

# Research Integrity: Procedures for Investigating Research Misconduct

May 2019

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PROCEDURES

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## **1. Introduction**

- 1.1.1 These Procedures sets out the specific requirements and expectations for the handling of allegations of research misconduct. These Procedures are based on the UK Research Integrity Office Procedures for the Investigation of Misconduct in Research and is aligned with the requirements and expectations described in the Procedures. These Procedures are also aligned with the principles of Research Integrity including those laid out in the UK Concordat to Support Research Integrity.
- 1.1.2 Nothing in these Procedures shall be interpreted in a way that is contrary to the Charter, Statutes, and Ordinances. The Charter, Statutes, and Ordinances shall have primacy should these Procedures be found to be in any respect contrary to the Charter, Statutes, or Ordinances.
- 1.1.3 The Principal and Vice-Chancellor shall have the final say on all questions as to the interpretation of these Procedures.

## **2. General Matters**

### **2.1 Purpose of the Procedures**

- 2.1.1 The Court delegates to the Senate all of its powers in relation to academic work and standards so that, subject to the terms of the Charter and the Statutes and to the powers reserved to the Court, the Senate is the principal body responsible for the academic work and standards of the University.
- 2.1.2 The general powers and functions of the Senate are prescribed in the Statutes (Statute 5). The specific powers and functions of the Senate and the ways in which those powers and functions shall be delegated are described in the Statement of Primary Responsibilities and Delegations. Under the Statement of Primary Responsibilities and Delegations the Senate may make, modify, or revoke Regulations and policies in respect of research governance and standards.
- 2.1.3 These Procedures sets outs the specific requirements and expectations for the handling of allegations of research misconduct. The Procedures are intended to support transparency and consistency in the handling of allegations of research misconduct and to serve as a practical guide for Complainants, Respondents, and other persons involved in the handling of allegations of research misconduct.
- 2.1.4 These Procedures are not a disciplinary Policy; they are concerned with the handling and investigation of allegations of research misconduct. Where an allegation of research misconduct is upheld action(s) may be taken under these Procedures to safeguard research integrity; however, where disciplinary

action(s) could be appropriate, procedures will be initiated under the Staff Disciplinary Policy or the Student Disciplinary Policy<sup>1</sup>.

## **2.2 Scope of the Procedures**

2.2.1 These Procedures shall apply to research conducted under the auspices of the University whether on the University's premises or elsewhere on its behalf. This shall include:

a research conducted by

- i Staff of the University;
- ii holders of Honorary Titles of the University;
- iii Visiting Professors of the University;
- iv Emeritus Professors of the University;
- v visiting students;
- vi contractors and consultants;

and

- vii research conducted by students of the University who are registered on a research programme – that is, a doctoral degree or Masters of Philosophy degree.

2.2.2 These Procedures shall not apply to Students who are registered on a taught undergraduate or postgraduate programme. Actions by Students who are registered on a taught undergraduate or postgraduate programme that could constitute research misconduct shall be handled and investigated as a form of misconduct under the Student Discipline Policy.

2.2.3 The University, where it shall deem it to be appropriate, may consider allegations of misconduct in relation to research conducted under its auspices by a person who formerly fell within the scope of these Procedures as specified in 2.2.1.

## **2.3 Accountability**

2.3.1 The Principal and Vice-Chancellor shall be responsible for the effective working, management, and good order of the University in accordance with the Charter and Statutes and such powers as are delegated by the Court.

2.3.2 The Deputy Principal (Research and Innovation), on behalf of the Principal and Vice-Chancellor, shall be responsible for ensuring that allegations of research misconduct are handled in accordance with the requirements and expectations specified in these Procedures.

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<sup>1</sup> The Named Person, where the Respondent is a member of Staff as well as a Student, shall consult with the Director of Human Resource Development and the Academic Registrar and agree under which Policy disciplinary procedures should be taken.

## **2.4 Approval and Maintenance of the Procedures**

- 2.4.1 The University Committee for Research and Innovation, on behalf of the Senate, shall approve these Procedures.
- 2.4.2 The Global Director of Research Engagement, on behalf of the Secretary of the University, shall periodically review these Procedures in terms of its currency and effectiveness and ensure that it is published in accordance with the University publication scheme.
- 2.4.3 The Deputy Principal (Research and Innovation) may approve amendments to these Procedures not affecting their substance provided that the amendments are reported to the University Committee for Research and Innovation at its next ordinary meeting. Amendments affecting the substance of these Procedures shall require the approval of the University Committee for Research and Innovation.

## **2.5 Related Policies**

- 2.5.1 These Procedures should be read with the Charter, Statutes, and Ordinances. In particular, terms used in these Procedures shall have the definitions given in the Charter, Statutes, and Ordinances unless indicated otherwise.
- 2.5.2 These Procedures should also be read with the following related policies:
  - a Research Integrity: General Statement;
  - b Research Integrity: Ethical Approval of Research Policy;
  - c Research Integrity: Research Data Management Policy;
  - d Complaints Policy;
  - e Data Protection Policy
  - f Equality and Diversity Policy.
  - g Performance Management Policy;
  - h Public Interest Disclosure Policy;
  - i Staff Disciplinary Policy;
  - j Student Disciplinary Policy;

## **3. Definition of Research Misconduct**

- 3.1.1 Research misconduct is characterised as behaviour or actions that fall short of the standards of ethics, research, and scholarship required to ensure that the integrity of research is upheld.
- 3.1.2 Research misconduct includes but is not limited to:
  - a fabrication – the creation of false data or other aspects of research including documentation and participant consent;
  - b falsification – the inappropriate manipulation and/or selection of data, imagery, and/or participant consent;
  - c plagiarism – the misappropriation or use of others' ideas, intellectual property, or work (written or otherwise) without acknowledgement or permission;
  - d misrepresentation – including

- i misrepresentation of data – for example, suppression of relevant findings and/or data or intentionally, recklessly, or by gross negligence presenting a flawed interpretation of data;
  - ii undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication;
  - iii misrepresentation of interests, including failure to declare material interests either of the researcher or of the funders of the research;
  - iv misrepresentation of qualifications and/or experience, including claiming or implying qualifications or experience which are not held;
  - v misrepresentation of involvement, such as inappropriate claims to authorship and/or attribution of work where there has been no significant contribution or the denial of authorship where an author has made a significant contribution;
- e breach of duty of care whether intentionally, recklessly, or by gross negligence – including
  - i disclosing improperly the identity of those involved in research without their consent or other breach of confidentiality;
  - ii placing any of those involved in research in danger – whether as subjects, participants, or associated individuals – without their prior consent and without appropriate safeguards even with consent (including reputational danger where that can be anticipated);
  - iii not taking all reasonable care to ensure that the risks and dangers, the broad objectives, and the sponsors of the research are known to participants or their legal representatives;
  - iv not taking all reasonable care to ensure appropriate informed consent is obtained properly, explicitly, and transparently;
  - v not observing legal and reasonable ethical requirements or obligations of care for human participants, animal subjects, cultural objects, or the environment;
  - vi improper conduct in peer review of research proposals or results (including 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 peer review purposes;
- f improper dealing with allegations of misconduct – for example, failing to address possible infringements including attempts to cover up misconduct or reprisals against whistleblowers; failing to deal appropriately with malicious allegations of research misconduct.

