

**SEN17D041**

**Title:** *Procedures for Investigating Allegations of Research Misconduct made against Students*  
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**Issue**

Revisions to Procedures for Investigating Allegations of Research Misconduct made against Students

**Recommendation**

Recipients are invited:

To endorse the attached Procedures, to take effect from the 2018-19 academic year.

**Resource Implications**

None anticipated. The revised Procedures are intended to provide greater clarity to staff and students.

**Risk Implications**

None anticipated.

**Equality and Diversity**

No equality and diversity issues are associated with this Procedure.

**Timing of decisions**

Approval by the Senate will allow the updated Procedure to take effect from 2018-19. The revised Procedure will also be considered at the Postgraduate Research Executive meeting on 4 June 2018.

**Further Information**

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**Background**

The University's Procedures for Dealing with Allegations of Misconduct in Research were developed in March 1998 and updated in March 2006. In June 2010, the Misconduct in Research Procedures for research students were separated from those for staff and amended as part of the review of Disciplinary Procedures for Students in 2010-11. The procedures for staff were reviewed in 2012 and 2017 by the Research and Innovation Service and the current procedures were approved by Senate in November 2017 (SEN17D013).

The General Regulations for students and Disciplinary Procedures have been revised during 2017-18. These were considered at the Learning and Teaching Committee on 9 May 2018 and are being considered by Senate at this (6 June) meeting. Included in the revised General Regulations were amendments to General Regulation 15 Conduct of Research (now Misconduct in research and research ethics).

The Learning and Teaching Committee recommended that the *Procedure for Dealing with Allegations of Misconduct in Research Against Students*, which is currently [Research Degree Policy Document 5](#), was updated to ensure that it was practicable for both taught and research students, and that it works with (and is informed by) the new General Regulations and Disciplinary Procedures. The PGR Service agreed to lead on the updating of the Procedure working with the Research Integrity Manager (RIN) and Head of Learning and Teaching Services (Quality) in LTS. Advice was also sought from the Chair of the University Research Ethics Committee.

The revised *Procedures for Investigating Allegations of Research Misconduct made against Students* will no longer be a Research Degree Policy Document. It is proposed that these are included in the University Academic Calendar in Section 3, alongside the University Policy on Plagiarism and Collusion or Disciplinary Procedures. Minor changes will be required to the University's overarching [Procedures for Dealing with Allegations of Misconduct in Research](#) to reflect the changes made to the revised Procedures for Investigating Allegations of Research Misconduct made against Students.

The main changes to the current *Procedure for Dealing with Allegations of Misconduct in Research Against Students* are as follows:

- Separate sections for Policy and Procedure;
- Clarification that the Procedures apply to both taught and research degree students, with further detail given where alternative resolution may be appropriate for each group;
- A statement regarding the University's expectations of all its students in relation to research integrity, with a cross-reference to the University's Guidelines on Good Practice in Research.
- Further clarification regarding which Procedure should be used in relation to allegations of plagiarism and/or collusion;
- Clarification regarding the position of students who are also staff at the University;
- The introduction of three additional stages to the Procedures - an Informal Stage, receipt of a formal allegation and an Initial Assessment Stage. These additional stages are included to reflect that, particularly in the early stages of a student's academic career, disciplinary action may not be appropriate and that in many cases further advice and guidance would help to prevent a repeat offence. Allegations of research misconduct may also be the result of a misunderstanding which can be addressed in the earlier stages of the Procedure;
- Clarification that the Learning and Teaching Service or the Postgraduate Research Service, as appropriate, will provide support to the Head of School during these Procedures.

## **Discussion**

No discussion is anticipated.

## **Attachments**

The policy is attached.

## PROCEDURES FOR INVESTIGATING ALLEGATIONS OF RESEARCH MISCONDUCT MADE AGAINST STUDENTS

### 1. INTRODUCTION: POLICY

- 1.1 This document constitutes the University's policy on, and procedures for the investigation of allegations of research misconduct made against students.
- 1.2 The University of East Anglia is committed to ensuring that research by its staff and students is conducted to the highest standards, and that all researchers uphold the principles set out in the [University's Guidelines on Good Practice in Research](#).
- 1.3 These Procedures outline the action to be taken when allegations of research misconduct are brought against any present or past student of the University in respect of research undertaken while registered with the University. The Procedures apply to all students registered at the University<sup>1</sup> undertaking research as part of a programme of study (whether categorised as taught or research degree students).
- 1.4 The context of what constitutes research misconduct and the principles which guide the operation of these Procedures are set out in Parts A and B of the [University's Procedures for Dealing with Allegations of Misconduct in Research](#).
- 1.5 Allegations of plagiarism and/or collusion relating to the work of an undergraduate or postgraduate taught degree student, or to the taught components of professional doctorates, will be handled under the [University Policy on Plagiarism and Collusion](#) and should be brought to the attention of the relevant School Plagiarism Officer
- 1.6 For undergraduate and postgraduate taught students, suspected cases of breaches of research ethics should be discussed with the Chair of the [relevant Research Ethics Subcommittee](#) in the first instance.
- 1.7 Where a researcher is (or has been) both a student and a University employee the route by which research misconduct will be investigated will normally be determined by whether the alleged misconduct took place during staff or student duties.

