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Procedures for Dealing with Allegations of Misconduct in Research

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1. Introduction

1.1 The University expects all members of staff and students to observe the highest ethical and professional standards in their research and it is committed to ensuring that all researchers should be able to pursue their work in an atmosphere free from prejudice and harassment.

1.2 Misconduct in research damages the integrity of research, brings both the individual and the institution into disrepute and can, in extreme circumstances, cause harm to those involved in research. This Procedure has been approved by the Ethics Sub-Committee, Research & Enterprise Committee and Academic Board of the University to provide a procedural framework for investigating allegations of misconduct in research conducted under the auspices of the University.

1.3 It is a condition of conducting research under the auspices of the University and/or on University premises that practice conforms to the University's [Code of Practice for Research](#). Failure by a researcher to comply with the provisions of that Code will be grounds for action to be taken under this Procedure.

1.4 Staff, research students and all others conducting research under the auspices of the University are required to report misconduct in research where they have good reason to believe it is occurring. The University will investigate allegations or complaints about misconduct in research. Those making an allegation or complaint will not be penalised, provided that it is done without malice and in good faith, reasonably believing it to be true <http://staffnet/Governance/corporate-documents/Corporate%20Documents/Public-Interest-Disclosure-Policy.pdf>

2. Scope

2.1 This procedure applies to all individuals undertaking research for the University including:

- i) a member of staff;
- ii) a research student;
- iii) an independent contractor or consultant;
- iv) a person with visiting or emeritus status; and
- v) a member of staff on an honorary contract

2.2 Allegations of misconduct against a member of staff will be conducted in accordance with the University's Disciplinary and Dismissal Procedure.- <http://staffnet/services-departments/HumanResources/Documents/Disciplinary-Procedure.pdf>

2.3 Any disciplinary proceedings against a research student in respect of alleged research misconduct will be dealt with in accordance with the Research Student Code of Practice and either the University of Surrey Regulations for Research Degrees or Liverpool Hope Regulations for Research Degrees (depending on when the research student registered on their MPhil/PhD programme). However, where a research student is also a member of staff, the University's HR procedure will be invoked.

3. Definitions of Research Misconduct

3.1 Research misconduct includes any breach of the University's [Code of Practice for Research](#), or other practices that seriously deviate from those that are commonly accepted within the academic and scientific communities for proposing, conducting or reporting research. It is committed when an employee or student of the University deliberately seeks to corrupt, misrepresent or falsify the outcomes of academic research or scholarship.

3.2 Research misconduct includes the following, whether deliberate, reckless or negligent:

- failure to obtain appropriate permission to conduct research
- deception in relation to research proposals
- unethical behaviour in the conduct of research, for example in relation to research subjects
- unauthorised use of information which was acquired confidentially
- deviation from good research practice, where this results in unreasonable risk of harm to humans, other animals or the environment
- fabrication, falsification or corruption of research data
- distortion of research outcomes, by distortion or omission of data that do not fit expected results
- dishonest misinterpretation of results
- publication of data known or believed to be false or misleading
- plagiarism, or dishonest use of unacknowledged sources
- misquotation or misrepresentation of other authors
- inappropriate attribution of authorship
- fraud or other misuse of research funds or research equipment
- attempting, planning or conspiring to be involved in research misconduct
- inciting others to be involved in research misconduct
- collusion in or concealment of research misconduct by others

3.3 It does not include:

- honest error or honest differences in the design, execution, interpretation or judgment in evaluating research methods
- misconduct unrelated to the research process
- poor research unless this encompasses the intention to deceive

4. Procedures for Handling Allegations of Misconduct Against Academic Members of Staff

4.1 An allegation of research misconduct or fraud made against a member of the Academic Staff, from whatever source, made verbally or in writing, and made formally or informally, should be referred in the first instance to the Head of School. Alternatively, reports may be made initially directly to the [University's Research Integrity Officer](#) (URIO) (Head of the Research Office) or the Pro Vice-Chancellor. In all instances, allegations should be reported to the URIO who will also inform the Director of Human Resources.

4.2 It shall be the responsibility of the URIO to initiate proceedings in accordance with this Procedure.

4.3 Throughout the proceedings, the URIO will act as the principal channel of communication with both the complainant and the respondent.

4.4 The URIO will inform the Pro Vice-Chancellor and the Director of Human Resources if appropriate, and preliminary enquiries will then be carried out on behalf of the Vice-Chancellor, to establish whether a *prima facie* case exists and whether supporting evidence is reliable and sufficient. Such enquiries should also establish whether or not the case falls within the remit of the University to investigate or should instead be referred to an external body (eg the police; an appropriate regulatory body). In conducting the preliminary enquiries, the URIO may consult with whomsoever he/she considers appropriate. Where appropriate, all immediate and necessary steps should be taken to avoid the destruction of evidence of misconduct.

