

Research Misconduct Policy

The University expects all research undertaken on University premises or using University facilities to be conducted observing the highest standards of research practice. Members of the University and those working on University premises are expected to behave in an honest and responsible way at all times.

University activities must be carried out in an open and transparent manner. However, individuals should be aware of the need to keep certain matters confidential, especially when work is subject to contractual agreements with third parties, and to respect the proper channels of communication in connection with the University's commercial/academic activities.

Nonetheless, notwithstanding this, individuals have a right and a duty to raise matters of concern regarding serious research misconduct or malpractice which they believe to be true and in the public interest to disclose. An allegation made in these circumstances should be without fear of reprisal. Please refer to the University's [Whistleblowing Policy and Procedure](#).

Research misconduct includes (but is not limited to):

- Deliberate, dangerous or negligent variation from practice which might result in unreasonable risk to humans, animals or the environment
- Fabrication, falsification, plagiarism, corruption or deception in preparing, carrying out or reporting the outcome of research including omission of data which does not fit expected results
- Disclosure of research data which is false and misleading
- Planning, conspiring or assisting in research misconduct including the incitement of others to be involved and concealment of misconduct
- Unethical behaviour in carrying out research including treatment of research participants or researchers or failure to obtain appropriate ethical permission
- Unauthorised use, disclosure or damage to research data, apparatus, hardware/software or other substance used in carrying out research.

Genuine mistakes, authentic academic/scientific error, honest disagreement, and poor research, unless there is an intention to deceive, do not constitute research misconduct. Such issues should normally be raised with the person concerned or their line-manager. Disciplinary, grievance, performance, harassment and equality issues should be raised through the appropriate channels for these issues.

Procedure

This Procedure allows the full and fair investigation of research-related issues, using an expert panel to investigate the matters raised, and to reach a conclusion on any allegations of misconduct prior to considering any disciplinary or other non disciplinary steps that might be required or recommended.

In research, situations arise that might present as misconduct but are the result of either a misunderstanding or a dispute between individuals. It may be possible to mediate or resolve such differences at the individual or local level and this route should be considered and explored before a case is formally reported. A member of staff who suspects misconduct should speak to their Associate Dean for Research (AD(R)) or Dean before formally reporting research misconduct. If this is not possible, they should speak to the PVC(R&I). A student should speak to their tutor, supervisor or programme director in the first instance (or their AD(R) where this is not possible).

Informal allegations of research misconduct should be reported by the AD(R) or Dean of the School to the Research Governance Officer who will determine whether there are contractual obligations which require the University to undertake steps in cases of informal investigations.

Formal Complaints

Where an employee or student of the University has concerns regarding research misconduct or malpractice within the University that cannot be resolved informally within the School then this should be submitted in writing (where possible) along with any supporting evidence by the employee or student in question to the Designated Person. Complainants from outside the University should contact the PVC(R&I) in the first instance. Complaints are confidential and allegations can be made without the name of the Complainant being known except to the Designated Person initially.

An initial approach to the Designated Person might be anonymous but to take forward allegations the Complainant should make a formal written submission, in confidence if it is so desired, to the Designated Person.

Situations that are not considered to be serious in nature might be resolved by informal discussion and/or arbitration and/or dispute resolution, without the requirement for a formal investigation, and would be reviewed through other means at the appropriate level.

Allegations which are in any way linked to the Designated Person or which raises the potential for a conflict of interest for the Designated Person – including links with any persons involved (Respondent or Complainant) or where the Designated Person is in some way personally concerned with the subject matter of the allegations – should immediately be referred to the Designated Person's alternate who should then implement the Procedure. The Designated Person should declare any such conflicts. The Complainant and Respondent may raise concerns that they might have that the Designated Person may have interests which conflict with the fair handling of the allegations with the Head of the Organisation. The Head of the Organisation will act on information passed on, or known about, with respect to any conflict of interest and invite the Designated Person to refer the investigation to his/her alternate.

Designated Person

The PVC(R&I) (or Chief Operating Officer (COO) where this is not possible) will act as the Designated Person for investigation of the Research Misconduct allegation.

