

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

**3<sup>rd</sup> Edition 2017**

**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** - the failure to comply with statutory obligations and/or to follow accepted research procedures or to behave appropriately with regard to their responsibilities to:
  - avoid unreasonable risk or harm to humans or animals used in research and to the environment;
  - obtain appropriate permissions to undertake research from participants and organisations;
  - handle privileged or confidential information on individuals collected during research in an approved manner, including appropriate disposal of such material;
  - Follow approved procedures when producing or dealing with hazardous materials, including chemical, biological and genetically modified materials.
- 3. Fabrication** - the invention of data;
- 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;
- 6. Misrepresentation** of research data and/or interests/expertise and or involvement in the research;
- 7. Breach of confidence** - unauthorised use of information or ideas that were acquired under expectations of confidentiality e.g. confidentiality agreements, intellectual property restrictions, peer review and supervisory arrangements;
- 8. Conducting research in a way that could threaten national or international security;**
- 9. 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 publically 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.

**9. Facilitating misconduct by collusion or concealment** - failing to challenge or choosing deliberately to ignore unethical research practices amongst other researchers.

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.

**Student and Supervisor Responsibilities**

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 self-assessment proforma, submission to the appropriate Faculty Research Ethics Committee or to an external NHS or Social Care Research Ethics Committee. 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. 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... The aim is to encourage openness in research and to ensure that all university research is undertaken ethically.

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

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 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.

**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 Review**

This is undertaken by Head of Research Ethics (HRE) or deputy if there is a conflict of interest, in consultation with the relevant HOPARD, Assistant Dean Research and supervisory team if

appropriate, with other specialist advice as necessary. Allegations will normally only be pursued if the individual(s) making the allegations agrees to the allegation being recorded in written format and the source being identified by name. 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 graduate studies team.

The Head of Research Ethics (HRE) will acknowledge receipt of the written statement and outline the approach to be followed to the party making the allegations. The initial review aims to determine whether the allegation falls within the procedures and appears to have an evidential basis or whether the allegation is mistaken, frivolous, malicious and /or vexatious. This will involve discussion with the party making the allegations and a review of the basis for the complaint and its history. The possible outcomes are:

1. *Allegation dismissed and person making allegation notified.* The person(s) making the allegation may be referred to an appropriate disciplinary procedure.
2. *Issued 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 and 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 HOPARD.
4. *Issue is judged to be serious enough to warrant further investigation.*
  - a) The VC and relevant PVC Dean are notified.
  - b) 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.
    - b) The HRE arranges and is present at a meeting with the relevant HOPARD and the student against whom the allegation has been made to inform him/her of the allegations. 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.
    - c) The student will be informed in advance of the purpose of the meeting. The purpose of the meeting is to inform the student of the allegations, the procedure and the timetable and to allow the student to ask questions about these. The student is given a written copy of the allegation, details of the procedure to be followed, an outline timetable for the assessment stage and details of potential sources of support. The student is not required to respond to the allegations and no inference will be drawn from a lack of response.
    - d) If the student wishes to admit to the allegations at this point he or she may do so, and, if admitted in full, the case will be referred directly to the Research Misconduct Panel. If the allegations are admitted in part the HRE will decide how to proceed.
    - e) Any contractual obligations to notify funding bodies are actioned, research may be stopped and research data secured as necessary.

Following the meeting the HRE writes a report of the Initial interview Stage and ensures that the report and all the relevant documentation is passed to the PVC Research & Innovation and the student against whom the allegation has been made. This report will be submitted within 5 working days of the meeting with the student against whom the allegation was made. The student will be invited to submit a written response and will be given 10 working days to provide this.

The full procedure is detailed in flow chart 1. Stage 1 review should normally be completed within 10 working days.

## **Stage 2 - Assessment**

This is undertaken by PVC Research & Innovation with assistance from an assessment panel, consisting of three experienced research supervisors, including at least one who is fully familiar with the area of research concerned, to advise him/her. The precise composition of the Assessment Panel shall be at the discretion of the PVC, possibly including a member who is external to the University. The HRE shall ensure that all documentation is made available to the Assessment Panel. The Assessment Panel chaired by the PVC meets with the student against whom the allegations are made. The student against whom the allegation is made may be accompanied by a, relative, friend, colleague, or student union representative. At the discretion of the chair, the assessment panel may also meet separately with the party making the allegations.

Five working days' notice is given for required 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. There are four possible outcomes as follows.

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 Panel can recommend that the person making malicious, vexatious, or frivolous accusations should be referred to an appropriate disciplinary procedure. If necessary, steps may be taken to support the person against whom the allegation was made and protect their reputation. 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 may recommend dealing with it through further advice, guidance or training. The HRE will ensure that this is implemented.
3. The decision is that there is a clear case to answer and guilt is admitted and the case will be referred to the Research Misconduct Panel for action. The HRE will ensure that the relevant paperwork is transferred.
4. The Assessment Panel may decide that the allegations are serious enough to warrant formal investigation under the University's Research Misconduct Procedures and all parties will be notified in writing of the procedure to be followed.