3.1.3 The term research misconduct shall include acts of omission as well as acts of commission.

3.1.4 The term research misconduct shall not include genuine errors that are not the result of negligence or recklessness, differences in interpretation or

judgment in evaluating research methods or research findings, or misconduct unrelated to the conduct of research.

- 3.1.5 Researchers, as soon as is practicable, must seek advice from their supervisor or line manager if they have any uncertainty as to whether actions could constitute research misconduct.

## **4. General Principles**

### **4.1 Institutional Responsibilities**

- 4.1.1 The University is committed to ensuring that research conducted under its auspices is underpinned by the highest standards of rigour and integrity.

- 4.1.2 The University shall:

- a have clear, well-articulated, and confidential mechanisms for reporting allegations of research misconduct;
- b have robust, transparent, and fair processes for dealing with allegations of misconduct that reflect best practice;
- c ensure that all researchers are made aware of the relevant contacts and procedures for making allegations;
- d act with no detriment to whistleblowers making allegations of misconduct in good faith;
- e provide information on investigations of research misconduct to funders of research and professional, statutory, and/or regulatory bodies as required by their conditions of grant and other legal, professional, statutory, and regulatory obligations; and
- f support researchers in providing appropriate information to professional, statutory, and/or regulatory bodies.

#### **Appointment of a Named Person**

- 4.1.3 The University shall appoint a member of the Academic Staff as the Named Person. The Named Person shall be responsible for:

- a receiving formal allegations of research misconduct;
- b initiating, overseeing, and reporting on the screening and investigation of allegations of research misconduct; and
- c maintaining a record of the receipt, handling, and outcome of allegations of research misconduct.

- 4.1.4 The Deputy Principal (Research and Innovation) shall be the Named Person.

- 4.1.5 The Named Person, with the advice of the Secretary of the University, may seek external guidance e.g. from the UK Research Integrity Office at any time and in relation to any aspect of the handling of an allegation of research misconduct.

- 4.1.6 The specific responsibilities of the University with respect to the support of Complainants and Respondents are specified in Appendix One.

## **4.2 Researcher Responsibilities**

- 4.2.1 Responsibility for ensuring that no misconduct occurs shall rest primarily with individual researchers.
- 4.2.2 Researchers at all times shall maintain the highest standards of rigour and integrity in their work. The University shall work with researchers to maintain a research environment that develops good research practice and nurtures a culture of research integrity.
- 4.2.3 Researchers shall:
  - a act in good faith with regard to allegations of research misconduct – whether in making allegations or in being required to participate in an investigation; and
  - b handle potential instances of research misconduct in an appropriate manner – for example, reporting misconduct to the University, funders, and professional, statutory, and regulatory bodies as circumstances require.

## **5. Informal Raising of Concerns Regarding Research Conduct**

### **5.1 Raising Informal Concerns through Academic Schools**

- 5.1.1 Members of the University and other persons who have concerns regarding the conduct of research are encouraged, in the first instance, to raise those concerns informally with the Head of School or School Director of Research.
- 5.1.2 The Head of School or School Director of Research, if the concerns raised are serious in nature, shall immediately invite the Named Person to initiate procedures under these Procedures.
- 5.1.3 The Head of School or School Director of Research, if the concerns raised are not serious in nature and appear to arise from a misunderstanding, a dispute, or an issue of practice that could be addressed by training or advice, may attempt to address those concerns informally – for example, by means of a facilitated meeting with the researcher to discuss the concerns that have been raised and to agree action(s) to be taken to address those concerns.
- 5.1.4 The Head of School or School Director of Research, if an attempt to address concerns informally is not effective, may invite the Named Person to initiate procedures under these Procedures.
- 5.1.5 The Head of School or School Director of Research shall notify persons who have raised concerns regarding the conduct of research as to the action(s) taken to address those concerns informally within 20 working days of their initial contact.
- 5.1.6 The Head of School shall keep a record of concerns that have been raised informally regarding the conduct of research and of the action(s) taken to address those concerns; these records will also be copied to the Global Director of Research Engagement.

## **5.2 Alternative Route for Informal Concerns**

- 5.2.1 Where Members of the University wishing to raise an informal concern regarding research conducted but do not wish to raise this within the School, they can direct their enquiry to the Global Director of Research Engagement.
- 5.2.2 The Global Director of Research Engagement will fulfil the actions described for the Head of School or Director of Research in 5.1.1 – 5.1.6.
- 5.2.3 The Global Director of Research Engagement may draw on advice in these decisions such as:
  - a A member of staff in the Research Engagement Directorate with expertise &/or responsibilities for these matters;
  - b A senior member of academic staff in that School (e.g. Deputy Head of School, Head of Institute, Head of Department, etc.);
  - c A Head of another School;
  - d A Director of Research in another School.
- 5.2.4 The Global Director of Research Engagement will inform the appropriate Heads of School of the outcome of the informal enquiry.

### **Right of Complainant to Challenge Dismissal**

- 5.2.5 Members of the University and other persons who have raised concerns regarding the conduct of research and who are not satisfied with the outcome of an attempt to address those concerns informally may submit a complaint in accordance with the Complaints Policy or make an allegation of research misconduct to the Named Person in accordance with these Procedures.

## **6. Establishing a Formal Investigation**

### **6.1 Receipt of Allegations of Misconduct**

- 6.1.1 Complainants need not raise their concerns informally (as described in 5) and may make an allegation of research misconduct directly to the Named Person.
- 6.1.2 The Named Person shall deem an allegation of research misconduct to be valid provided that it is made in writing (letter/email) and includes the full name and contact information of the Complainant. The Named Person, at their discretion, may deem to be valid an allegation of research misconduct that does not include the full name and contact information of the Complainant.
- 6.1.3 The Named Person, within five working days of the date of receipt of a valid allegation of research misconduct, shall:
  - a acknowledge receipt in writing (letter/email) and provide the Complainant with these Procedures;
  - b notify the Respondent in writing (letter/email) that an allegation has been received and provide the Respondent with these Procedures; and
  - c Disclose any interests as laid out in 6.3.

- 6.1.4 The Named Person, where they shall deem it to be appropriate, may in addition notify the Respondent in person – for example, by means of a facilitated meeting with the Respondent. The Respondent, when attending a meeting with the Named Person, may be accompanied by a representative of one of the recognised trades unions or by a representative of the Student Union; the Respondent shall not be entitled to legal representation when attending a facilitated meeting with the Named Person.

## **6.2 Immediate Actions Following Receipt of Allegations of Misconduct**

- 6.2.1 The Named Person, with the advice of the Secretary of the University and in consultation with the Global Director of Research Engagement and the Director of Human Resource Development or the Academic Registrar, where they shall deem it to be appropriate may take immediate action(s) to:
- a prevent harm to Members of the University, other persons, animal subjects, cultural objects, or the environment;
  - b stop activities which could constitute a criminal offence;
  - c stop activities which could be in breach of professional, statutory, or regulatory obligations;
  - d secure evidence of possible research misconduct to ensure it is not altered or destroyed.
- 6.2.2 The Named Person, in taking immediate action(s) following receipt of an allegation of research misconduct, shall make it clear to all parties that actions are taken without prejudice to the presumption of the innocence of the Respondent.

