

# **Code of Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research**

Approved by the Academic Board 15 March 2004  
Issued by the Academic Quality and Standards Unit  
February 2004 edition  
[http://www.bolton.ac.uk/aqas/PDF/Policy\\_AMinR.pdf](http://www.bolton.ac.uk/aqas/PDF/Policy_AMinR.pdf)

## **Summary of Procedures for Investigating and Resolving Allegations of Misconduct in Research**

The Institute is committed to ensuring that all allegations of research misconduct are investigated thoroughly, fairly and expeditiously, and with care and sensitivity. To this end, the procedure for handling allegations of research misconduct is separated into two stages. Firstly, an initial assessment to determine whether there is a prima-facie case for an investigation and, secondly, a formal investigation to examine and evaluate all the relevant facts, and to determine whether research misconduct has been committed.



### **Initial Allegation**

The initial allegation is reported to the Vice-Principal with responsibility for research.



### **Initial Assessment to determine whether a Formal Investigation is warranted**

Unless the allegation would render the respondent subject to instant dismissal or it is otherwise obviated by alternative action under other Institute procedures, an Assessment Team, consisting of a minimum of two members of staff, will be appointed by the Vice-Principal. The Assessment Team will expeditiously evaluate the facts only to determine whether there is sufficient evidence of research misconduct to warrant a formal investigation.



### **Formal Investigation**

The purpose of the Formal Investigation is to examine and evaluate all relevant facts to determine whether research misconduct has been committed and, if so, the seriousness of the misconduct. The Investigation Panel must include at least one peer professional external to the Institute. The Panel reports to the Vice-Principal.



### **Appeal**

The respondent or initiator may appeal to the Principal against the findings of the Investigation Panel. The decision of the Principal is final.



### **Subsequent Action**

If the Panel finds the allegation proven and any subsequent appeal is not upheld, the Vice-Principal, in consultation with the Principal, will determine what action needs to be taken. This action may include the initiation of formal disciplinary proceedings under the Institute's published disciplinary procedures.

## **1. Standards of Professional Behaviour in Research**

- 1.1 All researchers within the Institute have a duty to society, to their profession, to the Institute and to those funding their research, to conduct their research in the most conscientious and responsible manner possible. The Nolan Committee on Standards in Public Life identified seven principles which have relevance to best practice in the conduct of research: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Together, these principles provide a foundation for the personal integrity that should be reflected in the professional conduct of research. Institute staff members in leadership or supervisory positions have an obligation to foster personal integrity in the conduct of staff and students under their direction. They are also responsible for the ethical basis of the research and its funding and for the safety of all involved in the research process. Many professional associations have ethical codes and guidelines for the conduct of research and Institute personnel are expected to comply with such standards.
- 1.2 Research misconduct is least likely to arise in an environment where good research practice (eg. documentation of results, peer review of research, regular discussion and seminars) is encouraged and where there is adequate supervision at all relevant levels. It is a responsibility of research professors, other research team leaders and research supervisors, under the direction of the relevant Head of Department or Centre, to convey clearly the standards and protocols for research in their departments and relevant areas and to ensure that adherence to those standards is a matter of course.
- 1.3 All research staff should be made familiar with, and be expected to comply with, the Institute's Guide to Good Practice in Research.

## **2. Definition of Misconduct in Research**

- 2.1 All researchers within the Institute are expected to observe high standards of professional behaviour both in the practice of research and in the publication of research. Any practice or conduct by a member of the Institute community that seriously deviates from those ethical standards for proposing, conducting and publishing research constitutes research misconduct and violation of Institute policy and renders the member liable to the Institute's disciplinary procedures.
- 2.2 Research misconduct includes, but is not limited to:
  - 2.2.1. falsification or fabrication of data, including intentionally misleading or deliberately false reporting of research information;
  - 2.2.2. unacknowledged appropriation of the work of others, including plagiarism, the abuse of confidentiality with respect to unpublished materials, or misappropriation of results, physical materials or other resources;
  - 2.2.3. conduct which seriously deviates from accepted ethical standards in research;
  - 2.2.4. falsification of credentials.

