



# **Policy on Misconduct in Research**

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## **1. General Policy Information**

### *1.1. Principles*

The University is committed to maintaining the highest standards of ethics and integrity in its research, and places ethics and integrity at the heart of its decision making. As a component of this commitment, the University requires that all research projects undertaken under the auspices of the University observe a commitment to good research conduct.

This Policy aims to ensure that any allegations or discoveries of potential research misconduct are subject to a timely and thorough investigation, which is fair to all parties, and provides transparency to members of the public who can take confidence that our research practices meet the highest standards.

The University takes all allegations or discoveries of potential misconduct in research very seriously and requires that they are investigated fully and in accordance with this procedure. Research misconduct can include a broad range of behaviour and activity, from minor infraction to deliberate deception. Each case will be reviewed on an individual basis and the action taken will be proportionate to the level of severity and in line with the relevant University procedures.

Any investigation under this Policy will be conducted as confidentially as is reasonably practicable. All investigations will be conducted sensitively and objectively. This policy will be reviewed by the Committee for Ethics and Integrity every two years. However, the policy can be amended at any time due to changes in processes or national guidance.

### *1.2. Definition of Research Misconduct*

The definition of Research Misconduct included in this policy is taken from the Concordat to Support Research Integrity, 2019.

- **Fabrication:** making up results, other outputs (for example, artefacts) or aspects of research, including documentation and participant consent, and presenting and/or recording them as if they were real

- **Falsification:** inappropriately manipulating and/or selecting research processes, materials, equipment, data, imagery and/or consents
- **Plagiarism:** using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission
- **Failure to meet:** legal, ethical and professional obligations, for example:
  - not observing legal, ethical and other requirements for human research participants, animal subjects, or human organs or tissue used in research, or for the protection of the environment
  - breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent or misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality
  - improper conduct in peer review of research proposals, results or manuscripts submitted for publication. This includes failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for the purposes of peer review
- **Misrepresentation of:**
  - data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data
  - involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution
  - interests, including failure to declare competing interests of researchers or funders of a study
  - qualifications, experience and/or credentials
  - publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication
- **improper dealing with allegations of misconduct:** failing to address possible infringements, such as attempts to cover up misconduct and reprisals against whistle-blowers, or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding. Improper dealing with allegations of misconduct includes the inappropriate

censoring of parties through the use of legal instruments, such as non-disclosure agreements.

Misconduct in research will not normally include honest and reasonable error; or honest and reasonable differences of interpretation or judgement in the collection, evaluation or reporting of research results. However, misconduct in research can include 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 in the country in question and at the date that the behaviour under investigation took place.

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, including failure to follow relevant policies.

### *1.3. Scope*

This Policy applies to University staff, research students, and anyone involved in research under the auspices of the institution. Research should be interpreted broadly to include all projects undertaken to acquire knowledge and understanding in a subject area, whether funded or unfunded.

This Policy allows for the investigation of research misconduct regardless of the contractual status of the individual(s) in question and extends to individuals who have left the University.

Those entitled to bring complaints about research integrity are not restricted to members of staff - present or past - of the University.

#### ***1.3.1 Third parties***

Where it is appropriate to do so, the University may notify and liaise with a third party in relation to any investigation under this Policy such as a partner organisation, a regulatory or funding council, or a professional body, where appropriate. For example, any complaints concerning peer review conducted on behalf of a funder or publisher would be referred to the organisation responsible for the peer review process.

### **1.3.2 Relevant student policies**

Allegations or discoveries of potential plagiarism, collusion, copying, submission of commissioned or procured work or dishonest use of data by students will normally be handled under the Academic Misconduct Policy.

#### *1.4. Procedure*

The procedure outlined in this Policy will be instigated if an allegation of misconduct in research - referred to in this document as a "complaint" - is raised; or if reasonable grounds for suspecting potential research misconduct are discovered.

Once initiated, the Policy should normally progress to the natural endpoint irrespective of:

- the Complainant withdrawing the complaint at any stage;
- the Respondent admitting, or having admitted, the alleged misconduct, in full or in part; or,
- the Respondent or the Complainant resigning, or having already resigned, their post.

This Policy is designed to be followed in its entirety prior to any use of the University's standard processes.

