on which is the appropriate process to follow, taking account of the circumstances of the case and, in particular, whether research is a paramount part of the individual's employment.
161. In accordance with Regulation 23 of the University Regulations, (Degrees of Master of Philosophy and Doctor of Philosophy)<sup>4</sup>, paragraphs 61-66, examiners who have been appointed to examine research students shall report any allegations of research misconduct in submitted work to the Named Person.

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<sup>2</sup> PGR students registered in the Brighton and Sussex Medical School (BSMS) are excluded from these arrangements as they fall under University of Brighton regulations.

<sup>3</sup> For the purposes of this Procedure 'work' may be defined as, but not limited to, material submitted to a supervisor, or in a thesis, publication, public presentation, poster, website, grant proposal etc. related to their programme of study, or submitted as a student of the University.

<sup>4</sup> <http://www.sussex.ac.uk/ogs/govdocuments/regulations>

## RESEARCH ETHICS, INTEGRITY AND GOVERNANCE

162. Upon receipt of an allegation the Named Person will confirm a course of action in accordance with paragraphs 40-42 of the main Procedure. This will include the possibility of referring the allegation back to the examinations process.
163. If the Named Person is the Complainant or the Respondent or is personally associated with the work to which the allegation relates or has any other conflict of interest, he/she will instead refer the allegation to the Pro Vice-Chancellor (Research) in writing and notify the Complainant accordingly, also in writing. The Pro Vice-Chancellor (Research) will then take on the role of the Named Person as regards the conduct of this Procedure and he/she will be responsible for fulfilling all of the duties allocated to that role by this Procedure.
164. The outcomes and recommendations of the completed Procedure shall be received and considered by the Named Person with the advice and guidance of the Pro-VC (Research).. The Vice-Chancellor shall nominate an appropriate individual for this role should the Pro-VC (Research) be acting as the replacement for the Named Person.
165. Reports generated by Preliminary and Formal Investigations of allegations addressed under the Procedure involving research students will be circulated, in confidence, on an annual basis to the University Research Ethics and Integrity Committee and the Doctoral School Board, as will follow-up reports relating to any actions taken following the conclusion of such Investigations. All such reports will be anonymised and/or have content redacted if deemed appropriate, the decision to be made by the Named Person in consultation with the Research Governance Officer and any other relevant officers of the University.

### **B. Extent of Alleged Misconduct: Action Open to a School of Study**

166. The following instances of research misconduct may be dealt with by the School in which the student is registered under the responsibility of the School's Director of Doctoral Studies:
  - a) A *first instance* of plagiarism including the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission in the early stages of the programme of study<sup>5</sup>.
  - b) A *first instance* of misrepresentation of data in the early stages of the programme of study.
  - c) A *first instance* of misrepresentation of data and/ or interests and/ or involvement in the later stages of the programme of study which is judged to have been owing to error, misunderstanding or other extenuating circumstances.

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<sup>5</sup> The use of Turnitin or similar plagiarism checking software, with the student's consent, is recommended for addressing concerns with referencing practice and possible plagiarism. Research supervisors are advised to discuss matters of this nature at the earliest opportunity and ensure that any formal progression points are used to discuss pertinent research skills including awareness of the required standards of research integrity as set out by the Code.

### C. Process for action undertaken by a School of Study

167. The School's Director of Doctoral Studies shall send a *Research Misconduct Notice of Advice* letter to the student outlining the alleged misconduct<sup>6</sup>.
168. Within 10 working days of sending the letter, the School's Director of Doctoral Studies, or a senior member of academic staff nominated by the Head of School with significant supervisory experience (the 'Reviewer'), shall meet the student to review the concerns and agree the subsequent course of action.
169. The following options are open to the Reviewer after meeting with the student:
- a) dismissing the allegation as mistaken or unfounded ('No case to answer').
  - b) referral to an Academic Practice workshop<sup>7</sup> or appropriate online training followed up by submission of a piece of work
  - c) referral to a specifically convened Annual Review Meeting/ 'Thesis Panel'
  - d) referral to the Procedure
170. Students will receive formal notification of the outcome of the Review, summarising discussions in a letter no later than 5 working days after the meeting.
171. A student may challenge the outcome within 5 working days of receipt of the letter on the basis of factual accuracy by appealing to the Head of School who may, after consulting with the Reviewer, uphold the decision, appoint another Reviewer or dismiss the allegation as mistaken or unfounded.
172. In the event that the allegation is dismissed as mistaken or unfounded the evidence file relating to the case will be destroyed and no mark left on the student's record.
173. For the purposes of transparency and accountability, the nature of individual allegations of research misconduct (and their outcomes, including 'No case to answer') relating to research students considered at School level shall be reported promptly (fully anonymised) for minuting to the Doctoral Studies Board under the guidance of the General Counsel's office and / or the Research Governance Officer. These anonymised records shall also be reported to the University Research Ethics and Integrity Committee and will be noted in the annual institutional research integrity statement.
174. Confidential records of research misconduct reviewed at a School level shall be maintained within the School and made available to the Named Person (or nominated officers) if required.

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<sup>6</sup> An approved template shall be used for this process in which it shall be made clear that, at this stage, the student is not being disciplined but supported in understanding good practice.

<sup>7</sup> <http://www.sussex.ac.uk/adqe/standards/academicmisconduct>

**D. Research Misconduct Discovered after Successful Completion of an Examination**

175. The University has the right to rescind an award if an allegation of research misconduct is upheld (whether internally, through the *Procedure* or externally) after the examination of a thesis.



**Versions**

**Version 1.0 September 2012**

**Version 2.0 December 2016** – Addition of Annex 4 - *Procedure for the Investigation of Allegations of Misconduct in Research for research students*

**Version 3.0 June 2018** – Revisions to Annex 4 ('Action Open to a School of Study') for first instances of alleged plagiarism by PGRs) and various revisions including changes to responsibilities of senior University officers.

**Version 4.0 June 2019**

**Version 5.0 June 2021**

*Latest version approved by Senate, 9 June 2021*

