

**UNIVERSITY RESEARCH ETHICS COMMITTEE
POLICY AND PROCEDURES FOR DEALING WITH
ALLEGATIONS OF RESEARCH MISCONDUCT AGAINST
DOCTORAL OR MASTERS RESEARCH STUDENTS**

4th Edition 2020

1. What is research misconduct?

The term 'Research Misconduct' includes the following whether it occurs, deliberately, recklessly or negligently:

1. **Failure to undertake an appropriate level of ethical scrutiny;**
2. **Non-compliance and failures in duty of care-** the failure to comply with statutory obligations and/or to follow accepted research procedures or established ethical procedures or to behave appropriately with regard to their responsibilities to:
 - a. avoid unreasonable risk or harm to humans or animals used in research and to the environment;
 - b. obtain appropriate permissions to undertake research from participants and organisations;
 - c. handle privileged or confidential information on individuals collected during research in an approved manner, including appropriate disposal of such material;
 - d. follow approved procedures when producing or dealing with hazardous materials, including chemical, biological and genetically modified materials;
3. **Fabrication** - the invention of data or other documentation such as consent forms etc;
4. **Falsification** - the rejection of undesired results, the distortion of conclusions or misrepresentation of results of other researchers;
5. **Plagiarism** - the presentation of documented words or ideas of another as one's own work, without attributions. It may be deliberate or occur unintentionally as the result of poor academic skills, but in either case it constitutes misconduct. It can take many forms from cutting and pasting from journal articles, books or internet sites etc.;
6. **Contract cheating** - submitting work bought or commissioned from others;
7. **Misrepresentation** of research data and/or interests/expertise and or involvement in the research. This includes bestowing gift /honorary authorships (e.g. including as authors individuals such as external examiners, who have had little or no involvement in the research in order to improve the chances of publication or improve the status of the publication or to enhance the individual's career). This also includes failure to acknowledge individuals who have made intellectual contributions to the research and its publication or including as authors individuals who have not given their permission to be included;
8. **Breach of confidence** - making use of ideas in breach of confidentiality associated with peer review, supervision or other collaborations
9. Conducting research in a way that could **threaten national or international security;**

10. **Duplicate publication** - reporting exactly the same data in two or more publications or so-called "**salami-publication**" where one study that share the same hypotheses, population and methods is broken up into slices (papers) with no acknowledgment of the earlier paper(s) that use the same data set. With large publicly available data sets, or data collected longitudinally researchers may produce more than one paper but failure to acknowledge the source of the data set and reference earlier papers produced from it constitutes research misconduct.
11. **Facilitating misconduct by collusion or concealment** - failing to challenge or choosing deliberately to ignore unethical research practices amongst other researchers.
12. **Improper dealing with allegations of misconduct** - for example trying to influence witnesses, alter evidence or have allegations withdrawn.

It does not include honest error or honest difference in methodological approach, research design, interpretations or judgements regarding data. For the judgment of research misconduct to be made, there needs to be evidence of wilful intention to commit the misconduct or recklessness or disregard for established procedures.

2. Student and Supervisor Responsibilities

- 2.1 Supervisors have overall responsibility for ensuring that appropriate ethical scrutiny of their students' research occurs and to provide advice. Students are required to complete the appropriate proforma and obtain any necessary ethical approvals. This may range from completion of a proforma on the University online ethics review system for review by the University Research Ethics Committee (UREC) or to an external NHS, Social Care or other Research Ethics Committee. Where projects receive ethics approval from external committees, student must still register their project on the university online review system and upload their approval letter and any other relevant documentation. Students are then required to undertake their research in strict accordance with the ethical approval received. In some instances, students may also have to comply with ethical codes issued by professional bodies relevant to their subject areas.
- 2.2 The university requires research supervisors to take reasonable steps to ensure the research integrity of their students' research, e.g. listen to interview tapes, check lab books, or examine data sets and so on. The aim is to encourage openness in research and to ensure that all university research is undertaken ethically.
- 2.3 Students and supervisors are required to comply with the *Code of Practice for Research Students and Supervisors* which is available on the Research Degrees Blackboard site. (Breaches of supervisor responsibilities may be investigated under the Staff Research Misconduct Policy <https://www.shu.ac.uk/research/quality/ethics-and-integrity>)

