

Code of Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research 2019-20

Issued by the Standards and Enhancement Office, April 2015.

First approved by Senate 15 March 2004.

A technical update of this document was undertaken in April 2015 to reflect changes to the University's organisational and management structures and to incorporate earlier, approved amendments to related policies, procedures and regulations.

This document relates to the current year. If you become aware of any previous versions that are available on line please notify seo@bolton.ac.uk so that action can be taken to remove the document(s).

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1. Scope

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

2. Standards of Professional Behaviour in Research

- 2.1 All researchers within the University have a duty to society, to their profession, to the University 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 (1995) 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.
- 2.2 Although these principles do of course still apply to good practice in research, this *Code*, and its partner document¹, have both been updated to reflect more recent publications, in particular: *The Concordat to Support Research Integrity* (Universities UK, 2012).
- 2.3 The core elements which apply to research integrity are: honesty; rigour; transparency and open communication; care and respect. The fundamental premise on which this *Code* is based is the absolute necessity of ensuring and demonstrating that all research carried out in the name of the University is conducted in good faith, is of high quality, is socially and ethically responsible and is wholly free from the taint of fraud or malpractice. Where research involves live subjects, it must also be able to show proper concern for the welfare of those subjects, including, where appropriate, full and informed consent and respect for confidentiality.
- 2.4 Responsibility for adherence to the principles is collective and devolves not only to individual researchers but also to teams and especially to professors, team leaders, supervisors, coordinators and managers. It applies not just to the design of individual research projects but also to the training, supervision and management of researchers and to those with responsibility for supporting, promoting and disseminating research. University staff members in research leadership or research supervisory positions have an obligation to foster personal integrity in the conduct of staff and students under their direction. Research misconduct is least likely to arise in an environment where good research practice (e.g. documentation of results, peer review of research, regular discussion and seminars) is in force and where there is adequate supervision at all relevant levels.

¹ *Guide to Good Practice in Research*

- 2.4 Similar responsibilities apply to the ethical basis of research and to the safety of all involved in the research process. Many professional associations have ethical codes and guidelines for the conduct of research and University personnel are expected to comply with such standards. The University has published elsewhere a *Code of Practice for Ethical Standards in Research involving Human Participants* and a broader *Research Ethics Framework*, and procedures exist to ensure that all research proposals are adequately scrutinised from this perspective. The former *Code* helps to ensure that the practice of research will be consistent with the principles outlined in the current *Code*, and vice-versa. A related University document, *Guide to Good Practice in Research* more fully describes the principles and protocols applying to all research conducted in the name of the University of Bolton.
- 2.5 Researchers whose work is funded, in whole or in part, by external bodies will be expected to comply with any policies and procedures originating from those bodies to the extent that they are consistent with this *Code*.
- 2.6 All staff and students should know about and be expected to comply with this *Code* and the University's *Guide to Good Practice in Research*.

3. Definition of Misconduct in Research

- 3.1 All researchers within the University 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 University community that seriously deviates from those ethical standards for proposing, conducting and publishing research constitutes research misconduct and violation of University policy and renders the member liable to the University's disciplinary procedures.
- 3.2 Research misconduct includes, but is not limited to:
- i. **Plagiarism** may be defined as the **representation of another person's work**, without acknowledgement of the source, as the student's own for the purposes of satisfying assessment requirements. This includes information taken from the internet as well as published works. Examples of plagiarism are:
 - copying the work of another person (including a fellow student) without acknowledging the source through the appropriate form of citation;
 - the summarising of another person's work by simply changing a few words or altering the order of presentation, without acknowledgement;
 - the use of ideas or intellectual data of another person without acknowledgement of the source, or the submission or presentation of work as if it were the student's own, which are substantially the ideas or intellectual data of another person;

- ii. **Collusion** is where **two or more students collaborate** to produce a piece of work which is then submitted as though it were an individual student's own work;
- iii. **Fabrication of data** refers to the **falsification of data** (either qualitative or quantitative), through invention or amendment, which is then presented by the student as if it had been legitimately gathered in line with the norms of the discipline concerned;
- iv. **Duplication** – refers to the inclusion in work of any material which is identical or similar to material which has **already been submitted** by the student for any other assessment within the University or elsewhere;
- v. **Commissioning** – involves **requesting another person to complete** an assessment which is then submitted as the student's own work;
- vi. **Theft of work** – submitting another's work as the suspected student's own, either in whole or in part, **without that student's permission**;
- vii. **Bribery and blackmail** - paying or **offering inducements or coercing** another person to obtain an advantage;
- viii. **False declarations** – **Misreporting facts and/or falsification of documents** to gain an advantage. This may relate to (but is not limited to) obtaining an extension, claims for mitigating circumstances and/or appeals;
- ix. **Failure to meet ethical, legal and professional obligations** - for example falsification of credentials; failure to declare competing interests; misrepresentation of involvement or authorship; misrepresentation of interests; breach of confidentiality; lack of informed consent; misuse of personal data; and abuse of research subjects or materials or other conduct which seriously deviates from accepted ethical standards in research;
- x. **Improper dealing with allegations of misconduct** - failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistle-blowers.