## **6.3 Disclosure of Interests**

- 6.3.1 Conflicts of interest are where there exists or appears to exist situations where an independent observer might reasonably question whether the professional actions or decisions of a person have been influenced by their own interests. The Named Person, members of the Screening Panel, and members of the Investigation Panel should understand the potential for conflicts of interest and must avoid situations which could give rise to a conflict of interest or the appearance of a conflict of interest.
- 6.3.2 Members of the Screening Panel and members of the Investigation Panel who have a financial, family, or personal interest in relation to an allegation of research misconduct which they are invited to consider must, as soon as is practicable, declare that interest to the Named Person. The Named Person may require members who have declared such an interest to withdraw from the handling of the allegation.
- 6.3.3 The Named Person, if they have a financial, family, or personal interest in relation to an allegation of research misconduct which they are invited to consider must, as soon as is practicable, declare that interest to the Vice-Principal.

- 6.3.4 The Vice-Principal may require the Named Person to withdraw from the handling of the allegation. The Vice-Principal may appoint as the Named Person another member of the Academic Staff holding the position of Professor if:
- a the Named Person identified in 4.1.4 is absent; or
  - b the Named Person identified in 4.1.4, owing to a conflict of interest, is unable to serve as the Named Person in relation to a specific allegation of research misconduct.
- 6.3.5 Where another individual other than the person identified in 4.1.4 is required to act as Named Person they will fulfil the actions described for the Named Person throughout this procedure for the specific investigation in question only.

## **6.4 Confidentiality**

- 6.4.1 The Named Person, members of the Screening Panel, members of the Investigation Panel, and other persons involved in the handling of an allegation of research misconduct shall take all reasonable care to protect the confidentiality of the identity of the Complainant and the Respondent, the details of an allegation, and the details of the handling of that allegation. The confidentiality of the identity of the Complainant and the Respondent, the details of an allegation, and the details of the handling of that allegation may be disclosed only in accordance with in these Procedures.
- 6.4.2 Members of the University and other persons may be subject to action by the University if they attempt to improperly disclose the identity of the Complainant and the Respondent, the details of an allegation, or the details of the handling of that allegation.

## **6.5 Improper Influence**

- 6.5.1 Members of the University or any other persons, outside of procedures under these Procedures, must not attempt either directly or indirectly to influence the course of those procedures.
- 6.5.2 Members of the University and other persons may be subject to action by the University if they attempt to improperly influence processes under these Procedures.

## **6.6 Terminology**

- 6.6.1 For the purposes of these Procedures:
- a the term Complainant shall be used to refer to the person who has made an allegation of research misconduct; and
  - b the term Respondent shall be used to refer to the person who is the subject of an allegation of research misconduct.
- 6.6.2 Complainants are not required to be Members of the University and an allegation of research misconduct may be made by any person who believes

that misconduct may have occurred in relation to research conducted under the auspices of the University.

## **6.7 Timescales**

- 6.7.1 An outline of workflow of these procedures and the timescales are attached in Appendix Two.
- 6.7.2 The University, where it has what it shall deem to be good cause for doing so, may change the timescales specified in these Procedures.
- 6.7.3 The Named Person, as soon as is practicable, shall notify the Complainant and the Respondent in writing (letter/email) of any change in the specified timescales and the reason(s) for this.

## **6.8 Delegations**

- 6.8.1 The Staff specified in these Procedures, excluding the Named Person, may delegate their responsibilities to another member of Staff as needed.

## **6.9 Notification of Allegations of Misconduct**

- 6.9.1 The Named Person, where they shall deem it to be appropriate, may notify other Staff that an allegation of research misconduct has been received. Staff who are notified that an allegation has been received shall take all reasonable care to protect the confidentiality of the identity of the Complainant and the Respondent, the details of an allegation, and the details of the handling of that allegation. This may include, but not be limited to:
  - a the Principal and Vice-Chancellor;
  - b the Vice-Principal;
  - c the Secretary of the University;
  - d the Head of School;
  - e the Global Director of Research Engagement;
  - f the Director of Human Resource Development;
  - g the Academic Registrar; and
  - h the Directors of Governance and Legal Services, Finance, Information Services, and Campus Services.
- 6.9.2 The Named Person, with the advice of the Secretary of the University, shall notify the relevant authorities where an allegation of research misconduct concerns activities that could constitute a criminal offence.
- 6.9.3 The Named Person, where the University has an obligation to do so, shall notify funders of research and professional, statutory, and/or regulatory bodies that an allegation of research misconduct has been received. The Named Person, where the University has an obligation to do so, shall inform funders of research and professional, statutory, and/or regulatory bodies of the handling and outcome of the allegation. The University's reporting obligations with respect to the UK Research Councils are specified in Appendix Three.
- 6.9.4 The Named Person, where the Respondent is conducting research under the auspices of the University but is primarily associated with another research

organisation, shall notify the other organisation that an allegation of research misconduct has been received. The Named Person shall inform the other organisation of the handling and outcome of the allegation.

## **6.10 Allegations Giving Rise to New Evidence**

6.10.1 The Named Person, where in the course of procedures under these Procedures evidence is found of research misconduct which is distinct from that which formed the basis of the original allegation, shall determine whether or not to consider the new evidence further and, if so, whether to do so under the same procedures or to initiate new procedures.

## **6.11 Allegations Concerning Multiple Researchers**

6.11.1 The University, in handling an allegation of research misconduct concerning multiple Respondents, shall normally consider each Respondent under separate procedures.

## **6.12 Allegations Concerning Other Research Organisations**

6.12.1 The Named Person, with the advice of the Secretary of the University, shall take all reasonable care to support the robust, transparent, and fair handling of an allegation of research misconduct concerning multiple research organisations. This shall include allegations concerning:

- a collaborative research conducted under the joint auspices of the University and one or more other organisations;
- b research conducted under the auspices of the University but where the Respondent is currently associated with another organisation; and
- c research conducted under the auspices of another organisation but where the Respondent is currently associated with the University.

6.12.2 The Named Person, with the advice of the Secretary of the University, shall consult with relevant persons at the other organisation(s) and agree a joint approach to handling the allegation<sup>2</sup>. The University and the other organisation(s) shall normally agree that one organisation should lead the handling of the allegation. The University and the other organisation(s) shall normally agree to support a joint approach to handling the allegation by:

- a sharing relevant research records, materials, and/or data; and
- b facilitating the participation of staff from each organisation in the formal consideration of the allegation.

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<sup>2</sup> The Named Person, where an allegation concerns a collaborative research project involving research organisations in more than one country, may with the advice of the Secretary of the University and in consultation with relevant persons at the other organisation(s) use the Organisation for Economic Cooperation and Development's Investigating Research Misconduct Allegations in International Collaborative Research Projects: A Practical Guide (2009) in determining how the allegation should be handled.

## **6.13 Support for Operation of these Procedures and Management of Records**

- 6.13.1 The Global Director of Research Engagement will be responsible for ensuring the Named Person, and any Panels convened are provided with support from the Research Engagement Directorate staff.
- 6.13.2 The Global Director of Research Engagement will be responsible for ensuring the appropriate records are kept for internal and where required external reporting of actions taken under these procedures.
- 6.13.3 The Global Director of Research Engagement will be responsible for ensuring the records are kept with due regard for confidentiality (6.4).