3. Policy and Procedures for Dealing with Allegations of Research Misconduct against Research Students

3.1 When an allegation of research misconduct is made, the principles to be followed throughout the investigation are those of **fairness, integrity, confidentiality, prevention of unnecessary detriment** and **balance**. The supervisory team and anyone involved in project management of the research student(s) allegedly involved will not be responsible for the investigation or adjudication at any stage of the procedure. The process is based on the three-stage University Research Misconduct Policy and Procedures which applies to staff and complies with the recommendations of the UK Research Integrity Office. If, at any stage of the Research Misconduct procedure, those making decisions believe that the allegations may be deemed to be malicious, frivolous or vexatious, the person(s) making the allegation may be referred to an appropriate disciplinary procedure.

3.2 Confidentiality

An allegation of research misconduct is serious and potentially defamatory, and therefore could be actionable in law. Consequently, for the protection of the person making the allegation and the person against whom the allegation is made, all information submitted in relation to an allegation of misconduct will be dealt with confidentially and will only be disclosed to those parties involved in the investigation and judgement of the allegation, or as is necessary to progress the accusation, or as required by law.

Stage 1 - Initial Scrutiny

- 1.1 Allegations should be made to the University's Head of Research Ethics (HRE) or deputy if there is a conflict of interest. The initial approach to the HRE can be made anonymously but normally for an allegation to be investigated the complainant needs to submit a written statement to the HRE. Allegations of research misconduct are potentially very serious hence the need for detailed records from the initial allegation onwards. Administrative support will be provided by the Doctoral School.
- 1.2 The HRE acknowledges receipt of the allegation and informs the complainant of the procedure that will be followed.
- 1.3 The HRE reviews the allegation against the criteria specified in section 1 and she/he may arrange to meet with the complainant to explore the nature of the allegation further. The complainant may be accompanied by a colleague. Administrative support for this will be provided by the Doctoral School. S/he may also seek confidential advice from relevant senior researchers and managers.
- 1.5 There are four possible outcomes as follows:
 1. *Allegation dismissed and person making allegation is notified.*
 2. *Issue is judged to be genuine but is unrelated to research.* The person making the allegation is advised in writing of the alternative procedure to be used.
 3. *Allegation is deemed to be likely to be true, and related to research, but of minor significance.* Action which may follow could include advice or guidance to either or both parties, or mediation between them if considered relevant and both agree. Any mediation would be facilitated by the HRE & relevant Head of Research Degrees.
 4. *Issue is judged to be serious enough to warrant further investigation.*
- 1.6 If the allegations cannot be immediately dismissed, the HRE will notify the individual responsible for the alleged misconduct in writing that an allegation of research misconduct has been made against them, but at this stage the source of the allegation will not be identified; details of the procedure to be followed, the timetable and details of potential sources of support will be provided. S/he is invited to respond in writing to the allegations should they wish and are given ten working days to do so. They are informed that they will be invited to a confidential meeting to discuss the allegation under Stage 2 of the process. The student has the right to be accompanied by one other person e.g. friend, relative, colleague or student union representative. Other than in exceptional circumstances to be determined by the HRE, this person cannot be a professional legal representative who has been employed to act on the student's behalf.
- 1.7 If potentially unsafe practices have been uncovered, the HRE with advice from other relevant senior staff and after consultation with the Pro Vice-Chancellor Research and Innovation will take any necessary actions to protect research participants and avoid risks

to health and safety. (It will be made clear that this action does not necessarily indicate that the allegation is considered to be true but is purely preventative). If illegal activity is involved it may be necessary to notify the relevant authorities and proceed to an external investigation. Internal proceedings should be suspended pending the outcome of any external inquiries.

- 1.8 Where an allegation is proceeding to Stage 2, the Vice-chancellor, Head of the Doctoral School and the Relevant local Head of Research Degrees will be notified.
- 1.9 The HRE will ascertain the source of the student's funding and in compliance with RCUK guidance, for doctoral students funded by any of the UK research councils the relevant research council is notified of the allegation as will any other sponsor.

The initial scrutiny will normally be completed within 10 working days.