Differences of interpretation or judgement, or honest error, do not constitute research misconduct.

### **3. Scope**

This policy applies to all employees, research students and visiting researchers of the Institute, including persons with honorary positions, conducting research within, or on behalf of, the Institute.

### **4. Procedures**

The Institute is committed to ensuring that all allegations of research misconduct are investigated thoroughly, fairly and expeditiously, and with care and sensitivity. To this end, the procedure for handling allegations of research misconduct is separated into two stages. Firstly, an initial assessment to determine whether there is a prima-facie case for an investigation and, secondly, a formal investigation to examine and evaluate all the relevant facts, and to determine whether research misconduct has been committed.

#### **4.1 Initial Allegation of Research Misconduct**

- 4.1.1 Any member of the Institute who believes that an act of research misconduct has occurred or is occurring should notify the Head of the appropriate Department or Centre. If, for any reason, this is not possible or appropriate, the individual should contact the Vice-Principal.
- 4.1.2 Any person or organization external to the University wishing to report suspected research misconduct should contact the Vice-Principal with responsibility for research.
- 4.1.3 All possible steps will be taken to protect the anonymity of any individual reporting suspected misconduct until such time as it is decided that a formal investigation is warranted.

#### **4.2 Initial Assessment to determine whether a Formal Investigation is warranted**

- 4.2.1 Unless the report of an allegation of research misconduct is clearly frivolous or mistaken, or where the alleged misconduct is of a minor nature suitable for informal resolution, the Head of Department or Centre shall immediately inform the Vice-Principal, identifying any external funding sources for the research which is the subject of the inquiry, and any external collaborators. The Head of Department or Centre (or Vice-Principal) shall if necessary also ask the person making the allegation to submit in writing a detailed statement in support of the allegation. The Vice-Principal may also, at his or her discretion, choose to evaluate anonymous allegations, depending on the seriousness of the issues and the feasibility of confirming the allegation with credible sources. The Vice-Principal will normally notify the Principal, the Director of Research and the Director of Human Resources and, if a research student is the subject of the allegation, may choose to notify the Head of Academic Quality and Standards, at his/her discretion.
- 4.2.2 If the allegation is subject to criminal or civil law, or would be subject to instant dismissal or suspension under other procedures, it should be dealt with through the appropriate mechanism. Unless such action is obviated by the former, the Vice-Principal shall, within a maximum of 30 calendar days of the allegation being reported, appoint an Assessment Team and its Chair consisting of a minimum of two individuals who have no conflicts of interest in the case, are unbiased and have expertise to evaluate the appropriate research issues. The Assessment Team should specifically limit its scope to that of evaluating the

facts only to determine whether there is sufficient evidence of research misconduct to warrant a formal investigation. The Assessment Team should keep proper records of their proceedings.

- 4.2.3 The individual against whom the allegation is made (the respondent) shall be informed in writing by the Vice-Principal of the allegations and the membership of the Assessment Team and be invited to respond orally and in writing and to produce evidence in his or her defence. The respondent should be given a copy of this Code of Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research.
- 4.2.4 The assessment will normally involve the Assessment Team interviewing the initiator, the respondent and key witnesses, and examining relevant research records and materials.
- 4.2.5 The Assessment Team shall complete the assessment and submit its report in writing to the Vice-Principal within a maximum of 30 calendar days from the date the team is appointed. The report should state what evidence was reviewed, summarise relevant interviews and draw conclusions as to whether a Formal Investigation is warranted.
- 4.2.6 The respondent shall be given a copy of the report and evidence considered by the Assessment Team. Care must be taken to maintain the anonymity of the initiator and key witnesses. Any comments that the respondent submits within 10 days will be attached as an addendum to the report.
- 4.2.7 The Vice-Principal shall determine from the report and any addendum whether to conduct a Formal Investigation, drop the matter, or take some other appropriate action. The initiator and respondent will be informed in writing of the Vice-Principal's decision within a maximum of 20 calendar days of the Vice-Principal receiving the report.

#### 4.3 Formal Investigation

The purpose of the Formal Investigation is to examine and evaluate all relevant facts to determine whether research misconduct has been committed, and if so, the responsible person(s) and the seriousness of the misconduct.