## **6.14 Completion of Procedures**

- 6.14.1 Procedures under these Procedures shall normally be followed to completion regardless of:
  - a withdrawal of the allegation by the Complainant; or
  - b admission of misconduct by the Respondent; or
  - c resignation or withdrawal of the Complainant from the University; or
  - d resignation or withdrawal of the Respondent from the University.

# **7. Initial Consideration of Allegations of Research Misconduct**

## **7.1 Initial Consideration**

- 7.1.1 The Named Person shall initially consider an allegation of research misconduct and determine whether to initiate formal consideration of the allegation under these Procedures. The Named Person, in determining whether to initiate formal consideration of the allegation, shall consider whether the allegation:
  - a is mistaken, frivolous, or malicious;
  - b concerns persons covered by the scope of these Procedures as specified in 2.2 and
  - c concerns actions that could constitute research misconduct as specified in 3.

## **7.2 Initiation of Formal Consideration**

- 7.2.1 The Named Person shall initiate formal consideration of the allegation where they determine that the allegation:
  - a is not mistaken, frivolous, or malicious; and
  - b concerns persons covered by the scope of these Procedures as specified in 2.2; and
  - c concerns actions that could constitute research misconduct as specified in 3.
- 7.2.2 The Named Person, where they determine that the allegation concerns actions that could constitute a disciplinary offence, may consult with the Global Director of Research Engagement and the Director of Human Resource

Development or the Academic Registrar and agree whether to initiate procedures under the Staff Disciplinary Policy or the Student Disciplinary Policy.

- 7.2.3 The Named Person, where it has been agreed to initiate procedures under the Staff Disciplinary Policy or the Student Disciplinary Policy, shall agree with the Global Director of Research Engagement and the Director of Human Resource Development or the Academic Registrar that:
- a the completion of processes under these Procedures should run in parallel with the completion of procedures under the Staff Disciplinary Policy or the Student Disciplinary Policy; or
  - b the completion of processes under these Procedures should be deferred pending the completion of procedures under the Staff Disciplinary Policy or the Student Disciplinary Policy; or
  - c the completion of procedures under the Staff Disciplinary Policy or the Student Disciplinary Policy should be deferred pending the completion of processes under these Procedures.
- 7.2.4 The Named Person, with the advice of the Secretary of the University, shall normally defer processes under these Procedures where an allegation of misconduct is subject to external investigation by a professional, statutory, or regulatory body or is subject to criminal investigation.
- 7.2.5 The Named Person, where they have determined to initiate formal processes under these Procedures, shall within ten working days from the date the allegation was received notify the Complainant and the Respondent in writing (letter/email) of the outcome of the initial consideration of the allegation and the reason(s) for this.

### **7.3 Dismissal of Allegation**

- 7.3.1 The Named Person shall dismiss the allegation and not initiate formal consideration of the allegation under these Procedures where they determine that the allegation:
- a is mistaken, frivolous, or malicious; or
  - b does not concern persons covered by the scope of these Procedures as specified in 2.2; or
  - c does not concern actions that could constitute research misconduct as specified in 3.
- 7.3.2 The Named Person, where they determine that the allegation concerns actions that could constitute a disciplinary offence, may invite the Director of Human Resource Development or the Academic Registrar to initiate procedures under the Staff Disciplinary Policy or the Student Disciplinary Policy.
- 7.3.3 The Named Person, where they determine that the allegation constitutes a general complaint, may invite the Complaints Officer to initiate procedures under the Complaints Policy.

- 7.3.4 The Named Person, where the allegation appears to arise from a misunderstanding, a dispute, or an issue of practice that could be addressed by training or advice, may invite the Head of School to attempt to address the allegation informally – for example, by means of a facilitated meeting with the researcher to discuss the allegation and to agree action(s) to be taken to address it; the Head of School, if an attempt to address the allegation informally is not effective, may invite the Named Person to initiate new processes under these Procedures.

#### **Notification of Outcome**

- 7.3.5 The Named Person, where the allegation has been dismissed, shall within ten working days from the date the allegation was received notify the Complainant and the Respondent in writing (letter/email) of the outcome of the dismissal of the allegation and the reason(s) for this.
- 7.3.6 A record of concerns that have been raised and the consideration(s) taken to address those concerns; these records will also be copied to the Global Director of Research Engagement.

#### **Right of Complainant to Challenge Dismissal**

- 7.3.7 The Complainant, where the allegation has been dismissed, may submit a complaint in accordance with the Complaints Policy if they are not satisfied with the way the allegation was handled.

## **8. Formal Consideration of Allegations of Research Misconduct**

### **8.1 Screening**

- 8.1.1 The Named Person, where they have determined to initiate formal consideration of the allegation under these Procedures, shall convene a Screening Panel. The Screening Panel shall be responsible for determining whether there is sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures. The Screening Panel shall not be responsible for determining whether or not research misconduct has occurred.
- 8.1.2 The composition and procedures of the Screening Panel shall be as specified in Appendix Four.
- 8.1.3 The Named Person shall convene the Screening Panel within ten working days of a decision to initiate formal consideration of the allegation under these Procedures or, where the initiation of formal consideration of the allegation under these Procedures was deferred pending completion of other procedures, within ten working days of the completion of those other procedures.
- 8.1.4 The Named Person, within five working days of the date on which the Screening Panel was convened, shall notify the Complainant and the Respondent in writing (letter/email) that a Screening Panel has been convened and provide the Complainant and the Respondent with the identity

of the Screening Panel's members. The Complainant and the Respondent shall have five working days in which to make any comments on the membership of the Screening Panel. The membership of the Screening Panel shall normally be changed only if the Complainant or the Respondent can provide evidence of a conflict of interest.

- 8.1.5 The Screening Panel shall normally complete the screening of an allegation of research misconduct within thirty working days of the date on which the Screening Panel was convened.
- 8.1.6 The Screening Panel, on completion of the screening of an allegation of research misconduct, shall present to the Named Person an initial report on its findings. The Named Person shall provide the Complainant and the Respondent with the initial report of the Screening Panel; the Complainant and the Respondent shall have ten working days in which to make any comments on the factual accuracy of the initial report. The Named Person shall report to the Screening Panel any comments received from the Complainant and the Respondent.
- 8.1.7 The Screening Panel shall determine the validity of any comments received from the Complainant or the Respondent. The Screening Panel, having determined the validity of any comments received from the Complainant or the Respondent, shall present to the Named Person a final report on its findings. The Screening Panel shall in the final report confirm whether it has concluded that:
  - a the allegation is mistaken, frivolous, or malicious; or
  - b there is not sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures; or
  - c there is sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures.

## **8.2 Dismissal of Allegation**

- 8.2.1 The Named Person, where the Screening Panel concludes that the allegation of research misconduct is mistaken, frivolous, or malicious, shall dismiss the allegation.