4.5 Provided they do not impede or compromise natural justice, preliminary enquiries (and any subsequent investigation) will be conducted in confidence and, wherever appropriate and practicable, will maintain the anonymity of the complainant and the member of staff against whom the allegation has been brought.

4.6 If the URIO reports that preliminary enquiries **have not** established a *prima facie* case, the URIO will take no further action and will inform the Pro Vice-Chancellor and Director of Human Resources. The respondent and complainant will also be so advised by the URIO. The complainant will be provided with the opportunity to respond to the findings, if they believe that they have been misunderstood or key evidence has been overlooked.

4.7 If preliminary enquiries **have** established a *prima facie* case, the URIO will inform the Pro Vice-Chancellor and Director of Human Resources.

4.8 At the same time, the URIO will confirm the allegation in writing and will inform the respondent of the outcome of the preliminary enquiries. The URIO will invite the respondent to comment on the allegation and outcome of the preliminary enquiries thus far before further action is considered.

4.9 If the respondent admits the allegation in full or in part, the Pro Vice-Chancellor and the Director of Human Resources will implement the University's [Disciplinary and Dismissal Procedure](#).

4.10 If the respondent contests the allegation in full or in part, the URIO will set up an Assessment Panel to conduct an investigation. The membership of the Assessment Panel will normally comprise: Pro Vice-Chancellor as Chair; a Head of School from a School independent of the respondent or an alternative senior member of staff, nominated by the Pro Vice-Chancellor; the Director of Human Resources. The Assessment Panel will be serviced by the URIO. The Assessment Panel shall have authority to determine the case put to it in the manner it deems most appropriate and will report its findings to the Vice-Chancellor. Where an allegation is deemed sufficiently serious, the Assessment Panel may choose to notify the [UK Research Integrity Organisation](#). (UKRIO).

4.11 Where the respondent to an allegation is funded by or engaged with an RCUK research council or any other external funder, the University will report the case to the relevant council or funder at this stage, even if the allegations do not relate to a research council or funding external funders grant. The University will also be obliged to comply with any action requested by the RCUK research council or external funder in relation to duties performed by the respondent for them. In cases of subsequent exoneration the RCUK research council or external funder will be informed of this outcome.

4.12 The URIO will inform the respondent that an Assessment Panel is to be set up to consider the allegations and will invite the respondent to submit evidence on his/her own behalf to the Assessment Panel. The respondent shall be given at least fourteen days' notice of the meeting of the Assessment Panel at which the allegation(s) will be considered, and at which he/she may be accompanied by a friend or workplace colleague who is an employee of the University or a trade union representative.

4.13 The Assessment Panel shall report its findings to the Vice-Chancellor in writing. The Vice-Chancellor will advise the respondent of the Assessment Panel's conclusions and will send a copy of the Assessment Panel's written report to the respondent and invite him/her to comment. If the Assessment Panel's report concludes that the allegations have been substantiated, the Vice-Chancellor will invite the respondent to comment on the report before proceeding to implement the University's [Disciplinary and Dismissal Procedure](#).

4.14 The Vice-Chancellor at this stage may decide to:

- dismiss the allegations summarily or decide to proceed further;
- arrange for the issue of a formal verbal or written warning;
- direct the Director of Human Resources to establish a panel to consider the allegations as a basis for disciplinary action

4.15 A brief note of a formal verbal warning, issued in accordance with 4.14 above, will be retained on the member of staff's personal file in the Human Resources Department but it shall be spent after twelve months, subject to satisfactory conduct and performance in the meantime, in accordance with the [Code on Good Research Practice](#). Failure to observe the University's guidance on good research practice may lead to further disciplinary proceedings.

4.16 The respondent shall be advised by the Director of Human Resources at all stages of his/her rights of appeal against the decision(s) of the Vice-Chancellor or the disciplinary panel.

4.17 The Director of Human Resources will inform the complainant of the outcome of the investigation of the disciplinary panel.