Preliminary steps

- Upon receipt of allegations of misconduct in research, the Designated Person will formally acknowledge receipt of the allegations by letter to the Complainant (and his/her representative by agreement), in which he/she will also advise him/her of the Procedure that will be followed.
- The Designated Person will review the nature of the allegations and, where they concern situations that require immediate action to prevent further risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice), then the Designated Person will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated.
 - a The nature of the allegations may mean that it is necessary to notify legal or regulatory authorities, such as in situations as detailed above, where an activity is potentially or actually illegal and/or a danger to persons, animals and/or the environment. As a consequence of such notification, the University may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Procedure. The Procedure may continue in parallel but may have to be suspended, to be concluded later, or may have to be declared void by the Designated Person.
 - b Where allegations include behaviour subject to defined sanctions in the University's disciplinary process, then the Designated Person will take steps to implement that disciplinary process. As above, the Procedure may continue in parallel with the disciplinary process but may have to be suspended, to be concluded later, or be declared void by the Designated Person.
 - c The Designated Person will review the nature of the allegations by referring to the definition of misconduct in research detailed above. If the allegations are judged to fall within the definition, the Procedure will continue to the next stage. Where the allegations are outside the definition, the Designated Person will communicate to the Complainant in writing:
 - the reasons why the allegations cannot be investigated using this Procedure;
 - which process for dealing with complaints might be appropriate for handling the allegations (if any); and
 - to whom the allegations should be reported.
 - d Allegations of misconduct in research that do not require notification to legal or regulatory bodies or immediate referral to the University's disciplinary process will proceed to the next stage in the Procedure.

- Where the allegations are within the definition of misconduct in research, the Designated Person will inform the University's:
 - Head of Organisation;
 - Head of Personnel;
 - Head of Research; and
 - Head of Finance;

that allegations of misconduct in research have been received on a particular date and that it will be investigated using this Procedure. They will be provided in confidence with the following information:

- the identity of the Respondent;
- the identity of the Complainant;
- details of all sources of internal and external funding;
- details of all internal and external collaborators for the research in question; and
- other details that the Designated Person considers appropriate.

It will be stressed that the allegations of misconduct in research that are to be investigated are as yet unproven and that the information is confidential.

The Head of the Organisation will not take charge of the investigation or otherwise become involved in the Procedure at this stage, as he/she may later need to take a role in the management of the investigation. Should it be clear that the Designated Person is not handling the investigation effectively the Head of the Organisation will take steps to remedy the situation.

- The Designated Person will then, in conjunction with the nominated individuals in Personnel and Finance/ Research Grants Office, investigate the contractual status of the Respondent and the contractual details specific to the research project(s) related to the allegations.

If the University is not the Respondent's primary employer, the Respondent having only an honorary or secondary contract with them, the Designated Person will contact the Designated Person of the Respondent's primary employer and inform him/her of the allegations.

The Designated Person will investigate whether the research project which the allegations relate to includes contractual obligations that require the University to undertake prescribed steps in the event of allegations of misconduct in research being made. Such an undertaking might be in:

- a contract from a funding organisation;
- a partnership contract/agreement/Memorandum of Understanding; or
- an agreement to sponsor the research.

An external Sponsor, funding organisation and/or collaborators might have a valid interest in, or responsibility for, the way that the investigation is conducted. The Designated Person will confirm whether the University has any contractual/legal obligations towards such

organisations concerning any aspects of the investigation to ensure that any such obligations are fulfilled at the appropriate time through the correct mechanisms. The Designated Person will liaise with the University's Personnel Department to ensure that the rights of the Respondent and Complainant, and the integrity of the investigation are not compromised by any such actions.

- Subject to processes that may override the Procedure as defined above (legal or regulatory procedures) or the Procedure to be managed by the Respondent's primary employer, the Designated Person will inform the Respondent that allegations of misconduct in research have been made which involve him/her. The Respondent will be informed of this in a confidential meeting, with a representative of the Personnel Department in attendance. The purpose of this meeting is to notify the Respondent formally that allegations of misconduct in research have been made against him/her. The Respondent will be given the opportunity to respond to the allegations and set out his/her case at a later stage.

The Respondent may be accompanied to this meeting by a colleague or trade union representative or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances). If the allegations are made against more than one Respondent, the Designated Person will inform each individual separately and not divulge the identity of any other Respondent. A summary of the allegations in writing will be given to the Respondent (and his/her representative by agreement) at the meeting, together with a copy of the Procedure to be used to investigate the allegations. The Designated Person will outline the Procedure to be used and the opportunities the Respondent will have to respond. The Designated Person will also offer a timetable for the Procedure relating to the Screening stage.