### **Insufficient Evidence of Research Misconduct**

- 8.2.2 The Screening Panel, where there is not sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures, may agree:
  - a that the allegation raises issues of research conduct not amounting to misconduct but which should be addressed by the Respondent and that the Named Person and the Head of School should agree
  - b the action(s) to be taken by the Respondent to address the issues of research conduct raised by the allegation; and
  - c the date by which the Head of School shall review whether the Respondent has completed the agreed action(s); the Head of School, if

the Respondent has not completed the agreed action(s), may invite the Named Person to initiate new processes under these Procedures;

8.2.3 or

- a that the allegation raises issues of misconduct other than research misconduct and that
- b the Director of Human Resource Development should be invited to initiate procedures under the Staff Disciplinary Policy; or
- c the Academic Registrar should be invited to initiate procedures under the Student Disciplinary Policy.

**Sufficient Evidence of Research Misconduct**

- 8.2.4 The Named Person, where the Screening Panel concludes that there is sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures, shall initiate procedures as specified in paragraph 8.2.

**Notification of Outcome**

- 8.2.5 The Named Person shall within ten working days from the date of the final report of the Screening Panel notify the Complainant and the Respondent in writing (letter/email) of the outcome of the screening and the reason(s) for this. The Named Person shall provide the Complainant and the Respondent with the final report of the Screening Panel.
- 8.2.6 The Respondent shall have no right of appeal against the findings or conclusion of the Screening Panel. The Respondent, should procedures be initiated under the Staff Discipline Policy or the Student Discipline Policy, shall have a right of appeal as specified in those policies.

**Right of Complainant to Challenge Dismissal**

- 8.2.7 The Complainant, where the allegation has been dismissed or there is not sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures, may submit a complaint in accordance with the Complaints Policy if they are not satisfied with the way the allegation was handled.

**8.3 Formal Investigation**

- 8.3.1 The Named Person, where the Screening Panel has concluded that there is sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures, shall convene an Investigation Panel within ten working days from the date of the final report of the Screening Panel. The Investigating Panel shall be responsible for determining whether research misconduct has occurred.
- 8.3.2 The composition and procedures of the Investigation Panel shall be as specified in Appendix Five.

- 8.3.3 The Named Person, within five working days of the date on which the Investigation Panel was convened, shall notify the Complainant and the Respondent in writing (letter/email) that an Investigation Panel has been convened and provide the Complainant and the Respondent with the identity of the Investigation Panel's members. The Complainant and the Respondent shall have five working days in which to make any comments on the membership of the Investigation Panel. The membership of the Investigation Panel shall normally be changed only if the Complainant or the Respondent can provide evidence of a conflict of interest.
- 8.3.4 The Investigation Panel shall take such time as is needed to complete its investigation and prepare a report on its findings. The Investigation Panel, where it will take more than one calendar month to complete its investigation and prepare a report on its findings, shall present monthly progress reports to the Named Person. The Named Person shall ensure that the Complainant and the Respondent are informed as to the progress of the investigation.
- 8.3.5 The Investigation Panel, on completion of its investigation, shall present to the Named Person an initial report on its findings. The Named Person shall provide the Complainant and the Respondent with the initial report of the Investigation Panel; the Complainant and the Respondent shall have ten working days in which to make any comments on the factual accuracy of the initial report. The Named Person shall report to the Investigation Panel any comments received from the Complainant or the Respondent.
- 8.3.6 The Investigation Panel shall determine the validity of any comments received from the Complainant or the Respondent. The Investigation Panel, having determined the validity of any comments received from the Complainant or the Respondent, shall present to the Named Person a final report on its findings. The Investigation Panel shall in the final report confirm whether it has concluded that the allegation:
- a is mistaken, frivolous, or malicious; or
  - b is not upheld; or
  - c is upheld or upheld in part.

#### **Dismissal of Allegation**

- 8.3.7 The Named Person, where the Investigating Panel concludes that the allegation of research misconduct is mistaken, frivolous, or malicious, shall dismiss the allegation.

#### **Allegation Not Upheld**

- 8.3.8 The Named Person, where the Investigating Panel concludes that the allegation of research misconduct is not upheld, shall deem procedures in respect of the allegation to have been completed.

### **Allegation Upheld or Upheld in Part**

- 8.3.9 The Named Person, where the allegation is upheld or upheld in part, shall, within 10 working days of the production of the Investigation Panel's Final report, consult with the Global Director of Research Engagement and the Director of Human Resource Development or the Academic Registrar and agree that:
- a the Director of Human Resource Development should be invited to initiate procedures under the Staff Disciplinary Policy; or
  - b the Academic Registrar should be invited to initiate procedures under the Student Disciplinary Policy;
- 8.3.10 The Investigation Panel, where the allegation is upheld or upheld in part, may recommend that the Named Person should in addition to action under the Staff Disciplinary Policy or Student Disciplinary Policy:
- a take action(s) to safeguard research integrity – such as
  - b notification of relevant professional, statutory, or regulatory bodies, other research organisations, or other persons/organisations;
  - c correction of retraction of published research;
  - d issuing such public statement(s) as the University shall deem necessary to safeguard its reputation;
  - e withdrawal or recovery of research funding;
  - f termination of research project(s) and negation of associated research findings;
  - g revocation of a degree of the University obtained in whole or in part on the basis of proven research misconduct;
  - h revocation of an honorary title, visiting professorship, or emeritus professorship.
  - i invite the Head of School to take action(s) under the Performance Management Policy;
  - j invite the University to take action(s) in respect of its policies and/or procedures for research management, researcher development, research misconduct, or any other relevant matters.
- 8.3.11 The Named Person, where the Investigation Panel has recommended action(s) to safeguard research integrity, shall in consultation with the Head of School, the Global Director of Research Engagement, and the Director of Human Resource Development or the Academic Registrar agree whether to accept to accept the recommended action(s) in full or in part. The taking of recommended action(s) to safeguard research integrity shall normally be deferred pending the completion of:
- a any procedures under the Staff Disciplinary Policy or the Student Disciplinary Policy; or
  - b any external investigation by a professional, statutory, or regulatory body; or
  - c any criminal investigation.

### **Notification of Outcome**

- 8.3.12 The Named Person shall within ten working days from the date of the final report of the Investigation Panel notify the Complainant and the Respondent in writing (letter/email) of the outcome of the investigation and the reason(s) for this. The Named Person shall provide the Complainant and the Respondent with the final report of the Investigation Panel.
- 8.3.13 The Respondent shall have no right of appeal against the findings or conclusion of the Investigation Panel. The Respondent, should procedures be initiated under the Staff Discipline Policy or the Student Discipline Policy, shall have a right of appeal as specified in those policies.

### **Right of Complainant to Challenge if Allegation is Not Upheld or Dismissed**

- 8.3.14 The Complainant, where the allegation is not upheld, may submit a complaint in accordance with the Complaints Policy if they are not satisfied with the way the allegation was handled.