This list is not intended to be exhaustive. Honest errors and differences in, for example, research methodology and interpretations are not examples of research misconduct.

4. Procedures

The University 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. Reasonable adjustments will be made to all procedures to ensure that no individual against whom an allegation is made is placed at a disadvantage by virtue of a disability or specific learning disability.

4.1 Initial Allegation of Research Misconduct

4.1.1 Any member of the University who believes that an act of research misconduct has occurred or is occurring should notify the Head of School or manager of the academic department² to which the individual suspected to have perpetrated the research misconduct is attached. If, for any reason, this is not possible or appropriate, the individual should contact the senior University manager with responsibility for research (the '**Head of School or other responsible senior manager**').

4.1.2 Any person or organization external to the University wishing to report suspected research misconduct should contact the Head of School or other responsible senior manager.

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, local resolution, the local manager shall immediately inform the Head of School or other responsible senior manager, identifying any external funding sources for the research which is the subject of the inquiry, and any external collaborators. The local

² Depending upon the prevailing organisational structure of the University, the local academic unit might be a Faculty, Institute, School, Centre, Department, Group, Field, Area or Division, or any other organisational unit which is constitutionally empowered to undertake the relevant activities.

manager, or Head of School or other responsible senior manager, shall if necessary also ask the person making the allegation to submit in writing a detailed statement in support of the allegation. The Head of School or other responsible senior manager 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 Head of School or other responsible senior manager will normally notify the Vice Chancellor and the Director of Human

Resources (or, if a research student is the subject of the allegation, s/he may choose to notify the appropriate University postgraduate research student manager, 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 Head of School or other responsible senior manager 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 Head of School or other responsible senior manager 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 Head of School or other responsible senior manager 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 Head of School or other responsible senior manager shall determine from the report and any addendum whether to conduct a Formal Investigation, drop the matter, or take some other appropriate action. They may determine that a minor infraction only has occurred because there was no evident intention to deceive, and recommend informal action through mentoring, education and guidance.

4.2.8 The initiator and respondent will be informed in writing of the Head of School or other responsible senior manager's decision within a maximum of 20 calendar days of the Head of School or other responsible senior manager 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 Head of School or other responsible senior manager decides that a Formal Investigation shall be conducted, s/he shall arrange that other appropriate persons be notified, including the Vice Chancellor, Academic Vice Chancellor (Academic Operations), Director of Human Resources (or, if a research student is the subject of the allegation, s/he may choose to notify the appropriate University postgraduate research student manager, at his/her discretion), 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 Head of School or other responsible senior manager 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

University. 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 Head of School or other responsible senior manager.

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 University 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 Head of School or other responsible senior manager 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 Head of School or other responsible senior manager will convey the Panel's findings to the respondent, the initiator, the Vice Chancellor and Academic Vice Chancellor (Academic Operations), the relevant local manager and any other persons or bodies as he or she deems appropriate, including the Director of Human Resources (or, if a research student is the subject of the allegation, s/he may choose to notify the relevant University postgraduate research student manager, at his/her discretion), 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 Vice Chancellor and normally lodged within thirty calendar days of the findings being made available to the person making the appeal. The Vice Chancellor or nominee 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 Vice Chancellor will notify the respondent in writing of the outcome of the appeal. The decision of the Vice Chancellor 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 Chancellor will determine what action needs to be taken. Such action may include one or more of:

- (a) where necessary, correcting the research record;
- (b) informal action through mentoring, education and guidance, where it is determined that a minor infraction only has occurred because there was no evident intention to deceive;
- (c) conveying the Panel's findings to any relevant professional bodies, grantawarding or sponsoring bodies, research participants, or any other parties with an interest (including the respondent's employer if not the University) and (where relevant) the editors of any journals which have published articles by the person against whom the allegation has been upheld;
- (d) for University employees, recommending the initiation of formal

disciplinary proceedings, under the University’s published disciplinary procedures or other relevant bodies’ procedures where they prevail, against the individual against whom the allegation has been upheld. If the University’s disciplinary procedures are initiated, the Vice Chancellor, Academic Vice Chancellor (Academic Operations), University Registrar and 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.

- (e) for University research students, taking such action as is deemed appropriate to the offence, selected from the choices listed in the University’s Academic Regulations (Conferment) or Examination Regulations (Regulations Regarding Candidates’ Use of Unfair Means in Assessment), including recommending to Senate the rescinding of any degree or other qualification which has been obtained, in whole or in part, through proven misconduct in research;
- (f) for visiting researchers, the termination of their appointment with the University.

4.5.2 If the allegation has not been upheld, the Vice Chancellor 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 University to the press or other relevant parties, or both. If the Panel has found that the initiator’s allegation was malicious, the Vice Chancellor or nominee may recommend that action be initiated under the University’s disciplinary procedures.

5. Maximum Time Scale of Investigation into Allegation of Research Misconduct

DAY	STAGE OF INVESTIGATION
1	Allegation Reported to Senior Manager.
30	Appointment of Assessment Team.
60	Report of Assessment Team.
70	Respondent’s comments attached to Report.
90	Decision by Senior Manager whether to proceed to Formal Investigation. Respondent notified of this decision.
110	Appointment of Investigation Panel.
200	Report of Investigation Panel.
230	Appeal to Vice Chancellor by respondent or initiator. The decision of the Vice Chancellor 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.