#### **1.4.1 Reporting allegations of misconduct in research**

All members of the University have a responsibility to report any incidents of research misconduct, whether this has been witnessed, or for which there are reasonable grounds for suspicion. Allegations of misconduct made in good faith will be investigated in accordance with this Policy.

Members of staff or students raising concerns may do so with the assistance of a Line Manager, Tutor or Supervisor, Head of School, Trade Union representative, Student Union representative, or colleague if required. The Chair of the University's Committee for Ethics and Integrity ([OfficerForEthics@uclan.ac.uk](mailto:OfficerForEthics@uclan.ac.uk)) - hereafter the "Named Person" will act as a confidential liaison for whistle-blowers or any other person (both internal and external) wishing to raise concerns about the integrity of research being conducted under the auspices of the University.

If an individual is unsure whether a suspected incident constitutes misconduct, they should discuss this informally with the Named Person. Allegations of misconduct in

research should be submitted to the Named Person via [OfficerForEthics@uclan.ac.uk](mailto:OfficerForEthics@uclan.ac.uk), and be accompanied by any supporting evidence that is available.

Allegations which are in any way linked to the Named Person or which raise the potential for a conflict of interest for the Named Person will be immediately referred to the Pro-Vice-Chancellor for Research and Enterprise, as the Named Person's alternate who will then implement the procedure. If an allegation arises where there is the potential for a conflict of interest in the Pro-Vice-Chancellor for Research and Enterprise acting as the alternate Named Person, the Pro-Vice-Chancellor will appoint a suitable alternative to act as the Named Person.

The Named Person, or their alternate, will be supported throughout the procedure by the Research Governance Unit ([OfficerForEthics@uclan.ac.uk](mailto:OfficerForEthics@uclan.ac.uk)), through whom all communication and documentation should be passed; and who will be responsible for maintaining a record of the investigation. Human Resources department and Academic Registry will offer advice and support on staff and student processes respectively throughout the procedure.

#### ***1.4.2 Anonymous complaints and discoveries of potential research misconduct***

In situations where the Complainant is anonymous; or where there are grounds for suspecting potential research misconduct but there is no specific Complainant, the procedure may be initiated at the University's discretion and only where sufficient evidence can be obtained. In such situations, the Named Person, on behalf of the University, will act as the party bringing the concerns forward.

#### ***1.4.3 Witnesses***

The University reserves the right to conceal the identity of any witnesses or Complainant if it deems it necessary and appropriate to do so, in which case witness statements may be anonymised. The University recognises that witness statements will only be anonymised in exceptional circumstances and only where it still allows the respondent to put forward any defence or mitigation.

#### ***1.4.4 Discovery of new evidence***

Should any evidence of potential misconduct be brought to light during the course of the investigation that suggests:



- further, distinct instances of misconduct in research by the Respondent(s) that are unconnected to the allegations under investigation; or
- potential misconduct in research by another person or persons

Then these new allegations of potential misconduct in research will be submitted to the Named Person, along with all supporting evidence. The Named Person will determine whether they should be addressed as part of the same investigation or whether a new investigation should be instigated.

#### ***1.4.5 Responsibilities***

All parties will work to ensure prompt progression of the procedure and will ensure confidentiality throughout the process.

All parties are expected to cooperate in the review of allegations and the conduct of screening panels and formal investigations. Individuals have an obligation to answer reasonable questions and to provide relevant evidence promptly.

Should allegations be made of the Respondent attempting to influence, victimise or intimidate any parties in the investigation, then this will be investigated under the relevant University procedure.

#### ***1.4.6 Acknowledgement***

The University would like to acknowledge and thank the UK Research Integrity Office (UKRIO) and Research Councils UK for their guidance documents on misconduct in research, on which this Policy has been based. The University would also like to thank the University of Liverpool and UKRIO for their input into the drafting of this Policy.

## **2. Stage 1 - Initial Assessment by the Named Person**

The purpose of the initial assessment is to determine whether the allegations or discovery fall within the Policy on misconduct in research; and to determine the appropriate course of action. The Initial Assessment should normally be completed within ten working days from receipt of the allegation and the necessary accompanying evidence.

### *2.1. Preliminary action*

Acknowledgement of receipt of the allegations will be sent to the Complainant following the initial assessment by the Named Person. The Complainant will be informed of the procedure that will be followed, as well as whether referral to any third parties has been deemed necessary by the Named Person during the initial assessment.