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

## **Stage 3 - Formal Investigation**

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 what actions require to be taken. The Formal Investigation Panel must be set up in a timely fashion following receipt of the assessment panel report.

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;
- requirement for one member external to the university.

If more than three members are deemed necessary, the panel should always have an odd number of members to prevent tied decisions. The Vice-chancellor or his 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. The UK Research Integrity Office may be contacted for external nominees from their Register of Advisers. Administrative support will be provided from the Secretariat to document the process.

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).

The HRE will notify the student(s) 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(s) 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.

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 at this stage. 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.

The investigation panel shall endeavour to conduct the investigation so as to retain the confidence of both the person making the allegation and the student against whom the allegation is made. The panel shall:

- Review all the documentation collected at the earlier stages including the reports on Stages 1 and 2.
- 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 can also elect to consult the UK Research Integrity Office for advice.

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.

## Findings

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 also require 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.

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.

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

The student will be notified that the Research Misconduct Panel is being convened and will be given the opportunity to present any mitigating circumstances in writing to the panel. Ten working days from notification of the meeting date will normally be allowed for a written response.

## Research Misconduct Panel

This comprises the PVC Research and Innovation, the Head of Research Ethics with the relevant HOPARD 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, 1, 2 or 3.

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 to the VC**

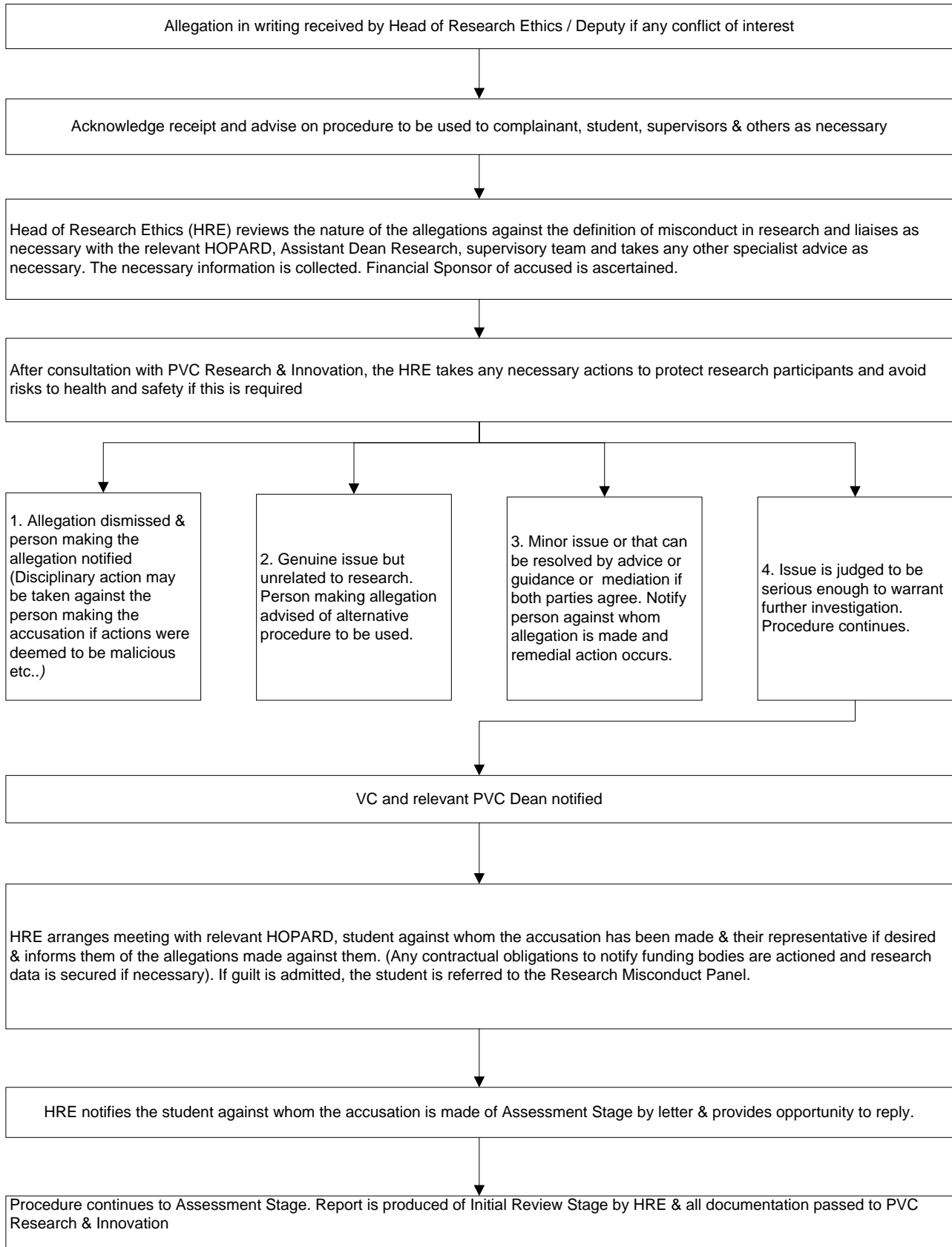
Where the student been supported by external funding, the funding body will be notified of the outcome and the sanctions imposed by the university. If appropriate, relevant professional bodies will also be informed of the outcome and the sanctions being applied. Funding and professional bodies may also impose sanctions in these circumstances.