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<sup>1</sup> For postgraduate research students based at the John Innes Centre, Sainsbury Centre for Visual Arts, The Sainsbury Laboratory, the Earlham Institute or Quadram Institute Bioscience, or at the University of Suffolk, research misconduct allegations are considered by the School of registration, in liaison with the institution concerned. For students on validated or accredited programmes at partner institutions the relevant Procedures or Regulations at their place of study will be used.

- 1.8 Throughout this document the term 'Complainant' refers to the person(s) making an allegation of research misconduct and the term 'Respondent' refers to the person(s) against whom the allegation is made.
- 1.9 Allegations of research misconduct may be brought to the attention of the University internally or externally by an individual or by an organisation. Complainants may include supervisors, examiners, markers and module organisers. Alleged research misconduct may also be revealed through the work of the Postgraduate Research Service or Learning and Teaching Service.
- 1.10 Guidance regarding these Procedures is available from the Learning and Teaching Service (for taught students) or the Postgraduate Research Service (for research students).

## **2. SUMMARY OF STAGES IN THE PROCEDURE**

- 2.1 The Procedures for Investigating Allegations of Research Misconduct Made against Students comprise four parts:
- an Informal Stage – whereby situations that are not considered to be serious in nature may be able to be resolved by informal action;
  - receipt of a formal allegation;
  - an Initial Assessment Stage, the purpose of which is to determine whether the allegation falls within the definition of research misconduct on the basis of the available information or whether it may be appropriate to deal with the allegation in an alternative manner; and
  - a Formal Investigation Stage, after which it will be decided whether the allegation should be upheld or not and whether any further action is needed.
- 2.2 Until such time as the allegation of research misconduct has been resolved the student should continue to engage with their programme of study, unless otherwise advised.

## **3. STAGE 1: INFORMAL ACTION**

- 3.1 In considering whether a formal allegation of research misconduct should be made the Complainant should first consider whether it might be more appropriate to deal with the allegation:
- through informal resolution if the alleged research misconduct is considered to be of a minor nature and is of a level where correction of the error is feasible; or
  - by arranging for the matter to be taken forward using an alternative procedure. For example, where a student has not obtained the required ethics approval to conduct a research project, as a result of procedural irregularities, it may be appropriate to seek retrospective ethics approval.

- 3.2 Complainants are encouraged to seek an informal resolution of the matter about which they are concerned before beginning the formal Procedures. Informal explorations of possible ways in which a matter may be resolved will not prejudice the consideration of a later formal investigation. Consideration should also be given as to whether guidance or training might be an appropriate and effective method of addressing the issue raised.
- 3.3 Research Ethics Subcommittee Chairs and/or Postgraduate Research Directors can provide confidential advice on concerns relating to research ethics and integrity to help establish whether formal report or investigation under this policy and procedure might be required. If necessary, the University Research Ethics Committee Chair may also be consulted for further confidential advice.
- 3.4 The following instances of alleged research misconduct must be handled via a formal allegation:
- a) where the alleged research misconduct occurs in a postgraduate research degree thesis submitted for examination or in the final version of the thesis deposited with the University;
  - b) where it appears in published work or in work submitted for publication, whether or not the work appears before or after the final examination or assessment for the degree concerned.

#### **4. STAGE 2: RECEIPT OF A FORMAL ALLEGATION**

- 4.1 Any formal allegation of research misconduct must be made in writing by the Complainant to the Head of the School in which the student is or was registered. The Complainant must provide a detailed written statement in support of the allegation before any inquiries are instigated. In circumstances where
- a) the Head of School is also the Complainant or the Respondent or
  - b) the Head of School considers there to be a real or apparent conflict of interest

the allegation should be referred to the Pro-Vice-Chancellor of the Faculty who will appoint an alternative suitable senior person to investigate and report back to the Pro-Vice-Chancellor. In the event that it is felt that confidential advice is required from experts in the relevant subjects, that may be sought.

- 4.2 On receipt of the Complainant's written statement the Head of School will:
- a) inform the Head of Postgraduate Research Service (for postgraduate research students) or the Head of Learning and Teaching Services, Quality (for taught students) of the formal allegation of research misconduct.

- b) formally acknowledge receipt of the allegation to the Complainant and advise them of the Procedure that will be followed, within 10 working days of receipt of the allegation;
  - c) inform the Respondent that an allegation of research misconduct has been made which involves them, within 10 working days of receipt of the allegation, taking care not to disclose the identity of the Complainant;
  - d) consider whether any immediate action is required, for example in the interests of health and safety or of safeguarding evidence. In case of sufficient seriousness the Head of School may ask the Vice-Chancellor to suspend the student without prejudice pending the outcome of further inquiries.
- 4.3 The Head of Postgraduate Research Service or the Head of Learning and Teaching Services, as appropriate, will designate a Manager within the relevant Service to provide confidential administrative support for Stages 2 to 4 of this Procedure. All records and related evidence will be kept confidential. Records of any interviews will be agreed with the interviewee.