Pre-Screening stage

- The Designated Person will ensure that all relevant information and evidence are secured, so that any investigation conducted under this Procedure can have access to them. This may include, but is not limited to:
 - securing all relevant records, materials and locations associated with the work;
 - liaising with the Personnel Department and the relevant line manager(s) to:
 - request the temporary suspension of the Respondent from duties on full pay;
 - request the temporary barring of the Respondent from part, or all, of the premises of the University and any of the sites of any partner organisation(s); and/or
 - request a temporary restriction be placed on the Respondent requiring him/her not to have contact with some or all of the staff of the University and those of any partner organisation(s).

The Designated Person will only take such actions in situations where there is a clear risk to individuals or that evidence might be destroyed and only after careful consideration of those risks and consequences. The reason(s) for taking any such actions will be recorded in writing and communicated to all relevant parties. In taking such action the Designated Person will reassure the Respondent that it is not part of any disciplinary action and does not indicate that the allegations are believed to be true by the University; rather it will be stressed that it is essential to ensuring that the allegations of misconduct can be properly

investigated. Steps to suspend or bar a member of staff will take into account his/her responsibilities for supervision, teaching and management and make alternative arrangements to meet these responsibilities. Any suspension or barring of the Respondent will be reviewed throughout the Procedure to ensure that it is not unnecessarily protracted.

- In considering the allegations and the information available, the Designated Person may decide that additional investigations into related but separate issues of misconduct in research need to be instigated.
- The Designated Person may wish to consult UKRIO regarding allegations of misconduct in research which have been received. The Designated Person can communicate with UKRIO for advice and guidance, using the relevant forms to inform UKRIO of the matter raised and guidance that might be required. The forms are also used to provide updates as the investigation is taken forward. Information provided to UKRIO will be held in confidence.
- Once initiated the Procedure will progress to the natural end-point irrespective of:
 - the Complainant withdrawing the allegations at any stage;
 - the Respondent admitting, or having admitted, the alleged misconduct, in full or in part; and/or
 - the Respondent or the Complainant resigning, or having already resigned, his/her post.
- The Preliminary and Pre-Screening stages of the Procedure will normally be completed within a maximum of 10 working days from the receipt of the allegations. Any delays will be explained to all parties in writing, and a revised completion date given.

Screening

- The Designated Person will carry out an initial investigation of the allegations to determine whether they are mistaken, frivolous, vexatious and/or malicious. This will be completed within 10 working days.
- If the Designated Person decides that the allegations are mistaken, frivolous, vexatious and/or malicious, the allegations will then be dismissed. This decision will be reported in writing to the Respondent and the Complainant (and their representatives by agreement) and all the parties who had been informed initially.
- The Designated Person will consider recommending to the appropriate authorities that action be taken under the University's disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research.

Those who have made allegations in good faith will not be penalised and might require support.

The Designated Person will also take steps as required and appropriate to the seriousness of the dismissed allegations, to support the reputation of the Respondent and the research project(s).

- If the allegations cannot be entirely discounted at this point, the Designated Person will convene a Screening Panel, as detailed below.
- The Screening Stage is intended to determine whether there is prima facie evidence of misconduct in research. The Screening Panel will be constituted and work in accordance with the Principles outlined at Annex 1 and the process outlined in Annex 4 of UKRIOs [Procedure for the Investigation of Misconduct in Research](#). The Screening Panel will consist of at least three senior members of staff selected by the Designated Person from those (within the University), who have previously indicated their willingness to serve on such a Panel.
- The Screening Panel will determine whether the allegations of misconduct in research:
 - are mistaken, frivolous, vexatious and/or malicious;
 - should be referred directly to the University's disciplinary process or other internal process; or
 - have some substance but due to a lack of intent to deceive or due to their relatively minor nature, should be addressed through education and training or other non-disciplinary approach rather than through the next stage of the Procedure or other Formal Proceedings; or
 - are sufficiently serious and have sufficient substance to justify a Formal Investigation.
- The Screening Panel will normally aim to complete its work within 30 working days of being convened. The Chair of the Screening Panel will make the draft findings available to the Designated Person, who will forward them to the Respondent and the Complainant (and their representatives by agreement) for comment on the factual accuracy of the report.