Stage 2 Assessment

- 2.1 The purpose of this stage is to determine whether there is prima facie evidence of research misconduct. The HRE will undertake an enquiry into the allegations taking advice as necessary from members of staff with relevant knowledge and experience. This will depend on the nature of the allegation. The student's written response to the allegation will also be considered. The HRE may in addition seek confidential, legal or other expert advice to assist in such a determination. Administrative support will be provided by the Doctoral School.
- 2.2 The HRE after consultation with the local Head of Research Degrees shall convene an Assessment Panel consisting of the HRE (Chair) and two experienced research supervisors who are independent of the research project and the unit where the student against whom the allegation was made is based. Administrative support will be provided by the Doctoral School.
- 2.3 Five working days' notice is given for required student attendance at assessment panel meetings. Meetings will be arranged as soon as possible and the assessment panel will report within 10 days of the final meeting. The assessment panel should normally aim to conclude Stage 2 within 30 working days.
- 2.4 A meeting of the Assessment Panel with the student against whom the research misconduct allegation has been made will be held. The student has the right to be accompanied by one other person e.g. friend, relative, colleague or student union representative. Other than in exceptional circumstances to be determined by the HRE, this person cannot be a professional legal representative who has been employed to act on the student's behalf. The aim of this meeting is to allow the individual to seek clarification about the procedure and discuss the nature of the allegations further. Should the person against whom the allegation is made wish additional time to collect evidence in their defence, a second meeting will be arranged with the same membership. Notes of these meetings will be sent to the individual against whom the research misconduct allegation has been made and their representative for checking although only changes of a factual nature will be allowed.
- 2.5 If the student wishes to admit to the allegations at this point he or she may do so. If guilt is admitted, the case may be referred directly to the Research Misconduct Panel for resolution. Possible actions are outlined in 5.2.
- 2.6 There are four possible outcomes for the Assessment Panel:

1. They dismiss the allegations as being mistaken, malicious, vexatious or frivolous. Then both parties shall be informed and the case shall be dismissed. The Assessment Committee can recommend that formal proceedings are initiated against the party making the allegation, if the allegation is frivolous, malicious or vexatious, which may result in disciplinary action being taken. If the allegation was made in good faith, there will be no penalty and support may be offered to either party if necessary.
2. They decide that while there is a case to answer it is relatively minor in nature and/or it did not involve a deliberate attempt to deceive and may recommend dealing with it through further education and training. The HRE will ensure that this is implemented.
3. If the decision is that there is a clear case to answer and guilt is admitted fully, the case is then referred directly to Research Misconduct Panel where a decision is made on how to resolve the case.
4. Where the case is judged to involve serious research misconduct and deliberate deception although guilt is not admitted, the Assessment Panel may decide that the allegations are serious enough to warrant further formal investigation under the University's Research Misconduct Procedures at Stage 3.

2.7 Any contractual obligations to notify funding bodies are actioned, research may be stopped and research data secured as necessary.

The aim is for this stage to be completed normally within 40 working days. A report will be produced by the HRE.

Stage 3 - Formal Hearing

- 3.1 Only allegations of research misconduct that are assessed as being sufficiently serious and substantial warrant formal investigation. The purpose of this stage is to determine whether research misconduct has been committed, and if so, the responsible person(s), the seriousness of the misconduct and advise on actions to be taken. The Panel must be set up in a timely fashion following receipt of the assessment panel report.
- 3.2 The HRE after consultation is responsible for the nomination to the Vice Chancellor of an Investigation Panel of at least three members giving due consideration to:
 - need for specialist knowledge or expertise;
 - any potential conflicts of interest;
 - any previous contact with the research;
 - any links with the accuser or accused;
 If more than three members are deemed necessary, the panel should always have an odd number of members to prevent tied decisions.
- 3.3 The Vice-chancellor or nominee may veto nominations with the reasons recorded in writing. Anyone involved at a previous stage is excluded from the formal investigation panel, as is the HRE. Administrative support will be provided from the Doctoral School.
- 3.4 A chair is identified who is a senior member of the University. The chair is responsible for ensuring that accurate records are kept of the proceedings and that these are kept securely. For students funded by any of the UK Research Councils, RCUK will be notified by the HRE as RCUK may wish to observe the procedures in serious cases of alleged misconduct which could impact on the reputation of the research council(s).
- 3.5 The HRE will notify the student against whom the allegation(s) have been made of the composition of the investigation panel and he or she shall have the right to share any concerns they have with the HRE but they do not have the right to veto members of the panel. The student against whom the allegation(s) have been made will be provided with a copy of the Stage 2 Assessment report and allowed at least 10 working days to respond to the report before a formal investigatory meeting is held.