## **5. STAGE 3: INITIAL ASSESSMENT**

- 5.1 The Head of School will conduct an Initial Assessment of the allegations to determine whether they are mistaken, frivolous, vexatious and/or malicious and to ensure that they relate to matters which fall within the definition of research misconduct (as detailed in section A2 of the [University's Procedures for Dealing with Allegations of Misconduct in Research](#)).
- 5.2 The Head of School will also consider whether the case could be resolved informally or through an alternative University procedure.
- 5.3 For students who are or have been members of staff at UEA, the Head of School will consider whether the allegation relates solely to research undertaken by the Respondent as a member of staff at UEA rather than as a student, in which case the Head of School will consider the allegation under the University's overarching Procedures for Dealing with Allegations of Misconduct in Research.
- 5.4 Following completion of the initial assessment the Head of School may determine that:
- there is no case for further consideration;
  - it is not sufficiently serious to merit consideration under Research Misconduct Procedures and should be addressed informally;
  - it should be referred to the Formal Investigation stage.

The Respondent and Complainant will be informed in writing of the outcome of the Initial Assessment, whether further informal action will be undertaken or

whether the allegation is being referred for formal investigation under section 6 of these Procedures.

- 5.5 Where the student concerned is funded by or engaged with an external sponsor, including one of the UK Research Councils, the Head of School (or the Faculty Pro-Vice-Chancellor) will consult the terms and conditions of the sponsor and with the University's Chief Operating Officer as to whether the case should be reported to the sponsor concerned.
- 5.4 The Head of School will also decide whether further steps should be taken to ensure that all relevant information and evidence are secured. If appropriate, the Head of School will establish if the Respondent has any outputs based on the research published or submitted for review.

## **6. STAGE 4: FORMAL INVESTIGATION**

- 6.1 Where the Head of School determines that the allegation meets the definition of research misconduct in research they will conduct an investigation to determine whether or not there is a case to be answered and to assemble the detailed evidence. The Head of School may appoint a member of staff with appropriate experience as an Investigating Officer to conduct the enquiry and report to them.
- 6.2 Following the report of the investigation the Head of School (or the Faculty Pro-Vice-Chancellor as appropriate) will consider the allegation and the evidence collected and determine either:
  - a) that there is no evidence to support the allegation and that it should be dismissed. The Head of School (or Faculty Pro-Vice-Chancellor) will inform the Complainant, and where necessary the Respondent, of the outcome of the investigation and of their decision;
  - b) that the evidence supports some elements of the allegation whilst others are not substantiated;
  - c) that the evidence supports the allegation to the extent that in the judgement of the Head of School (or Faculty Pro-Vice-Chancellor) the allegation, on the balance of probabilities, should be upheld.
- 6.3 The Head of School (or Faculty Pro-Vice-Chancellor) will not conclude 6.2 a) or 6.2 b) unless the investigation has included the presentation of the allegation to the Respondent and consideration of any response from them to the allegation. In the event of 6.2 a) the Head of School (or Faculty Pro-Vice-Chancellor) will inform the Complainant and anyone else who has been made aware of the allegation and needs to know the outcome. In the event of 6.2 b) or 6.2 c) above, the Head of School (or Faculty Pro-Vice-Chancellor) will consider the seriousness of the findings and decide whether any further action should be taken, which could include the issue of a warning to the student concerned or referral to the Senate Student Disciplinary Committee (acting in Professional or Research Misconduct Mode)\*. *[Add new link once available]*

- 6.4 Following receipt of the allegation by the Head of School (or Faculty Pro-Vice-Chancellor), the procedures in section 6.1 to 6.3 above will be completed as quickly as possible and normally within 40 working days.
- 6.5 Where the Respondent has concerns regarding the further action to be taken, excepting where they have been referred to Senate Student Discipline Committee (which has its own Appeals processes), or considers that they have received unfair treatment under these Procedures, they may raise these concerns formally by making a complaint in writing, under the University's Academic Appeals and Complaints Procedures. These can be found at: <https://portal.uea.ac.uk/documents/6207125/7465906/Section+3+Academic+Appeals+and+Complaints+Procedure.pdf>
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\* Senate Student Discipline Committee (Professional or Research Misconduct Mode)  
In Professional or Research Misconduct Mode, the Panel will comprise two members of the Panel Pool, one of whom will be appointed to act as Chair; and two co-opted Panel members who do not need to be members of Senate Student Discipline Committee:

- one co-opted Panel member who has expertise within the same or a similar discipline to the student; and one co-opted Panel member who is not a member of staff or officer of the University but who has expertise within the same or a similar discipline to the student.
  - The Committee is empowered to hear alleged research misconduct in contravention of General Regulation 15 Misconduct in research and research ethics *[add new link once available]*
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