#### ***2.1.1 Allegations involving potential risk or harm***

The Named Person will review the nature of the allegation or discovery and, where they concern 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 risk, actual danger or illegal activity is prevented or eliminated.

#### ***2.1.2 Allegations involving potential illegal activity***

The nature of the allegations may mean that it is necessary to notify legal or regulatory authorities, such as in situations where an activity is potentially illegal and/or there is a danger to persons, animals and/or the environment. In such situations, the Named Person will take immediate action to notify the relevant legal or regulatory authority. As a consequence of such notification, the University may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Policy or any other University procedure.

### *2.2. Initial Assessment by the Named Person*

The Named Person will review the nature of the allegations by referring to the scope of this policy (section 0.3) and definition of misconduct in research (section 0.2) of this Policy. Where the allegations are outside the definition, the Named Person will write to the Complainant to communicate:

- a) the reasons why the allegations cannot be investigated using this Procedure;
- b) which process might be appropriate for handling the allegations (if any);
- c) and to whom the allegations should be reported.

### ***2.2.1 Securing relevant information and evidence***

The Named Person will ensure that all relevant information and evidence are secured, so that any investigation conducted under this Policy can have access to them. This may include, but is not limited to:

- securing all relevant records, materials and locations associated with the work;
- liaising with the Human Resources Department and the relevant Line Manager(s), or Academic Registry to:
  - request action under the University Suspension Procedure;
  - request the temporary barring of the Respondent from part, or all, of the premises of the Organisation and any of the sites of any partner organisation(s); and/or
  - request a temporary restriction be placed on the Respondent requiring him/her not to have contact with some or all of the staff of the Organisation and those of any partner organisation(s).

### ***2.2.2 Determining the appropriate investigatory body***

The Named Person will investigate the contractual status of the Respondent and the contractual details specific to the research project(s) related to the allegations. If the University is not the Respondent's primary employer, the Respondent having only an honorary or secondary contract with them, the Named Person will contact the Respondent's primary employer and inform them of the allegations where appropriate.

### ***2.2.3 Notifying the University Academic Leadership***

The Named Person will consider whether the allegations are sufficiently serious to notify the University's Academic Leadership at the initial assessment of the complaint. If the complaint is deemed sufficiently serious, notification of the allegation should be sent to the University's Pro-Vice-Chancellor for Research and Enterprise and the Relevant Faculty Executive Dean if required. Notification to the academic leadership make take place following the initial assessment or at a later stage if the complaint progresses to the formal investigation procedure as determined by the Named Person.

#### ***2.2.4 Notifying the Respondent(s)***

The Named Person will inform the Respondent that allegations or a discovery of potential misconduct in research has been made. The Respondent will be informed in writing; and the Named Person will consider whether it is necessary to meet with the Respondent to obtain further information and discuss the complaint. Where a meeting is deemed necessary, the Named Person and a member of the Research Governance Unit will conduct a confidential meeting with The Respondent. The Respondent may be accompanied to this meeting by a colleague, or a trade union representative. If the Respondent is a student, they are entitled to be accompanied by a person of their choosing, who may be from the Students' Union Advice and Representation Centre.

#### ***2.2.5 Mediation and arbitration***

Situations arise that might present as misconduct but are not considered serious in nature. In such situations, it may be possible to mediate or resolve such differences at the individual or local level and this route will be considered and explored where appropriate, before the formal steps are undertaken. Where appropriate, opportunities to resolve matters through mediation will be considered by the Named Person. Options for internal and/or external arbitration and/or dispute resolution will also be explored. In such situations, formal steps will only be taken forward if the informal route is considered to be inappropriate due to the serious nature of the allegations, or where mediation and/or arbitration has been refused or proved unsuccessful.

#### ***2.2.6 Addressing concerns through competency, education, and training mechanisms***

The Named Person may determine that the allegations have some substance, but due to their relatively minor nature, the matter can be recommended as best addressed through the University's capability, education and training mechanisms, or other non-disciplinary processes, rather than through the Panel and Investigation stages of this Procedure.

The investigation using the procedure would then conclude at this point. The Named Person will make recommendations to the relevant Faculty Executive Dean's, who will take steps to establish a programme of training or supervision in conjunction with the Respondent, Human Resources, and his/her Line Manager; or, if the Respondent is a student, Academic Registry and the relevant Supervisor.