Only when the report includes errors of fact, as indicated by the Respondent and/or the Complainant, should the Screening Panel modify the report. The Chair will judge the validity of such comments and seek the agreement of the Panel before making amendments to the Panel's report.

- The Chair will then forward the final version of the Screening Panel's report to the Designated Person, the Respondent and the Complainant (and their representatives by agreement).
- When the allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The Designated Person will then take such steps, as are appropriate in the light of seriousness of the allegations, to sustain the reputation of the Respondent and the relevant research project(s).

In addition, the Designated Person will consider recommending to the appropriate authorities that action be taken under the University's disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research. Those who have made allegations in good faith will not be penalised.

- When there is clear evidence of an infringement that might contravene the University's disciplinary code, the Designated Person will consult the nominated individual in the Personnel Department on the full and accurate transfer of all case information to the disciplinary process. A full written record will be kept of the decision to transfer to the disciplinary process.

- When the allegations have some substance, but there is a lack of clear intent to deceive or they are of relatively minor nature, the matter will be addressed through the University's competency, education and training mechanisms, or other non-disciplinary processes, rather than through the Procedure's Formal Investigation stage. The investigation using the Procedure would then conclude at this point. The Designated Person will take steps to establish a programme of training or supervision in conjunction with the Respondent and his/her line manager. This programme will include measures to address the needs of staff and students working with the Respondent.
- When the Screening Panel considers that the allegations are sufficiently serious and have sufficient substance to warrant recommending a Formal Investigation, the Designated Person will take immediate steps to set up a Formal Investigation.

Formal Investigation

- Where the Screening Panel recommends that the Procedure will progress to the Formal Investigation stage, the Designated Person will take immediate steps to set up the Investigation Panel.
- The Designated Person will inform the following that a Formal Investigation of the allegations is to take place:
 - Respondent (and his/her representative by agreement);
 - Complainant (and his/her representative by agreement);
 - Head of Organisation;
 - Head of Personnel;
 - Head of Research; and
 - Designated Person of any Partner Organisation with which either the Respondent and/or Complainant has an honorary contract, and through him/her the Heads of Organisation, Personnel and Research.

At this stage, the Designated Person may consult UKRIO for advice and guidance, particularly regarding the nomination of members from outside the University to the Formal Investigation Panel.

- The Designated Person will then convene the Formal Investigation Panel. The Investigation Panel will be constituted and work in accordance with the Principles outlined at Annex 1 and the process outlined in Annex 5 for UKRIO's [Procedure for the Investigation of Misconduct in Research](#). The Investigation Panel will examine the evidence collected during the Screening Panel's investigation following the original allegations and investigate further as required. The Investigation Panel will consist of at least three, and always an uneven number of, senior members of staff selected by the Designated Person from those with relevant skills and experience to serve on such a Panel. It is a requirement that one or more members of the Investigation Panel be selected from outside the University.
- During the Formal Investigation, the Investigation Panel must interview the Respondent and Complainant. The role of the Investigation Panel is to review all the relevant evidence and conclude whether the allegations of misconduct in research are:

- upheld in full;
 - upheld in part; or
 - not upheld.
- The standard of proof used by the Investigation Panel is that of “on the balance of probabilities”.
 - The Investigation Panel may conclude that allegations are not upheld for reasons of being mistaken, frivolous, vexatious and/or malicious.
 - Should any evidence of Misconduct be brought to light during the course of the Formal Investigation that suggests:
 - further, distinct instances of misconduct in research by the Respondent, unconnected to the allegations under investigation; or
 - misconduct in research by another person or persons,

then the Investigation Panel will submit these new allegations of misconduct in research to the Designated Person in writing, along with all supporting evidence, for consideration under the initial steps of the Procedure.