## 9. Definitions

9.1.1 Terms used in these Procedures shall have the definitions given in the Charter, Statutes, and Ordinances unless indicated otherwise.

|                                                         |                                                                                                                                                                                                                        |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Academic Staff</i>                                   | means those Staff defined as academic staff in the Ordinances                                                                                                                                                          |
| <i>Charter</i>                                          | means the Charter of the University                                                                                                                                                                                    |
| <i>Complainant</i>                                      | means the person making an allegation of research misconduct                                                                                                                                                           |
| <i>Court</i>                                            | means the Court of the University                                                                                                                                                                                      |
| <i>Deputy Principal (Research and Innovation)</i>       | means the executive officer responsible for research and innovation                                                                                                                                                    |
| <i>Head of School</i>                                   | means the executive manager and leader of a School                                                                                                                                                                     |
| <i>Investigating Panel</i>                              | means an ad hoc panel convened for the purpose of determining whether research misconduct has occurred                                                                                                                 |
| <i>Named Person</i>                                     | means a member of the Academic Staff of the University appointed to receive and handle allegations of research misconduct usually the Deputy Principal (Research & Innovation)                                         |
| <i>Ordinances</i>                                       | means Ordinances made under the Charter and Statutes                                                                                                                                                                   |
| <i>Principal and Vice-Chancellor</i>                    | means the Principal and Vice-Chancellor and Chief Accounting Officer and Chief Executive Officer of the University                                                                                                     |
| <i>University Committee for Research and Innovation</i> | means the standing committee of the Senate responsible for research and innovation                                                                                                                                     |
| <i>Researcher</i>                                       | means all persons who conduct research under the auspices of the University – including staff, students, visiting and emeritus professors, holders of honorary titles, visiting students, contractors, and consultants |
| <i>Respondent</i>                                       | means the subject of an allegation of research misconduct                                                                                                                                                              |
| <i>School</i>                                           | means any primary academic unit of the University devoted to one or more academic disciplines                                                                                                                          |
| <i>Screening Panel</i>                                  | means an <i>ad hoc</i> panel convened for the purpose of determining whether there is sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures                |
| <i>Secretary of the University</i>                      | means the Secretary to the Court and Chief Operating Officer of the University                                                                                                                                         |
| <i>Senate</i>                                           | means the Senate of the University                                                                                                                                                                                     |

|                       |                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------|
| <i>Staff</i>          | means all persons employed by the University or by any member of the Heriot-Watt Group                      |
| <i>Statutes</i>       | means the Statutes of the University                                                                        |
| <i>Student</i>        | means all persons following a programme of study of the University including taught and research programmes |
| <i>Vice-Principal</i> | means the Vice-Principal and Deputy Vice-Chancellor                                                         |

## **10. Notifications, Reporting, and Publishing Outcomes**

10.1.1 Research Funders and other HE Bodies require Universities to keep records and publish summaries of Investigations into Research Misconduct.

### **10.2 Notifications**

10.2.1 In addition to notifications to Complainants and Respondents (see Appendix 2), the Global Director of Research Engagement will be notified within 10 working days of the outcomes of:

- a any informal investigations by the appropriate Head of School;
- b initial assessments by the Named Person;
- c screening by the Named Person;
- d formal investigation by the Named Person.

### **10.3 Investigation Reports**

10.3.1 In addition to Reports to Complainants and Respondents (see Appendix 2), any Final Reports produced while conducting activity under these procedures will be sent to:

- a the Global Director of Research Engagement to assist in generating an Annual Statement on Research Integrity;
- b the Heads of any relevant Schools (if the Head of School is either the Respondent or Complainant then this will be sent to the Deputy Principal (Research & Innovation)) to ensure that any recommendations are addressed.

10.3.2 Reports should be self-contained. They should be produced such that where there is a requirement to refer to additional information or evidence this either forms part of the report's appendices or is publicly accessible. Once the Respondent or Complainant have been given time to respond to Final reports (see Appendix 2), all other information used in undertaking investigations (of any kind) should either be returned to the provider or destroyed. This includes digital records.

### **10.4 Annual Summaries and Statements**

10.4.1 Each year, the Clerk of the University Committee on Research and Innovation should request the Global Director of Research Engagement to arrange for an Annual Summary on Research Integrity to be presented to the Committee within 2 months of 1<sup>st</sup> August.

- 10.4.2 This Annual Summary on Research Integrity should include information on;
- a Number and type of notifications received by School;
  - b Outcomes of investigations of any type by School;
  - c Who the Named Person was for each investigation of any type;
  - d The status of any cases (completed or in progress);
  - e An equality analysis of the cases undertaken;
  - f Comparison to data from previous years (and other institutions if available);
  - g An update for members on issues of research integrity across the UK and internationally.
- 10.4.3 This summary should not contain any information that would enable others to identify individuals.
- 10.4.4 The Summary should also include a draft Annual Statement on Research Integrity (as required in the Concordat on Research Integrity). This should include
- a A Statement on the University's commitment to Research Integrity;
  - b Reference to relevant external policies to which the University complies (e.g. the Universities UK Concordat on Research Integrity);
  - c Reference to the relevant Heriot-Watt policies and any activity undertaken to update these;
  - d Report on the number of cases of Research Misconduct which resulted in a Formal Investigation (regardless of the outcome);
  - e Actions taken in response to cases (change of University Policy or Procedures, clarification of information, etc.);
  - f Note of any relevant training and development activity;
  - g Reminder of sources of information made available for staff and any changes to these;
  - h Any other activity aimed at improving understanding or engagement with Research Integrity.
- 10.4.5 The Annual Statement on Research Integrity accommodating any agreed changes should be published on the University's external website within 1 month of the UCRI meeting.

## **11. Further Help and Advice**

- 11.1.1 The responsible office for these Procedures shall be Research Engagement.
- 11.1.2 Further enquiries regarding these Procedures should be addressed to Research Engagement – please email [psi@hw.ac.uk](mailto:psi@hw.ac.uk)

## **12. Procedures Version and History**

Author: **Antony Weir**

Date of Original Approval: **Approved by the University Committee for Research and Innovation 2018 May**

Last Amended:

**2019: May**

Date of Next Review:

**The Global Director of Research Engagement, on behalf of the Secretary of the University, shall periodically initiate a review these Procedures in terms of its currency and effectiveness**

## **Appendix One – Support for Complainants and Respondents**

1. The University shall take all reasonable care to support Complainants and Respondents.

### **Support for Complainants**

2. The University shall act with no detriment to a Complainant who makes an allegation of research misconduct in good faith – that is, in the reasonable belief and/or on the basis of evidence that research misconduct may have occurred.
3. These Procedures shall not limit the rights of the Complainant under the UK Public Interest Disclosure Act 1998 or the Public Interest Disclosure Policy.
4. The Complainant shall not be subject to action by the University if, in good faith, they make an allegation of research misconduct which is found to be mistaken or which is dismissed or not upheld for reasons other than that the allegation is found to be frivolous or malicious.
5. The Named Person and the Head of School, where an allegation of research misconduct is found to be mistaken or is dismissed or not upheld for reasons other than that the allegation is found to be frivolous or malicious, shall take such action(s) as they deem appropriate to support the reputation of the Complainant.
6. The Complainant may be subject to action by the University if they make an allegation of research misconduct which is found to be frivolous or malicious.