### *2.3. Outcome of the Initial Assessment*

If the allegations or discovery fall within the definition of misconduct, the Named Person will determine whether the allegations or discovery of potential misconduct in research:

- should be dismissed as they are mistaken or there is a lack of evidence;
- can be dealt with through mediation or arbitration;
- have some substance but due to their relatively minor nature, should be addressed through education and training or other non-disciplinary approaches, rather than through the next stages of the Procedure; or
- warrant progression to the Screening Panel stage, or;
- are sufficiently serious to warrant progression directly to the Formal Investigation stage

All relevant parties will be notified of the outcome of the Initial Assessment. The Complainant and the Respondent will be contacted in writing to inform them of the outcome of the initial assessment and the next steps to be taken.

## **3. Stage 2 - Screening Panel**

The purpose of the Screening Panel is to determine whether there is sufficient evidence of misconduct in research by gathering information and determining whether an allegation or apparent instance of misconduct warrants a Formal Investigation. The Screening Panel should aim to complete its work within thirty working days of being convened. All parties will be informed of any delays to this timeframe and will be provided with an expected timeframe for completion.

### *3.1. Appointment of a Screening Panel*

The Named Person will appoint a Screening Panel consisting of three individuals who do not have conflicts of interest in the case and have appropriate expertise to evaluate the issues. The Panel may include a member from outside the University. The Named Person will select one of the screening panel members to act as Chair of the panel, the external member of the panel can also act as Chair if appointed by the Named Person.

Members of the Screening Panel will declare any potential conflicts of interest, including those that arise during the course of the investigation.

### ***3.1.1 Notification requirements***

The Named Person will notify both the Respondent and the Complainant of the establishment and composition of the Screening Panel in writing as soon as reasonably practicable.

The Respondent will be given a copy of the allegations and a summary of the available evidence; and will be afforded the opportunity to respond to the allegations in writing.

### ***3.1.2 Objections to the composition of the Screening Panel***

The parties will have five working days to submit an objection to the persons appointed to the Panel.

If any party submits a written objection to any of the persons appointed to the Panel, the Named Person will consider the objections and determine whether it is appropriate to replace the challenged person with a qualified substitute.

If the decision is taken not to replace the challenged person(s), the reasons will be notified to the relevant party in writing.

## *3.2. Investigation by the Screening Panel*

The Screening Panel will meet to review the allegation and supporting evidence.

All meetings will be supported by the Research Governance Unit who will provide the Screening Panel with a copy of the available evidence and will record details of the meeting. Representatives from the Human Resources and/or Academic Registry will be invited to attend the meetings to offer advice on the staff and student processes respectively.

The purpose of the Screening is not to reach a final conclusion as to whether misconduct occurred or who was responsible. The Screening Panel should specifically limit its scope to that of evaluating the facts only to determine whether there is sufficient evidence of misconduct in research to warrant a formal investigation.

In order to make its judgement, the Screening Panel may request additional information as necessary. The Panel may invite the parties to clarify any matters that the Screening Panel considers necessary and relevant

The Screening Panel will interview the Respondent, the Complainant and determine whether any other staff or witnesses may need to be interviewed who might provide relevant information to assist the Panel.

### *3.3. Recommendation of the Screening Panel*

The Screening Panel will make a recommendation that the allegations of misconduct in research:

- should be dismissed as they are mistaken or there is a lack of evidence;
- if the claims are frivolous, vexatious and/or malicious and whether any action should be taken in relation to the complainant;
- whether referral is required for investigation under another University policy or procedure;
- if the complaint falls within the remit of a third party and should be referred for investigation;
- are sufficiently serious and have sufficient substance to justify a Formal Investigation.
- have some substance but due to their relatively minor nature, should be addressed through education and training or other non-disciplinary approaches, rather than through the next stages of the Procedure.

#### ***3.3.1 Report of the Screening Panel***

The Chair of the Screening Panel will make the draft findings available to the Named Person, who will forward them to the Respondent and the Complainant for comment on the factual accuracy of the report.

The Named Person in consultation with the Chair of the Screening Panel will review any comments on the accuracy on the report from the Complainant and the Respondent. Only when the report includes errors of fact should the Screening Panel modify the report. Any comments submitted from either the Respondent or Complainant will be attached as an addendum to the report.

All relevant parties will be notified of the outcome of the Screening Panel. The Complainant and the Respondent will be contacted in writing to inform them of the outcome of the Screening Panel and the next steps to be taken.