- 4.3.1 If the Vice-Principal decides that an Investigation shall be conducted, he or she shall arrange that other appropriate persons be notified, including the Principal, Director of Research, Director of Human Resources and Head of Academic Quality and Standards (if a research student is the subject of the allegation) and any relevant external funding bodies and other collaborators. (Several Research Councils and research charities have clauses stating that they should be notified of any cases of suspected misconduct and kept informed of developments. At the initial stages of the investigation the funding body would not normally suspend the grant or contract if adequate steps are taken to proceed with the investigation.) However, it is also essential to limit circulation of details of the allegation strictly to those who have a real interest and to protect the identity of the potentially innocent respondent.
- 4.3.2 The Vice-Principal shall appoint an Investigation Panel and its Chair within a maximum of 20 calendar days after the decision to proceed to this stage. The Investigation Panel will consist of at least three individuals who have no conflicts of interest in the case, are unbiased and have expertise to evaluate

the appropriate research issues. At least one member of the Panel will be a peer professional external to the Institute. No member of the Assessment Team may serve on the Investigation Panel. The Panel must keep meticulous records of the proceedings and will be provided with a clerk selected by the Vice-Principal, normally the Institute Secretary

4.3.3 As soon as the Panel is appointed, its clerk shall notify the respondent in writing of the allegation, the membership of the Panel and of the Panel's intended procedure and invite him or her to respond to the allegation, normally within 21 calendar days. The Panel should interview the respondent to allow them to present information and respond to the subject matter of the investigation.

4.3.4 The Panel shall determine its own detailed procedure. Specifically, it may:

- (a) interview the respondent and any other parties it chooses, including the initiator;
- (b) widen the scope of its investigation if it considers that necessary;
- (c) require the respondent – and, if it judges it necessary, other members of the Institute or external personnel – to produce files, notebooks and other records;
- (d) seek evidence from other parties.

Any person that is interviewed by the Panel may choose to bring an accompanying person to the interview.

4.3.5 The Investigation Panel shall submit a report to the Vice-Principal in writing within a maximum of 90 calendar days of the panel being appointed. The report shall generally describe the investigative process, indicating whether or not it finds the allegations proven in whole or in part and giving reasons for its conclusions. It shall uphold the allegation only if it finds the allegation proven beyond reasonable doubt.

4.3.6 The Vice-Principal will convey the Panel's findings to the respondent, the initiator, the Principal, the relevant Head of Department and any other persons or bodies as he or she deems appropriate, including the Director of Research, Director of Human Resources, Head of Academic Quality and Standards (where a research student is the subject of the allegation) and any external funding bodies or collaborators.

#### 4.4 Appeal

Any appeal by the respondent or the initiator against the findings of the Investigation Panel must be addressed to the Principal and normally lodged within thirty calendar days of the findings being made available to the person making the appeal. The Principal will refer the appeal to a senior officer of his or her choosing who has not previously had a role in the case and that person may take such action as he or she deems necessary including, in exceptional circumstances, the instigation of a new investigation. The Principal will notify the respondent in writing of the outcome of the appeal. The decision of the Principal is final.