6. Useful Resources

Active Risk Management in Education, Research Misconduct, February 2006.
<http://www.jisclegal.ac.uk/Projects/ActiveRiskManagementinHigherEducation/ARMEDResearchmisconduct.aspx>

Association of Medical Research Charities, AMRC Guidelines on Good Research Practice, 2002.
http://www.amrc.org.uk/research-resources_guidance

Biotechnology and Biological Sciences Research Council, Safeguarding Good Scientific Practice, June 2006.
<http://www.bbsrc.ac.uk/nmsruntime/saveasdialog.aspx?IID=1579&SID=8354>

European Code of Conduct for Research Integrity, March 2011.
[http://www.esf.org/index.php?eID=tx_ccdamdl_file&p\[file\]=33299&p\[dl\]=1&p\[pid\]=4053&p\[site\]=European%20Science%20Foundation&p\[t\]=1366789054&hash=43470b63202e08a36f60254afc9237d0&l=en](http://www.esf.org/index.php?eID=tx_ccdamdl_file&p[file]=33299&p[dl]=1&p[pid]=4053&p[site]=European%20Science%20Foundation&p[t]=1366789054&hash=43470b63202e08a36f60254afc9237d0&l=en)

Government Office for Science: Rigour, Respect, Responsibility: a Universal Ethical Code for Scientists, September 2007.
<http://www.bis.gov.uk/assets/goscience/docs/u/universal-ethical-code-scientists.pdf>

Improving Dispute Resolution Advisory Service for Further and Higher Education: Advice for individuals, October 2010.
<http://www.idras.ac.uk/individuals/>

Improving Dispute Resolution Advisory Service for Further and Higher Education: Advice for institutions, October 2012.
<http://www.idras.ac.uk/institutions/>

Medical Research Council, MRC Good Research Practice, August 2012.
<http://www.mrc.ac.uk/research/research-policy-ethics/good-research-practice/>

Medical Research Council, MRC Scientific Misconduct Policy and Procedure, December 2008.
<http://www.mrc.ac.uk/research/research-policy-ethics/allegationsof-research-misconduct/>

Research Councils UK: Policy and Guidelines on the Governance of Good Research Conduct, February 2013.
<http://www.rcuk.ac.uk/documents/reviews/grc/goodresearchconductcode.pdf>

Singapore Statement on Research Integrity, September 2010.
<http://www.singaporestatement.org/>

The Seven Principles in Public Life – Summary of the Nolan Committee’s First Report on Standards in Public Life, 1995.

<http://www.archive.officialdocuments.co.uk/document/parlment/nolan/nolan.htm>

UK Research Integrity Office: Code of Practice for Research: Promoting good practice and preventing misconduct, 2009.

<http://www.ukrio.org/what-we-do/code-of-practice-for-research>

UK Research Integrity Office: Procedure for the Investigation of Misconduct in Research, 2008.

<http://www.ukrio.org/what-we-do/procedure-for-the-investigation-of-misconduct-inresearch/>

Universities UK: The concordat to support research integrity, July 2012.

<http://www.universitiesuk.ac.uk/highereducation/Documents/2012/TheConcordatToSupportResearchIntegrity.pdf>

Welcome Trust, Guidelines on Good Research Practice, including Statement on the Handling of Allegations of Research Misconduct, November 2005.

<http://www.wellcome.ac.uk/About-us/Policy/Policy-and-positionstatements/WTD002756.htm>

Appendix 1.

Outline of Procedures for Investigating and Resolving Allegations of Misconduct in Research *(each stage is described in more detail in the remainder of this document)*

The University 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 to determine whether misconduct has been committed.



Initial Allegation

The initial allegation is reported to the senior member of University management with responsibility for research (the Head of School or other responsible senior manager).



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 University procedures, an Assessment Team, consisting of a minimum of two members of staff, will be appointed by the Head of School or other responsible senior manager. The Assessment Team will conduct an Initial Assessment by expeditiously evaluating 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 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 University. The Panel reports to the Head of School or other responsible senior manager.



Appeal

The respondent or initiator may appeal to the Vice Chancellor³ against the findings of the Investigation Panel. The decision of the Vice Chancellor or their nominee is final.



Subsequent Action

If the Panel finds the allegation proven and any subsequent appeal is not upheld, the Head of School or other responsible senior manager, in consultation with the Vice Chancellor, will determine what action needs to be taken. This action may include the initiation of formal disciplinary proceedings under the University's published disciplinary procedures.

³ Throughout this document, the term 'Vice Chancellor' shall be taken to include the phrase 'or nominee'.

CODE OF POLICY AND PROCEDURES FOR INVESTIGATING AND RESOLVING ALLEGATIONS OF MISCONDUCT IN RESEARCH	
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This Code has been Equality Impact Assessed – see L:\AQAS\Contensis Documents\Research Staff and Students\Allegations of Misconduct in Research EIA Form, dated 08.08.2013