### ***3.3.2 Disagreements with the outcome of the Screening Panel***

Where there are disagreements by third parties with the outcome of the Screening Panel, the Named Person will convene and Chair a group containing at least two other members of the Committee for Ethics and Integrity who will consider the dispute. A record of the disagreement and a recommendation from this group will be attached as an addendum to the report.

### ***3.3.3 Mistaken, frivolous, vexatious, and/or malicious allegations***

Those who have made allegations in good faith will not be penalised and will be offered the University's full support and steps will be taken to safeguard whistle-blowers.

However, the University will protect individuals against frivolous, vexatious and/or malicious allegations of misconduct in research and will take appropriate action against any individual(s) responsible for such allegations.

Where the allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The University 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). The actions taken to restore the reputation of the respondent will be determined on a case by case basis dependent on the particular details of the complaint and potential damage to reputation.

### ***3.3.4 Referral to another University Policy or to a third party***

The Screening Panel will consider the allegations in accordance with the scope of this policy as well as any contractual or legal requirements in relation to the complaint. If the Screening Panel conclude that the allegations fall outside the scope of this policy or falls under the remit of a third party, a recommendation will be made to refer the complaint to either the relevant University process or the appropriate third party for further investigation.

### ***3.3.5 Recommending a Formal Investigation***

Where the Screening Panel considers that the allegations are sufficiently serious and have sufficient substance to warrant recommending a Formal Investigation, the Named Person will take immediate steps to set up a Formal Investigation.



## **4 Stage 3 - Formal Investigation**

The purpose of the Formal Investigation is to examine and evaluate all the relevant facts to determine whether misconduct has been committed, and if so, the responsible person and the potential seriousness of the misconduct. Both the Complainant and the Respondent have the right to be accompanied to any meetings of the formal investigation panel.

The Formal Investigation will be conducted as quickly as practicable without compromising the integrity of the investigation.

### *4.1. Appointment of the Investigation Panel*

The Investigation Panel will be appointed within 30 working days of the recommendation for a Formal Investigation. Following the appointment of the Investigation Panel, the panel should aim to complete the investigation within sixty working days. All parties will be informed of any delays to this timeframe and will be provided with an expected timeframe for completion.

#### ***4.1.1 Composition of the Investigation Panel***

The Named Person will appoint an Investigation Panel consisting of at least three persons who have not been involved in the investigation at an earlier stage and who have appropriate knowledge and experience to evaluate the issues in the specific area of research. One of the individuals will be asked to Chair the Panel. The Panel will include a member from outside the University, the external member of the panel can also act as the Chair if appointed by the Named Person.

Members of the Investigation Panel will declare any potential conflicts of interest, including those that arise during the course of the investigation.

The Named Person will define the subject matter of the investigation to the Investigation Panel and, where the Screening Panel stage has been completed, will attach a copy of the Screening Panel report.

#### ***4.1.2 Notification requirements***

The Named Person will notify the following individuals of the establishment and composition of the Investigation Panel: the Complainant; the Respondent; and any relevant third parties.

### ***4.1.3 Objections to the composition of the Investigation Panel***

The parties will have five working days to submit an objection to the persons appointed to the Panel.

If any party submits a written objection to any of the persons appointed to the Panel, the Named Person will consider the objections and determine whether it is appropriate may decide to replace the challenged person with a qualified substitute.

If the decision is taken not to replace the challenged person(s), the reasons will be notified to the relevant party in writing.

### *4.2. Investigation by the Panel*

The Chair of the Investigation Panel will report the progress made by the Investigation Panel to the Named Person on a regular basis. The Named Person will also then provide appropriate information on the progress of the investigation to other relevant parties.

#### ***4.2.1 Collecting evidence and interviewing the Parties***

The Investigation Panel will examine the evidence collected during the Screening Panel stage and investigate further as required. All meetings and evidence requests will be supported and recorded by the Research Governance Unit. Representatives from the Human Resources and/or Academic Registry will be invited to attend the meetings to offer advice on the staff and student processes respectively.