5 Procedures for Handling Allegations of Misconduct Made Against Students Undertaking Research at Postgraduate Level or Graduates of Such Programmes

5.1 In cases where academic misconduct relates to students' work, refer to the following regulations:

Students registered with the University of Surrey –

http://www.surrey.ac.uk/quality_enhancement/documents/A2_regulations_for_research_degrees_2014-15_final.pdf

Students registered with Liverpool Hope University –

<http://www.hope.ac.uk/gateway/supportandwellbeing/studentadministration/postgraduateresearchcourses/academicregulations/>

6 Notification of Outcomes to Others

6.1 If an allegation of academic misconduct or fraud against a member of staff, student or former student is substantiated, the University reserves the right to take such measures as it considers necessary to protect its name and reputation. Depending on the outcomes of a given case, the University, in addition to any disciplinary outcome, may for example notify the outcome(s):

- to appropriate bodies within the University (eg, the Academic Board, and, in cases where a research protocol has been sought and approved by the University Ethics Sub-Committee, to the Chair of that Sub-Committee;
- to the press or other media in the form of an official statement;
- to a relevant professional or statutory body or similar organisation, including the appropriate research council
- to the editors of any journals which the individual has published articles, advising them of the status of those articles;
- to any external financial sponsors of the individual and/or of the work concerned

6.2 Similarly, if an allegation of academic misconduct or fraud against a member of staff, student or former student is not substantiated or has been made frivolously or mischievously, the University will take all appropriate steps to protect and preserve the reputation of the member of staff, student or former student concerned. This may, for example, include one or more of the notifications to various persons or bodies identified in the above or, within the University, through the University's official news media or by some other appropriate means.

7 Complainants' Rights

7.1 In cases where an allegation of academic misconduct has been substantiated or where the allegation has been unsubstantiated or dismissed but where the allegation or complaint has been made in good faith, the University will take all necessary steps to protect the complainant from reprisals and victimisation and will heed legitimate concerns about an employee's or student's safety or career- <http://staffnet/Governance/corporate-documents/Corporate%20Documents/Public-Interest-Disclosure-Policy.pdf>

7.2 Persons expressing genuine concerns about potential academic misconduct or fraud should expect to receive support by the University. Reprisals against or victimisation of a complainant, or deterring an employee or student from raising genuine concerns about academic misconduct or fraud, will be regarded as an offence and be dealt with in accordance with the appropriate disciplinary procedure.

8 Allegations Made Frivolously, Mischievously and Maliciously

8.1 The discovery that an allegation of academic misconduct or fraud against a member of staff, student or former student has been made frivolously, mischievously or maliciously, will itself be regarded as an offence and will be dealt with in accordance with the appropriate disciplinary procedure.

9. Abortive termination of procedures at the informal enquiry, formal investigation or disciplinary stages

9.1 If procedures are terminated at any stage without formally concluding that the complaint should be dismissed (eg due to the resignation of an individual), the University reserves the right to ask the individual complained against to see the investigation through to conclusion. In such instances the University will take in to consideration the seriousness of the allegations outstanding, the strength of evidence supporting the allegations and the implications for the future research career of the individual.

9.2 Where the respondent does not agree to continue to participate in the investigation, the University reserves the right to pass details of the outstanding case (without prejudice) to any future employer or “bona fide” enquirer, who seek information about the respondents career at the University. It also reserves the right to pass details of the outstanding case to any appropriate regulatory or professional supervisory body.

References

RCUK Policy and Guidelines on Governance of Good Research Conduct (Feb 2013)

<http://www.rcuk.ac.uk/RCUK-prod/assets/documents/reviews/grc/RCUKPolicyandGuidelinesonGovernanceofGoodResearchPracticeFebruary2013.pdf>

UK Research Integrity Office Good Practice for Research (2009)

<http://www.ukrio.org/publications/code-of-practice-for-research/>

PGR Handbook & Code of Practice

<http://staffnet/academic-services/RED/research/Pages/Regulations.aspx>

Human Resources Procedures

<http://staffnet/services-departments/HumanResources/Documents/Disciplinary-Procedure.pdf>

<http://staffnet/services-departments/HumanResources/Documents/Procedure-for-the-Suspension-of-Staff.pdf>

Public Interest Disclosure Policy

<http://staffnet/Governance/corporate-documents/Corporate%20Documents/Public-Interest-Disclosure-Policy.pdf>

Code of Practice for Research

<http://www.smuc.ac.uk/research/research-integrity.htm>

University's Ethics Guidelines and Procedures

<http://staffnet/Governance/AcademicBoardCommittees/ethics-committee/Pages/default.aspx>

The University Policy on Equal Opportunities and Diversity

<http://staffnet/services-departments/HumanResources/Pages/Reports,-Policies-and-Procedures.aspx>

The University Health and Safety policies

<http://staffnet/services-departments/HealthandSafety/Pages/default.aspx>

Data Management Policy

Research and Enterprise Development

<http://staffnet/academic-services/RED/Pages/About-RED.aspx>

Ethics Committee	Approved	15/10/14
Research & Enterprise Committee	Approved	6/05/15
Academic Board	Approved	10/06/15