

**SEN12D014**

**Title:** Approval of revised Procedures for dealing with Allegations of Misconduct in Research  
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**Issue**

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 remained the same until a review took place by in summer 2012 by the Research and Enterprise Services in consultation with the Chair and Secretary of the Senate Student Discipline Committee and the Postgraduate Research Office. Resulting from this review are revised Procedures for dealing with Allegations of Misconduct in Research which apply to all present or past staff and students, except for detailed procedures (section 3 onwards) which only apply to staff.

**Recommendation**

Learning and Teaching Committee at its meeting on 5 December 2012 recommended that the revised "Procedures for dealing with Allegations of Misconduct in Research" are approved by Senate.

**Resource Implications**

None identified.

**Equality and Diversity**

Not applicable.

**Further Information**

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**Attachment**

Report to LTC reference LTC12D035

**UNIVERSITY OF EAST ANGLIA  
PROCEDURES FOR DEALING WITH ALLEGATIONS OF MISCONDUCT  
IN RESEARCH**

**1. PREAMBLE**

- 1.1 These Procedures outline the action to be taken when allegations of misconduct in research are brought against any present or past student or member of staff of the University in respect of research undertaken while registered with or employed by the University.
- 1.2 In this context, the term misconduct in research means fabrication, falsification, plagiarism, misrepresentation, impersonation, or other practices that seriously deviate from those that are commonly accepted within the academic and scientific communities for proposing, conducting or reporting research. It specifically encompasses the following:
- (i) Piracy - the deliberate exploitation of ideas from others without acknowledgement;
  - (ii) Plagiarism - the copying of ideas, data or text (or various combinations of the three) without permission or acknowledgement;
  - (iii) Fraud - deliberate deception, usually involving the invention of data;
  - (iv) Conducting research in a manner which contravenes the terms of approval granted by the University or by other relevant bodies and accepted by the University as governing the conduct of the research in question;<sup>1</sup>
  - (v) Conducting research for which the University requires there to be prior approvals whilst having failed to secure those approvals;
  - (vi) Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk of harm to humans, animals or the environment;
  - (vii) Mismanagement or inadequate preservation of data and/or primary materials;
  - (viii) Misappropriation of data;
  - (ix) Improper conduct in peer review.
  - (x) Failure to declare conflicts of interest
  - (xi) Misrepresentation of involvement or authorship
  - (xii) Improper dealing with allegations of misconduct

It does not include honest error or honest differences in interpretations or judgements of data.

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<sup>1</sup> Research Ethics Committee, organisational Research Governance Committees, Medicines and Healthcare products Regulatory Agency (MHRA), Home Office etc.

## 2. PRINCIPLES

- 2.1 Since an allegation of misconduct in research is a serious and potentially defamatory action the operation of these Procedures shall accord with the following:
- 2.1.1 All allegations of misconduct in research shall be treated seriously and fairly and their merit investigated with integrity and with sensitivity.
- 2.1.2 In all enquiries and in any action taken as a result of their outcome, due regard shall be had to the need:
- (i) to protect researchers against malicious, frivolous or ill-founded allegations of misconduct in research;
  - (ii) to protect the position and reputation of those alleged to have engaged in misconduct in research when such allegations are not confirmed;
  - (iii) to protect the position and reputation of those who make allegations of misconduct in research in good faith, i.e. with the honest belief that misconduct in research may have occurred;
  - (iv) to observe the principle of non-detriment, i.e. neither the person making the allegation of misconduct in research (“the Complainant”) nor the person against whom such an allegation is made (“the Respondent”) should suffer solely as a consequence of the fact that a good faith allegation has been made;
  - (v) to consider the public interest, particularly where issues of health and safety may be relevant.
- 2.1.3 Accordingly:
- (i) all enquiries (including the formal investigation - if any) shall be conducted on the basis of confidentiality to the strictest extent possible without compromising health and safety or the appropriate and thorough investigation of the allegation of misconduct in research;
  - (ii) the University shall throughout take all reasonable measures to preserve the anonymity of the Complainant; However, there may be a balance to be struck in the application of this principle e.g. it may be impractical to undertake a detailed screening of the allegation(s) without revealing the identity of the Complainant, and the Respondent may be unable to respond without knowing the identity of the Complainant;
  - (iii) the University shall seek to ensure that in conducting any investigations and considering any findings, information concerning the allegation and investigation is made available only to persons who have a reasonable need to receive it, in order to assist the University in reaching an informed decision in relation to the allegation and any action that may at any stage need to be taken. In making information available during an investigation, the University shall make clear that whilst investigative procedures have been initiated, no conclusion has yet been reached;
  - (iv) the principles of natural justice shall be observed, that is to say the Respondent shall be fully informed about what he or she has to answer