3.6 The student against whom the allegation is made can elect to be accompanied by one other person. He or she is strongly recommended to seek advice and representation when appearing before the Investigation Panel. The proceedings are not judicial and legal representation is not normal. Legal representation may be appropriate where a case is complex or where the charge has serious consequences. If the student wishes to be legally represented at the formal investigation, permission should be requested in advance in writing, with reasons. In making a decision as to whether or not legal representation is permitted, the University will take into account the gravity of the charge, the complexity of the case and the circumstances of the student. Permission to have legal representation will not be withheld unreasonably.

3.7 The panel shall:

- Review all the documentation collected at the earlier stages including the report on Stage 2 and the reply to this report from the student.
- Collect any additional background information deemed necessary.
- Conduct a Formal Hearing which allows the person against whom the allegation is made to present their case and respond to the allegations made. The person against whom the allegation is made and /or their representative may present evidence, call witnesses, ask questions and raise points about information provided by other witnesses.
- The person making the allegation or other relevant staff may be invited to provide evidence
- The investigation panel may call on others for expert advice, which will either be in writing or in person at the hearing. If it is in writing, the student against whom the allegation is made will be given the earliest possible opportunity to see the statement.

The panel should endeavour to set a date for completion of the investigation ensuring that sufficient time has been allowed for a thorough investigation but should try not to prolong the exercise unnecessarily. The HRE should receive regular monthly reports on progress from the Chair. The HRE will then notify other interested parties of progress as required.

4. Findings

4.1 After reviewing all the evidence and the formal hearing the panel may conclude that on the balance of probabilities the allegations of misconduct are in their opinion:

- Not upheld
- Partially upheld
- Fully Upheld.

A majority decision is required. The panel produce a final report summarising the procedures followed, the decision reached, with the rationale for them, any dissenting views with their rationale and identifying any procedural issues. They may recommend the records of the research, including publications to be corrected and they may recommend changes to organisational practices or raise other relevant issues with the aim of preventing future research misconduct.

4.2 If the investigation uncovers further instances of research misconduct by the student against whom the allegation is made unrelated to the incident under investigation or research misconduct by another person or persons, these allegations should be submitted in writing to the HRE along with supporting evidence for further consideration in a new investigation.

4.3 The final report of the panel is sent to the HRE to action. If the allegations of serious scientific misconduct are partially or fully upheld, the Research Misconduct Panel is convened to decide on disciplinary action.