The Investigation Panel will interview the Respondent and Complainant, as well as other individuals who might have information regarding key aspects of the allegations. The Respondent may be accompanied to any interviews by a colleague, or a trade union representative. If the Respondent is a student, they are entitled to be accompanied by a person of their choosing, who may be from the Students' Union Advice and Representation Centre. Complainants and witnesses are also entitled to be accompanied when attending any panel meetings. If the Complainant/Witness is external to the University, they are entitled to be accompanied by a friend or colleague. If the Complainant/Witness is a member of staff or student, they are entitled to be accompanied by a colleague/trade union representative/member of the Students' Union Advice and Representation Centre, as appropriate.

The respondent will be given the opportunity to respond to the allegations, present any evidence in support of their case and suggest potential witnesses to the investigation panel.

Written notes will be made of the interviews. These are not meant to be verbatim but will be an accurate reflection of the points discussed; will form the official record; and will be included as part of the Investigation Report. Each individual will have an opportunity to comment on the notes to ensure factual accuracy, but this should not delay the investigation process. Any disagreements will be noted.

#### ***4.2.2 Final report of the Investigation Panel***

The Investigation Panel will review all the relevant evidence and conclude whether the allegations of misconduct in research are:

- upheld in full;
- upheld in part; or
- not upheld.

The standard of proof used by the Investigation Panel is that of “on the balance of probabilities”. The Investigation Panel will produce a final report that:

- summarises the scope and conduct of the investigation;
- states whether the allegations of misconduct in research have been upheld in whole, in part, or not upheld, giving the reasons for its decision and recording any differing views;
- makes recommendations in relation to any matters relating to any other misconduct identified during the investigation including any recommendations for further training and development; and
- addresses any procedural matters that the investigation has brought to light within the University and relevant partner organisations and/or funding bodies

The report will be sent to the Named Person who will forward it to the Respondent and the Complainant for comment on the factual accuracy of the report. Only when the report contains errors of fact and matters that have bearing on the facts as indicated by the Respondent and/or the Complainant, and accepted by the Investigation Panel, should the Chair modify the report.

### *4.3. Recommendation of the Investigation Panel*

Following receipt of the final report the Named Person will inform the following individuals of the conclusion of the formal investigation report: the Complainant; the Respondent; the Pro-Vice-Chancellor for Research and Enterprise; the Relevant Faculty Executive Dean; and any relevant third parties. If the allegations of misconduct in research have been upheld, the named person should also consider whether notification to the Vice-Chancellor is required.

#### **4.3.1 Findings and Subsequent Actions**

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, provided the allegation is considered to have been made in good faith, the Complainant.

- 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.
- 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 request that the PVC for Research and Enterprise works with the 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.

When an allegation of misconduct in research is upheld, the Named Person will decide what action needs to be taken under the any other University procedure. In making this decision, the Named Person will take into account any recommendations made by the Panel, 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

Should the allegations proceed to any other formal process, the report of the Investigation Panel, along with all other relevant information collated will form part of the evidence considered as part of that process. The Chair of the Investigation Panel will

usually present the Chair of that process. The Respondent will be provided the right of appeal against any formal actions taken against them through the applicable University procedure.

The Named Person and Pro Vice-Chancellor for Research and Enterprise shall advise the Research Governance Unit 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.

## Appendix - Glossary of Terms

### **Complainant**

The Complainant is the person making allegations of misconduct in research against one or more Respondents. Where potential misconduct is discovered, as oppose to alleged, the University will act as the Complainant.

### **Good faith allegation**

An allegation made in good faith occurs when an allegation of misconduct in research is made by a Complainant who honestly believes that misconduct may have occurred. A Complainant who recklessly disregards evidence that disproves an allegation has not made the allegation in good faith.

### **Investigation**

Investigation means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred and, if so, the responsible person and the seriousness of the misconduct.

### **Named Person**

The Named Person is the individual who is responsible for: receiving any allegations of misconduct in research; initiating and supervising the investigation; maintaining the record of information during the investigation and subsequently reporting on the investigation to internal contacts and external organisations; and taking decisions at key stages of the investigation.

The Named Person is the Chair of the University's Committee for Ethics and Integrity. The Named Person has a nominated alternate, the Executive Pro-Vice-Chancellor for Research and Enterprise, who will carry out the role in the absence of the Named Person, or in the case of any potential or actual conflict of interest

### **Relevant third parties**

The term 'relevant third parties' includes - but is not limited to: professional bodies, research funders, regulatory authorities, and University governance committees.

### **Respondent**

The Respondent is the person against whom allegations of misconduct in research have been made.