### **Support for Respondents**

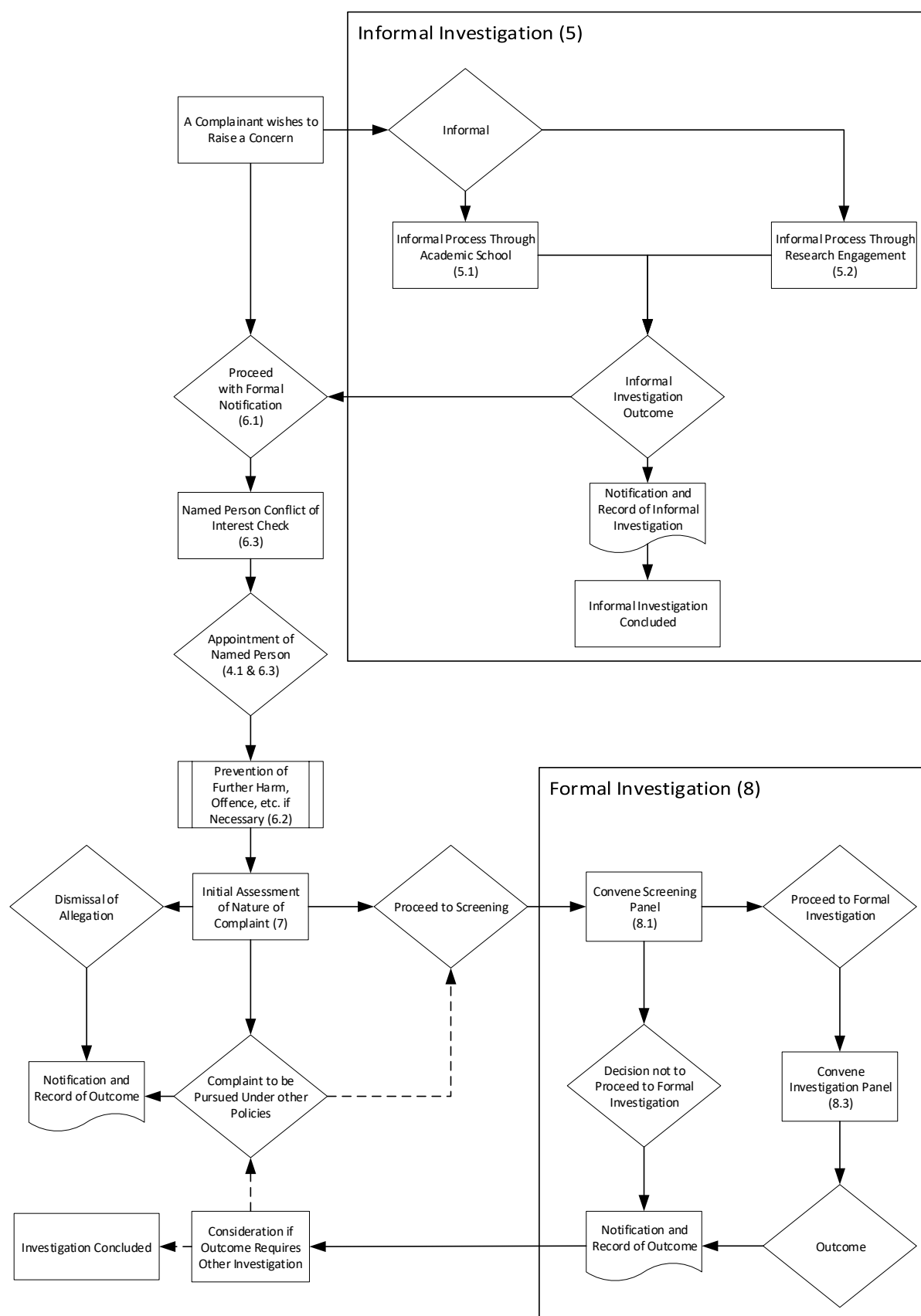
7. The Respondent shall be presumed to be innocent of research misconduct unless an allegation of research misconduct is upheld or upheld in part.
8. The Respondent shall not be subject to action under these Procedures where an allegation of research misconduct is found to be mistaken or is dismissed or is not upheld.
9. The Named Person and the Head of School, where an allegation of research misconduct is found to be mistaken or is dismissed or is not upheld, shall take such action(s) as they deem appropriate to support the reputation of the Respondent and research with which they are associated.

### **Public Statements**

10. The University, where the handling of an allegation of research misconduct has been the subject of publicity, shall on completion of processes under these Procedures offer the Complainant and the Respondent the opportunity to have an official statement issued within the University and/or externally.

## Appendix Two – Outline of Workflow and Timescales of these Procedures

### Workflow (Numbers refer to sections in the Procedures)



## Timescales

### Informal Procedures

Head of School, Director of Research or Global Director of Research Engagement receives an informal notification of concern.

*20 Working Days*

Record of Outcome Reported to Complainant and Copied to Global Director of Research Engagement

### Formal Procedures

Named Person (NP) Receives Formal Notification of Allegation

*10 Working Days*

*and*

*5 Working Days*

NP Notifies the Complainant and the Respondent of outcome of initial consideration

Acknowledge Complainant; Notify Respondent; Provide Procedures; Disclose Interests

*10 Working Days*

NP Selects and Convenes Screening Panel

*5 Working Days*

NP Notifies Complainant and Respondent of Screening Panel's members

*5 Working Days*

Complainant and Respondent comments on membership

*30 Working Days*

NP Send initial Screening Panel Report to Complainant and Respondent

*10 Working Days*

Complainant and Respondent factual comments on report

*10 Working Days*

NP Send final Screening Panel Report to Complainant and Respondent

*[If proceeding to Investigation]*

*10 Working Days*

*or*

*[If not proceeding to Investigation]*

*10 Working Days*

NP Selects and Convenes Investigation Panel

Record passed to Global Director of Research Engagement for Internal and External Reporting

*5 Working Days*

NP Notifies Complainant and Respondent of Investigation Panel's members

*5 Working Days*

Complainant and Respondent comments on membership

*Monthly Updates to NP*

NP Send initial Investigation Panel Report to Complainant and Respondent

*10 Working Days*

Complainant and Respondent factual comments on report

*10 Working Days*

NP Send final Investigation Panel Report (when ready) to Complainant and Respondent

*10 Working Days*

*and*

*10 Working Days*

NP to consult with Global Director of Research Engagement, Director of Human Resource Development and/or Academic Registrar

Record passed to Global Director of Research Engagement for Internal and External Reporting

## **Appendix Three – UK Research Councils Reporting Requirements**

1. The University shall, in accordance with the UK Research Councils Policy and Guidelines on Governance of Good Research Conduct (2015), keep the relevant Research Council(s) informed of allegations of research misconduct where the allegations concern a Respondent and/or research project that is funded by the Research Council(s).

### **Reporting Requirements**

2. The Named Person, where they have determined to initiate formal processes under these Procedures, shall notify the relevant Research Council(s) if the allegation concerns:
  - a. a research project that is funded by the Research Council(s); and/or
  - b. a Respondent who is funded by or engaged with one or more of the Research Councils – including the supervision of Research Council funded Students and the undertaking of peer review for the Research Councils.
3. The Named Person shall notify the relevant Research Council(s) of the outcome of the screening of the allegation.
4. The Named Person, if it is determined that the Respondent should be temporarily suspended, shall notify the relevant Research Council(s).
5. The Named Person shall notify the relevant Research Council(s) of the outcome of the formal investigation of the allegation and of any disciplinary or other action(s) arising from the formal investigation.