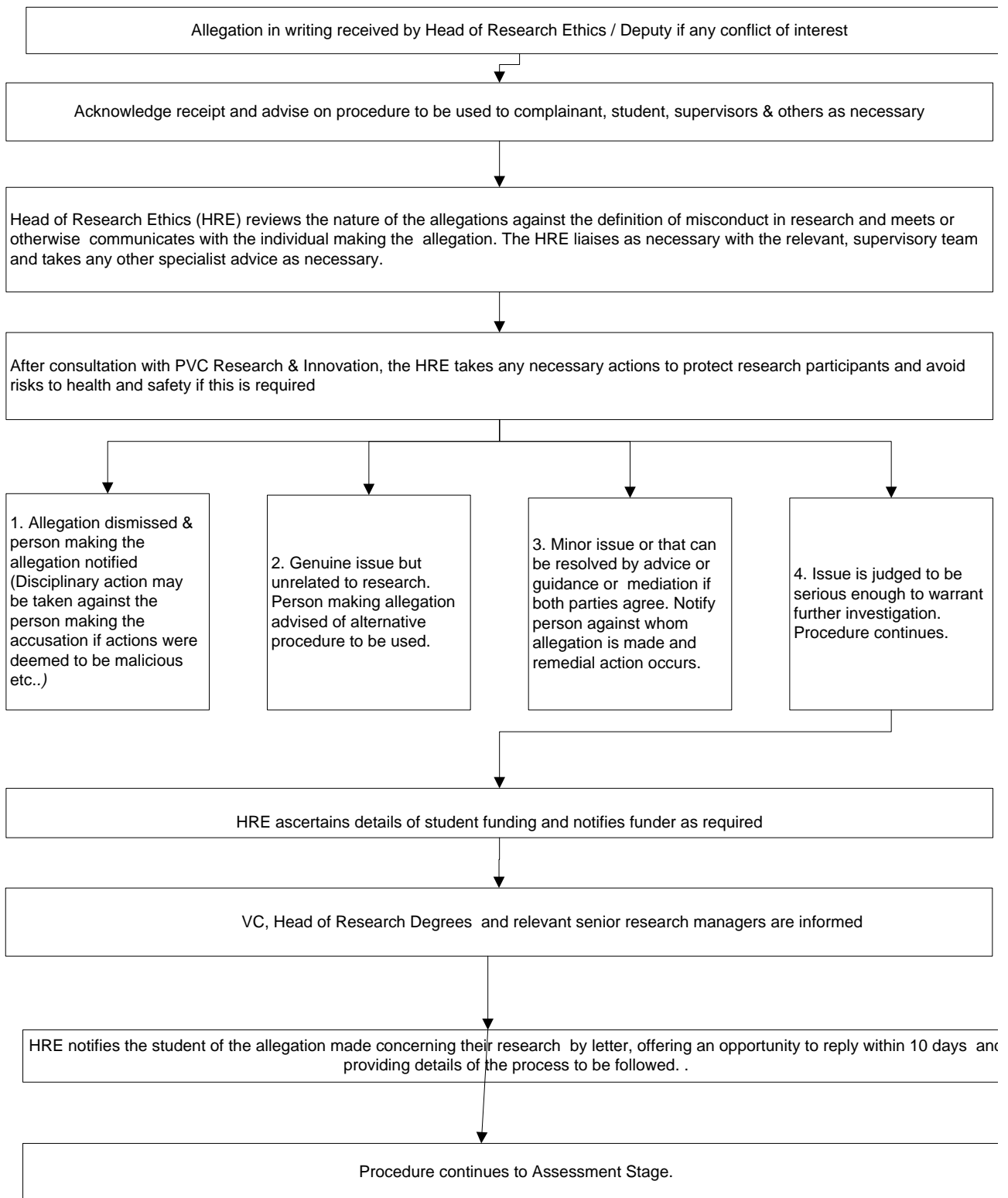
4.4 The student will be notified that the Research Misconduct Panel is being convened and will be given the opportunity to present any independently evidenced mitigating circumstances

in writing to the panel. Ten working days from notification of the meeting date will normally be allowed for a written response.