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.

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.

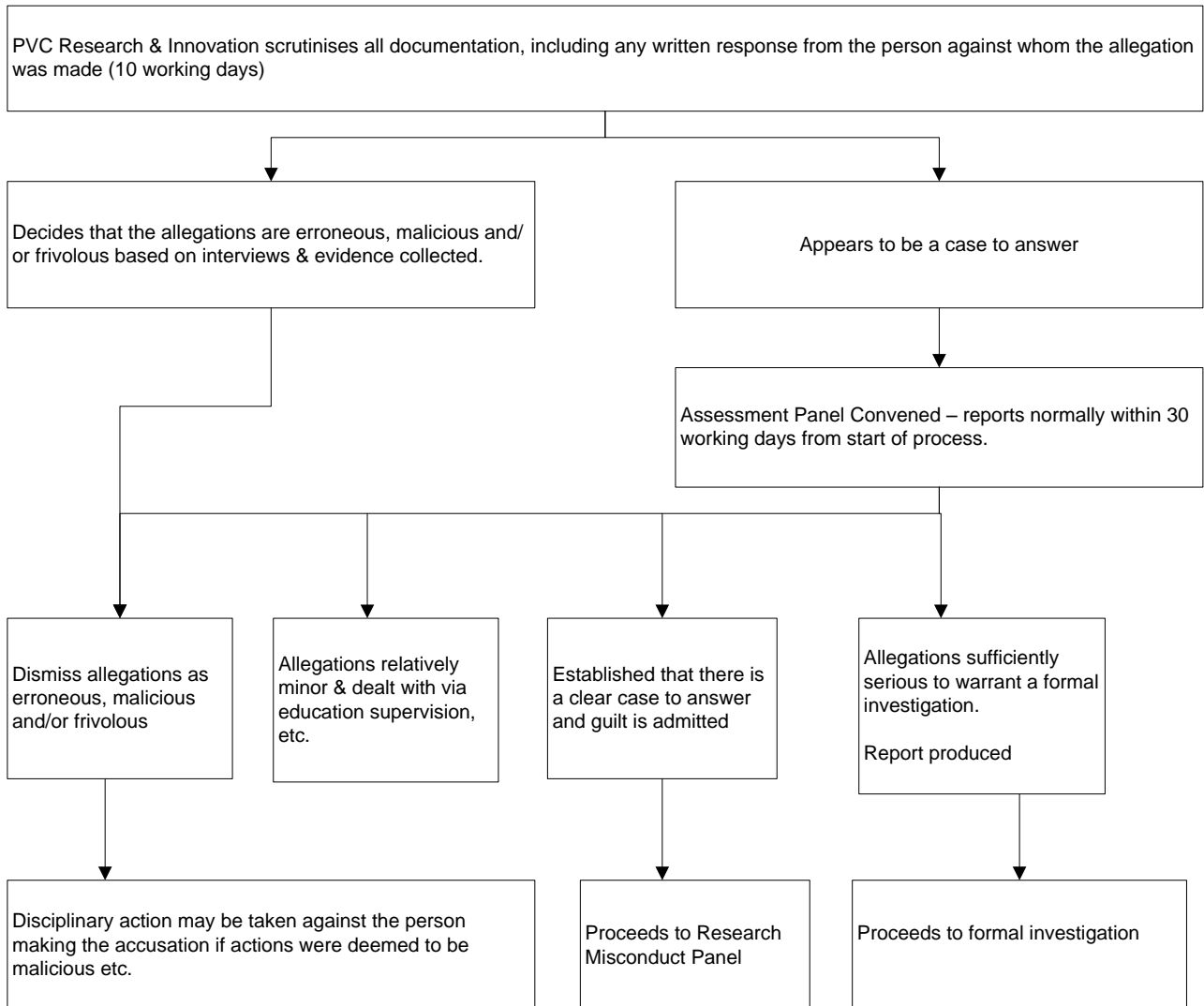
The decisions of the Investigation Panel and the Research Misconduct Panel are the final decisions of the University. However, if the student is dissatisfied with either decision he or she has the right to complain to the Office of the Independent Adjudicator for Higher Education (OIA).

**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