- The Investigation Panel must be appointed within 30 working days of the submission of the Screening Panel’s report recommending a Formal Investigation. In carrying out the Formal Investigation the Investigation Panel will not work to a prescribed timetable. The Panel will conduct the investigation as quickly as possible without compromising the principles of the procedure.
- The Chair of the Investigation Panel will report the progress made by the Investigation Panel, by reference to criteria agreed by the Panel in advance, to the Designated Person on a monthly basis. The Designated Person will also then provide appropriate information on the progress of the investigation to other interested parties, which may include sending details of progress to UKRIO using the relevant forms.
- The Investigation Panel will provide a draft report of its findings to the Designated Person, who will forward it to the Respondent and the Complainant (and their representatives by agreement) for comment on the factual accuracy of the report. Only when the report contains errors of fact and matters that have bearing on the facts as indicated by the Respondent and/or the Complainant, and accepted by the Investigation Panel, should the Chair modify the report. The Chair will judge the validity of such comments and seek the agreement of the Panel before making amendments to the Panel’s report.
- The Investigation Panel will then produce a final report that:
 - summarises the conduct of the investigation;
 - states whether the allegations of misconduct in research have been upheld in whole or in part, giving the reasons for its decision and recording any differing views;
 - makes recommendations in relation to any matters relating to any other misconduct identified during the investigation; and
 - addresses any procedural matters that the investigation has brought to light within the University and relevant partner organisations and/or funding bodies.

The Report will be sent to the Designated Person.

- If all or any part of the allegations are upheld, the Designated Person, the Head of Personnel and at least one other member of senior staff will then decide whether the matter should be referred to the University's disciplinary process or for other formal actions.
- The Designated Person will inform the following of the conclusion of the Formal Investigation:
 - The Respondent and the Complainant (and their representatives by agreement);
 - The Head of Organisation, the Head of Research, the Head of Personnel, the Head(s) of the relevant Department(s) and any other relevant members of staff;
 - If the Respondent and/or the Complainant are employed on joint clinical/honorary contracts, the Designated Person, the Head of Personnel and the Head of Research of the other organisation(s);
 - Where appropriate, the responsible person within any relevant partner organisations, funding bodies and/or regulatory or professional bodies;

Additionally, the Designated Person may wish to inform UKRIO of the conclusion of the Formal Investigation, using the relevant forms.

- Should the allegations proceed to the University's disciplinary process, the report of the Investigation Panel will form the basis of the evidence that the Disciplinary Panel receives. All the information collected and brought to light through the Procedure will be transferred to the disciplinary process.
- Where allegations have not been upheld (in full or in part), the Designated Person will take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Respondent and any relevant research project(s).
- As with the Screening Process, where the Investigation Panel concludes the allegations are frivolous, vexatious and/or malicious, the Designated Person will consider recommending to the appropriate authorities that action be taken under the University's disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research.
- It is not intended that the Procedure should be used as part of any disciplinary or regulatory process. Information gathered in the course of an investigation may become relevant to, and disclosed in, any such disciplinary or regulatory process.
- Questions relating to the reports of both the Screening and Investigation Panels can only be raised with the Chair of either Panel over matters of fact. The Respondent will not have the option of appealing against the reports of either stage of the Procedure. The Respondent has the statutory right of appeal should the matter be referred to his/her employer's disciplinary process.

Actions to consider

- Where the Investigation Panel concludes that the allegations are upheld in full or part, there may be a requirement to consider action in addition to any that might be recommended through the University's Disciplinary process. The Designated Person will consider the use of the recommendations set out in any case where misconduct in research has been investigated.
- The timing of any actions taken will be compatible with the University's Disciplinary Process and Appeals Process.

External Referrals

- In cases where an allegation concerns or implicates someone who is not a member of University staff, the Designated Person shall consider whether the conclusions of the investigation will be brought to the attention of any other appropriate person/s or body.
- Where the research is externally funded, in whole or in part, the Designated Person shall have regard to any guidance issued by the relevant funding body and shall ensure that the Director of any such body is given appropriate information at the earliest opportunity.

Support and Advice

If an individual needs informal advice about a research misconduct issue they can speak to the Research Governance Officer in the Research Office. Contact e-mail: ResearchPolicy@lboro.ac.uk

The UK Research Integrity Office's (UKRIO) [Code of Practice for Research](#) has been designed to encourage good conduct in research and help prevent misconduct, in order to assist organisations and researchers to conduct research of the highest quality. It provides general principles and standards for good practice in research, applicable to both individual researchers and to organisations that carry out, fund, host or are otherwise involved in research.

If an individual or organisation needs independent advice about research misconduct issues they can contact the UK Research Integrity Office who offer a free of charge advisory service (<http://www.ukrio.org/get-advice-from-ukrio/>). Please see www.ukrio.org for more information.