and shall have the fullest opportunity to reply. The Respondent may be accompanied by a person of his or her choice at any stage of proceedings;

- (v) those making enquiries shall endeavour to conduct them so as to retain the confidence of both the Complainant and the Respondent;
- (vi) the standard of proof required by the University shall be that of ‘the balance of probability’;
- (vii) action taken following an allegation shall be proportionate, taking account of the nature of the allegation;
- (viii) in certain circumstances the University may consider it appropriate to conduct its enquiries following an allegation of misconduct in research jointly or otherwise in collaboration with other bodies or institutions. Such circumstances could include where collaborative research is being undertaken, or where research is conducted by a student in the course of his or her employment with another institution or body. In any such collaborative investigation the University shall satisfy itself that the joint procedure to be followed above will respect confidentiality in the spirit of paragraph 2.1.3(iii) above.

### **3. RECEIPTS OF ALLEGATIONS: SCREENING**

#### **For students**

- 3.1 Any allegation of misconduct in research against a student will be handled in accordance with Section 5 of the Research Degree Policy Documents. The following sections are not applicable to undergraduate, postgraduate taught or postgraduate research students.

#### **For staff**

- 3.2 Any allegation of misconduct in research must be made in writing by the Complainant to the Head of the School (or other equivalent senior office holder in non-School units) or to his/her deputy if the office holder is the Complainant or the Respondent. The Complainant must provide a detailed written statement in support of the allegation before any enquiries are instigated.
- 3.2.1 The person receiving the allegation shall consider whether any immediate action is required, for example in the interests of health and safety or of safeguarding evidence.
- 3.3 On receipt of the Complainant’s written statement relating to a (former) member of staff there shall be a preliminary evaluation of the available evidence (“Screening”) to decide whether a formal investigation of possible misconduct in research is warranted. The Screening shall be undertaken by the Head of School and the Chair of the School Research Committee (where this exists) or such other person as may have been appointed for the purpose by the Head of School or the governing body of the unit concerned (“the Screeners”), excepting in circumstances where:

- (i) the Head of School or other nominated Screener is also the Complainant or the Respondent,
- or
- (ii) either Screener considers there to be a real or apparent conflict of interest in which case the recipient of the allegation of misconduct in research shall ensure that the initial referral is passed to the Registrar and Secretary, who shall request the Pro-Vice-Chancellor with responsibility for research to appoint (an) alternative Screener(s) of appropriate expertise and seniority. The Screeners shall in any event notify the Registrar and Secretary and the Pro-Vice-Chancellor with responsibility for research in writing and in confidence of the receipt and nature of the allegation.

3.4 The Screeners shall consider the evidence available and, if considering that:

- (i) there is insufficient information to make a decision on how to proceed, and/or
- (ii) they require the contribution of additional expertise in order to conclude an evaluation

they shall be free to seek confidential advice in writing from experts in the relevant subject both within the University and outside it but in so doing they shall at this stage make no information available which could lead to the identification of the Complainant or the Respondent. If they consider it appropriate, the Screeners shall also be free to consult in confidence with the Pro-Vice-Chancellor with responsibility for research in the course of their evaluation.