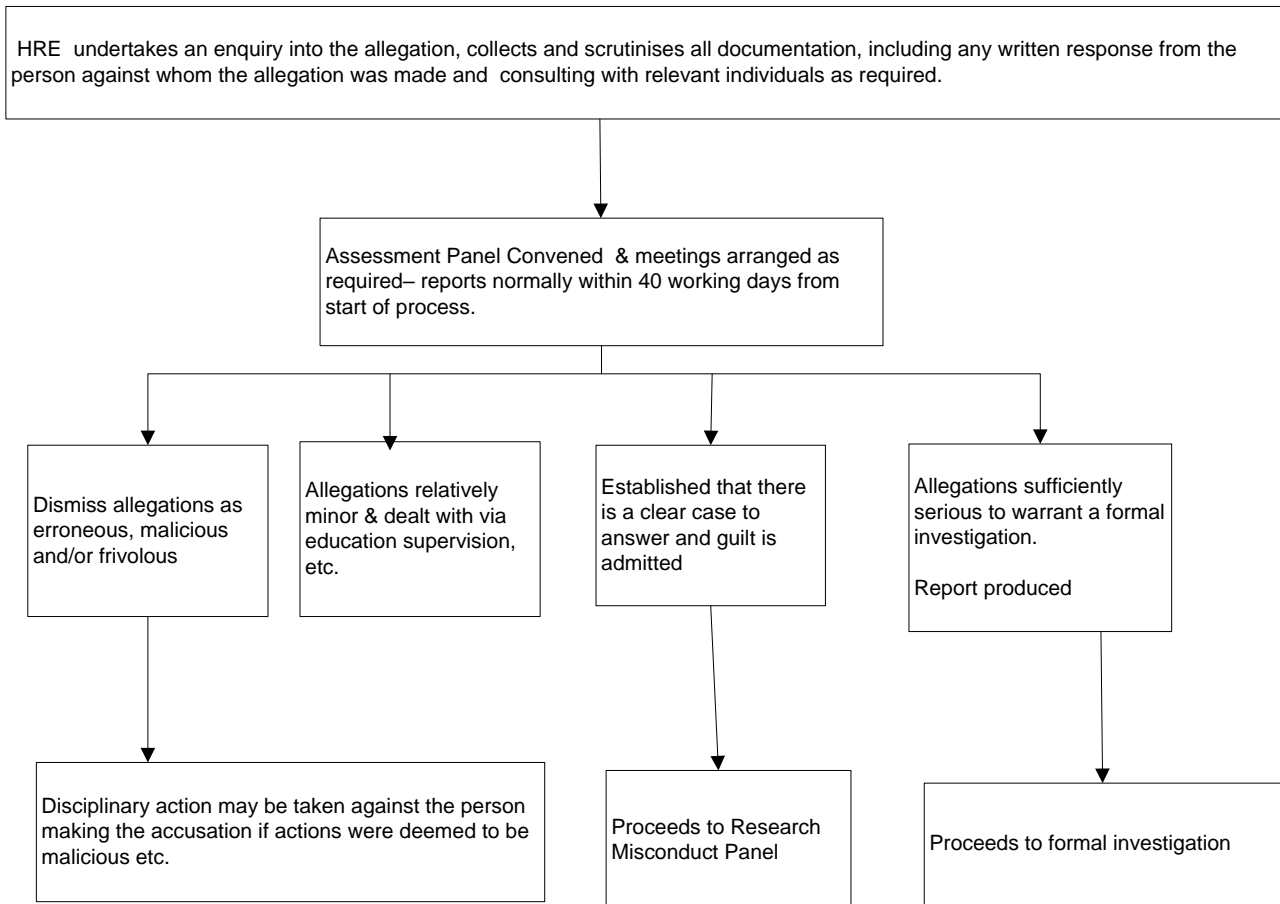
5. Research Misconduct Panel

- 5.1 This comprises the PVC Research and Innovation, the HRE, the relevant Head of Research Degrees and/or other Senior Staff nominees as appropriate. This panel will decide what action needs to be taken, bearing in mind any recommendations made in the relevant reports from Stages 2 and 3 and any independently evidenced extenuating circumstances presented by the student.
- 5.2 Where research misconduct has been established, this might include one or more of the following sanctions depending on severity:
 - Letter of reprimand and warning as to future conduct.
 - Attendance at additional training
 - Special monitoring of future work
 - Withdrawal of funding
 - The withdrawal or correction of pending or published abstracts and papers emanating from the research in question
 - Recommendation of Expulsion from the university, to be confirmed by the VC
- 5.3 Where the student been supported by external funding, the funding body will be notified of the outcome and the sanctions imposed by the university. If appropriate, relevant professional bodies will also be informed of the outcome and the sanctions being applied. Funding and professional bodies may also impose sanctions in these circumstances.
- 5.4 If it is found that misconduct has not occurred but serious research errors have been made, the matter will be dealt with internally within the institution, at the direction of the Pro VC Research and Innovation and the HRE. Action may be required to correct errors, for example by publication of a retraction, or correction of data or information, in the journal where the original work was published. In research involving human participants the appropriate research ethics committees shall be informed.
- 5.5 If the investigation concludes at any stage that no misconduct has occurred, steps should be taken by the University if necessary, to preserve the good reputation of the student.
- 5.6 The decisions of the Investigation Panel and the Research Misconduct Panel are the final decisions of the University. However, if the student is dissatisfied with either decision s/he has the right to complain to the Office of the Independent Adjudicator for Higher Education (OIA). To facilitate this, a Completion of Procedures (COP) letter will be issued after the final decision is made.

Stage 1 Initial Review. Completed within 10 working days normally



Stage 2 Assessment. Completed within 40 working days



Formal Investigation under the University Policy and Procedures for dealing with Allegations of Research Misconduct by Research Students.

No set timetable but as quickly as is feasible to allow for a thorough process