## 4.5 Subsequent Action

- 4.5.1 If the Panel has found the allegation proven in whole or in part and any appeal has not been upheld, the Vice-Principal and the Principal will determine what action needs to be taken. Such action may include one or more of:
- (a) conveying the Panel's findings to any relevant professional bodies, grant-awarding or sponsoring bodies, or any other bodies with an interest (including the respondent's employer if not the Institute) and (where relevant) the editors of any journals which have published articles by the person against whom the allegation has been upheld;
  - (b) recommending to the Academic Board the revoking of any degree or other qualification which had been obtained, in whole or in part, through proven misconduct in research;
  - (c) for Institute employees, recommending the initiation of formal disciplinary proceedings, under the Institute's published disciplinary procedures or other relevant bodies' procedures where they prevail, against the individual against whom the allegation has been upheld. If the Institute's disciplinary procedures are initiated, the Principal, Vice-Principal and the Institute Secretary, in consultation with the Director of Human Resources, will determine whether or not the misconduct constitutes good cause for dismissal and hence which route through the formal disciplinary procedures is appropriate.
  - (d) for Institute research students, taking such action as is deemed appropriate to the offence selected from the choices listed in the Institute's Examination Regulations (Regulations Regarding Candidates' Use of Unfair Means in Assessment, Paragraph iv(e));
  - (e) for visiting researchers, the termination of their appointment with the Institute.
- 4.5.2 If the allegation has not been upheld, the Vice-Principal will take all appropriate steps to preserve the good reputation of the respondent and to protect the complainant from victimization. If the case has received any publicity, the respondent shall be offered the possibility of having an official statement released by the Institute to the press or other relevant parties, or both. If the Panel has found that the initiator's allegation was malicious, the Vice-Principal may recommend that action be initiated under the Institute's published disciplinary procedures.

## 5. **Literature Used**

The Institute wishes to acknowledge the use of the following documents:

University of Glasgow, Code of Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research.

<http://www.gla.ac.uk/R-E/pub/policies/misconduct18jun02final.rtf>

University of Glasgow, Code of Good Practice in Research.

<http://www.gla.ac.uk/R-E/pub/policies/goodpractice.rtf>

Medical Research Council, MRC Policy and Procedure for Inquiring into Allegations of Scientific Misconduct, December 1997.

[http://www.mrc.ac.uk/pdf-mis\\_con.pdf](http://www.mrc.ac.uk/pdf-mis_con.pdf)

Medical Research Council, MRC Good Research Practice, December 2000.  
[http://www.mrc.ac.uk/pdf-good\\_research\\_practice.pdf](http://www.mrc.ac.uk/pdf-good_research_practice.pdf)

Engineering and Physical Sciences Research Council, Guide to Good Practice in Scientific and Engineering Research, November 2002.  
[http://www.epsrc.ac.uk/ContentLiveArea/Downloads/Adobe/GuidePracticeEngResearch\\_\(download\).PDF](http://www.epsrc.ac.uk/ContentLiveArea/Downloads/Adobe/GuidePracticeEngResearch_(download).PDF)

Biotechnology and Biological Sciences Research Council, Statement on Safeguarding Good Scientific Practice.  
[http://www.bbsrc.ac.uk/funding/overview/good\\_practice.pdf](http://www.bbsrc.ac.uk/funding/overview/good_practice.pdf)

Safeguarding Good Scientific Practice: *A Joint statement by the Director General of the Research Councils and the Chief Executives of the UK Research Councils, December 1998.*  
<http://www.esrc.ac.uk/Resfund/annex2.html>

The Seven Principles in Public Life – Summary of the Nolan Committee's First Report on Standards in Public Life.  
<http://www.official-documents.co.uk/document/parlment/nolan/nolan.htm>.

Association of Medical Research Charities, AMRC Guidelines on Good Research Practice.  
[http://www.amrc.org.uk/aboutus/Good\\_Research\\_Practice.PDF](http://www.amrc.org.uk/aboutus/Good_Research_Practice.PDF)

Welcome Trust, Statement on the Handling of Allegations of Research Misconduct.  
<http://www.wellcome.ac.uk/en/1/awtvispolqrphan.html>

Active Risk Management in Education, Research Misconduct.  
<http://armed.ilt.bris.ac.uk/intranet/files/9/template/template.doc>

**Maximum** Time Scale of Investigation into Allegation of Research Misconduct

<b>DAY</b>	<b>STAGE OF INVESTIGATION</b>
1	Allegation Reported to Vice-Principal.
30	Appointment of Assessment Team.
60	Report of Assessment Team.
70	Respondent's comments attached to Report.
90	Decision by Vice-Principal whether to proceed to Formal Investigation. Respondent notified of this decision.
110	Appointment of Investigation Panel.
200	Report of Investigation Panel.
230	Appeal to Principal by respondent or initiator. The decision of the Principal is final.

Note that the timescale for any stage noted above is the maximum that would be expected and that, under normal circumstances, good practice will dictate that the various stages should be expedited well within these maxima.