3.5 At the conclusion of their evaluation of the evidence but before finalising a written record, the Screeners shall in confidence:

- (i) inform the Respondent in writing of the nature of the allegation of misconduct in research and of the results of their evaluation, taking care not to disclose the identity of the Complainant. However, there may be a balance to be struck in the application of this principle e.g. it may be impracticable to undertake a detailed screening of the allegation(s) without revealing the identity of the Complainant, and the Respondent may not be able to respond without knowing the identity of the Complainant;
- (ii) invite the Respondent to make any written comments within ten working days;
- (iii) if proposing a course of action as in 3.5.2 or 3.5.3 below, specifically give the Respondent the opportunity to explain in writing any inconsistencies or irregularities which may have become apparent from the receipt and Screening of the allegation of misconduct in research;
- (iv) take into account any comments received.

- 3.6 Subsequent to the above, the Screeners shall decide upon one of the following three courses of action:
- 3.6.1 They may consider the allegation of misconduct in research to be unfounded, either because it is mistaken, or is frivolous or is otherwise without substance, in which case they must dismiss it. If deeming the allegation to be malicious, the Screeners shall, having dismissed the complaint, so inform the Registrar and Secretary, who may invoke appropriate disciplinary action against the Complainant.
- 3.6.2 They may consider that there is some substance in the allegation of misconduct in research but that the matter does not warrant a formal investigation, in which event they shall decide what action if any is required to put the matter right in so far as is possible.
- 3.6.3 They may consider that there is sufficient substance in the allegation of misconduct in research to instigate a formal investigation of the complaint.
- 3.7 The Screeners shall make a confidential written record of their evaluation and decisions and shall lodge it with the Registrar and Secretary together with:
- (i) any documentation used in the investigation;
  - (ii) any written comments received from the Respondent.
- 3.8 The Registrar and Secretary shall:
- (i) notify both the Complainant and the Respondent in writing of the Screeners' decisions, enclosing for each a summary of the Screeners' findings;
  - (ii) take any administrative actions that may be immediately necessary to protect the funds and/or other interests of relevant grant- or contract-awarding bodies<sup>2</sup> and to meet all contractual commitments;
  - (iii) inform the Pro-Vice-Chancellor with responsibility for research of the course of action proposed and, with the Pro-Vice-Chancellor with responsibility for research, ensure that any action required under 3.5 above is instigated, executed and recorded by the appropriate parties;
  - (vi) retain the report and documentation in confidence for five years.

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<sup>2</sup> the phrase "grant or contract awarding body (ies)" includes partners in collaborative research, any bodies responsible for giving approval or permission for the research and the Office of Research Integrity in the case of grants from the US Department of Health and Human Services (HHS).

- 3.9 Screening shall be completed within 20 working days of receipt of the initial allegation of misconduct in research unless circumstances clearly warrant a longer period (such reasons to be documented in the Screeners' written record).

#### 4. INVESTIGATION

- 4.1 If a formal investigation has been considered necessary by the Screeners, the Registrar and Secretary and the Pro-Vice-Chancellor with responsibility for research shall appoint a panel of three impartial investigators ("the Panel") with appropriate expertise and seniority, at least one of whom shall be from outside the University and each of whom shall be asked to confirm in writing that their appointment involves no conflict of interest. The formal investigation shall commence within 30 days of completion of the investigation by the Screeners.
- 4.2 The Registrar and Secretary shall:
- (i) report to the Senate and the Council that such an investigation has been initiated but without disclosing the names of individuals involved;
  - (ii) inform in confidence any relevant grant- or contract-awarding body<sup>2</sup> about such an investigation where there is a requirement to do so;
  - (iii) consider with the Pro-Vice-Chancellor with responsibility for research whether, without prejudice to the proper conduct of the investigation, any other action should be taken at this stage pending the outcome of the investigation and if so to instigate such action.
- 4.3 The aim of the Panel shall be to ensure that justice is both done and seen to be done. Within the procedures, the Panel shall be free to determine its own detailed approach to the conduct of the investigation and its scope. Both the Complainant and the Respondent shall be asked to produce relevant documentary evidence such as laboratory notebooks, papers, witness statements, computer records etc to support the allegation of misconduct in research and the explanation. It shall be up to the Panel to form its own view on apparently contradictory pieces of evidence.
- 4.4 If the Panel's preliminary conclusion is that the allegation of misconduct in research is upheld, the full case, with supporting evidence, shall be put to the Respondent for comment. Any further evidence produced at this stage shall be investigated.
- 4.5 If the Panel's preliminary conclusion is that the allegation of misconduct in research is not upheld, the full case, with supporting evidence, shall be put to the Complainant for comment. Any further evidence produced at this stage shall be investigated.