### **Confidentiality**

6. The Research Council(s) shall hold in confidence information regarding allegations of research misconduct. The Research Council(s) may disclose information regarding allegations of research misconduct to relevant statutory bodies where this has not been done by the University and provided that the serious of the allegation justifies such disclosure.
7. The Research Councils, where an allegation of research misconduct concerns multiple research organisations, may inform the other organisations to ensure that the handling of the allegation meets the requirements of all of the organisations concerned.

### **Sanctions**

8. The Research Council(s), where an allegation of research misconduct is upheld or upheld in part, may:
  - a. reject any funding applications that have been received from the Respondent;
  - b. withdraw funding associated with research being conducted by the Respondent;

- c. prevent the Respondent from submitting any further funding applications for a fixed period or indefinitely; and
- d. recover funds awarded funding associated with research conducted by the Respondent.

### **Monitoring**

9. The Research Councils, as part of the Funding Assurance Programme, shall monitor the number of allegations of research misconduct that are investigated by research organisations.

## **Appendix Four – Operation of the Screening Panel**

1. The Screening Panel shall be responsible for determining whether there is sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures. The Screening Panel shall not be responsible for determining whether or not research misconduct has occurred.

### **Composition**

2. The Named Person shall approve the membership of the Screening Panel. The Named Person shall not be eligible to be a member of the Screening Panel.
3. The Named Person, in approving the membership of the Screening Panel, shall give due regard to facilitating diversity in the membership of the Screening Panel. The Screening Panel should include both men and women members.
4. The membership of the Screening Panel shall comprise three or more members of the Academic Staff – provided that at least one holds the position of Professor. The membership of the Screening Panel shall normally comprise one member from the same School as the Respondent and two or more members not from the same School as the Respondent. The Named Person, where it shall be deemed to be appropriate, may appoint as a member of the Screening Panel one or more persons who are not Members of the University.
5. The members of the Screening Panel must, in accordance with paragraph 4.3, declare to the Named Person any conflict of interest.
6. The Screening Panel shall appoint one of its members as Chair of the Screening Panel.

### **Procedures**

7. The Screening Panel, in determining whether there is sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures, shall:
  - a. consider relevant research records, materials, and/or data and, as needed, seek advice from other persons in relation to relevant research records, materials, and/or data;
  - b. normally interview the Complainant and the Respondent; the Complainant and the Respondent, when attending an interview with the Screening Panel, may be accompanied by a representative of one of the recognised trades unions or by a representative of the Student Union; neither the Complainant nor the Respondent shall be entitled to legal representation when attending an interview with the Screening Panel;
  - c. give the Respondent the opportunity to respond to the allegation, question the evidence presented in support of the allegation, and to present evidence in their defence;

- d. make a written record of its procedures sufficient to show the nature and scope of the screening; the Chair of the Screening Panel shall be responsible for ensuring that a written record is made and the Named Person, following completion of the screening, shall retain the written record of the Screening Panel; and
  - e. maintain the confidentiality of the screening both at the time and subsequently unless disclosure is a statutory or regulatory requirement or is approved by the Named Person.
- 8. The Screening Panel, if it deems it necessary for the purposes of its investigation, may:
  - a. invite the Respondent and other relevant persons to submit relevant research records, materials, and/or data; and
  - b. seek evidence from other relevant persons.
- 9. The Screening Panel, before it prepares its final report, must ensure that the Respondent has had the opportunity to comment on all of the evidence which it has considered.
- 10. The Screening Panel, in determining whether there is sufficient evidence that research misconduct may have occurred to justify an investigation under these Procedures, shall normally reach that conclusion unanimously. The Chair of the Screening Panel, where a unanimous decision is not possible, may determine that a conclusion should be reached by a decision of the majority of the members.
- 11. The final report of the Screening Panel, together with evidence presented as part of the screening, may be presented as evidence to an investigation panel convened under the Staff Disciplinary Policy or Student Disciplinary Policy.

## **Appendix Five – Operation of the Investigation Panel**

1. The Investigation Panel shall be responsible for determining whether research misconduct has occurred.

### **Composition**

2. The Vice-Principal, on the recommendation of the Named Person, shall approve the membership of the Investigation Panel.
3. The Vice-Principal, in approving the membership of the Investigation Panel, shall give due regard to facilitating diversity in the membership of the Investigation Panel. The Investigation Panel should include both men and women members.
4. The membership of the Investigation Panel shall comprise three or more members of the Academic Staff – provided that at least one holds the position of Professor. The total number of members if more than three shall be an uneven number. The membership of the Investigation Panel shall normally comprise one member from the same School as the Respondent and two or more members not from the same School as the Respondent. The Vice-Principal, where it shall be deemed to be appropriate, may appoint as a member of the Investigation Panel one or more persons who are not Members of the University.
5. The Named Person shall not be eligible to be a member of the Investigation Panel.
6. A member of a Screening Panel shall not be eligible to be a member of an Investigation Panel in respect of the same allegation of research misconduct.
7. The members of the Investigation Panel must, in accordance with paragraph 4.3, declare to the Named Person any conflict of interest.
8. The Investigation Panel shall appoint one of its members as Chair of the Investigation Panel.

### **Procedures**

9. The Investigation Panel, in determining whether research misconduct has occurred, shall:
  - a. consider relevant research records, materials, and/or data and the final report of the Screening Panel and, as needed, seek advice from other persons in relation to relevant research records, materials, and/or data;
  - b. normally interview the Complainant and the Respondent; the Complainant and the Respondent when attending an interview with the Investigation Panel, may be accompanied by a representative of one of the recognised trades unions or by a representative of the Student Union; neither the Complainant nor the Respondent shall be entitled to legal representation when attending an interview with the Investigation Panel;

- c. give the Respondent the opportunity to respond to the allegation, question the evidence presented in support of the allegation, and to present evidence in their defence;
  - d. make a written record of its considerations sufficient to show the nature and scope of the investigation; the Chair of the Investigation Panel shall be responsible for ensuring that a written record is made and the Named Person, following completion of the investigation, shall retain the written record of the Investigation Panel; and
  - e. maintain the confidentiality of the investigation both at the time and subsequently unless disclosure is a statutory or regulatory requirement or is approved by the Named Person.
10. The Investigation Panel, if it deems it necessary for the purposes of its investigation, may:
- a. invite the Respondent and other relevant persons to submit relevant research records, materials, and/or data; and
  - b. seek evidence from other relevant persons.
11. The Investigation Panel, before it prepares its final report, must ensure that the Respondent has had the opportunity to comment on all of the evidence which it has considered.
12. The Investigation Panel, in concluding that an allegation should be upheld or upheld in part, shall reach that conclusion based on a judgment that on the balance of probabilities the Respondent intended to commit research misconduct and/or the Respondent was reckless or grossly negligent in any aspect of their research conduct.
13. The Investigation Panel, in concluding that an allegation should be upheld, upheld in part, or not upheld, shall normally reach that conclusion unanimously. The Chair of the Investigation Panel, where a unanimous decision is not possible, may determine that a conclusion should be reached by a decision of the majority of the members.
14. The final report of the Investigation Panel, together with evidence presented as part of the investigation, may be presented as evidence to an investigation panel convened under the Staff Disciplinary Policy or Student Disciplinary Policy.