- 4.6 The process described in 4.4 and 4.5 above shall be repeated until the Panel is satisfied that natural justice has been served and further investigations are not warranted and that it can reach a final conclusion on the allegation of misconduct in research.
- 4.7 During the investigation all records and related evidence shall be kept confidential by the Panel. Records of any interviews shall be agreed with the interviewee. The Registrar and Secretary or his representative shall provide confidential secretarial cover as necessary and shall draft a written report for the Panel of the investigation undertaken (including a list of all documentation and evidence received) and of its findings.
- 4.8 Before finalising and submitting its written report, the Panel shall:
- (i) provide the Respondent with a draft copy for comment;
  - (ii) provide the Complainant with those portions of the draft report which address the Complainant's role and opinions in the investigation together with a summary of its findings;
  - (iii) invite both parties to make any written comments within ten working days. The Panel shall take into account any comments received from the parties, in addition to all the other evidence in finalising its report.
- 4.9 The investigation shall be completed within 80 working days of its start. If because of exceptional circumstances a longer investigation period is required, the Panel shall notify the Registrar and Secretary, who shall in turn inform the grant- or contract-awarding body<sup>2</sup> where there is a requirement to do so of progress and of an estimated date of completion.

## **5. FINDINGS**

- 5.1 The Panel shall lodge its written report, when finalised, with the Registrar and Secretary, the Pro-Vice-Chancellor with responsibility for research and the Head of the Respondent's School (or other equivalent officer in non-School units) and shall deposit with the Registrar and Secretary:
- (i) any documentation used in the investigation;
  - (ii) a copy of any written comments which were received as a result of the process described in 4.8 above.
- 5.2 The Registrar and Secretary shall:
- (i) notify the Complainant and the Respondent in writing of the outcome of the investigation, enclosing for each a summary of the Panel's findings;

- (ii) take any administrative actions that may be necessary to protect the funds and/or other interests of grant- or contract-awarding bodies<sup>2</sup> and to meet all contractual commitments (including any relating to disclosure of the outcome of the investigation);
  - (iii) ensure that the courses of actions described in 5.3 - 5.5 below are instigated, executed and recorded by the appropriate parties;
  - (iv) retain the report and all documentation in confidence for a period of at least five years.
- 5.3 Should the allegation of misconduct in research be substantiated, the Registrar and Secretary, in consultation with the Head of the School (or other appropriate senior officer), shall decide what action needs to be taken either under the University's disciplinary procedures or otherwise. Such action may include informing the appropriate professional body, the grant- or contract-awarding body<sup>2</sup> and the editors of all journals in which the Respondent has published articles. Action may also be taken to revoke a degree or other qualification obtained wholly or partly through misconduct in research relevant to that degree or other qualification.
- 5.4 Should the allegation of misconduct in research be dismissed, all reasonable steps shall be taken to preserve the position and reputation of the Respondent and - provided the allegation is considered to have been made in good faith - the Complainant. If the allegation has been found to be malicious, then the matter shall be referred to the Registrar and Secretary as described in 3.5 above. If the case has received any publicity the Respondent shall be offered the possibility of having an official statement released to the media.
- 5.5 The Registrar and Secretary shall inform the Senate and the Council of the allegation of misconduct in research and of the final outcome of the investigation and shall consider in so doing whether the report to these bodies should be made with or without identification of the Respondent (the Complainant remaining anonymous). If the allegation has been dismissed, the Registrar and Secretary shall ensure that the Respondent is given the option of requesting that the report of the case to the Senate or the Council shall be only that the allegation has been dismissed and shall not identify the Respondent.
- 5.6 Any appeal regarding the findings of the Panel, or complaint alleging unfair treatment under these Procedures, should be directed to the Vice-Chancellor, who shall consider the representation received and decide what action to take upon it.

March 1998  
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Revised September 2012

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