

Code of Practice for the Investigation of Research Misconduct

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Edge Hill
University

Code of Practice for the Investigation of Research Misconduct

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Summary

This Code of Practice outlines the procedure that must be followed for the investigation of misconduct when allegations are brought against a researcher in relation to research conducted under the auspices of the University. Furthermore, it will also define and provide examples of what amounts to “research misconduct”. This policy aims to ensure that any allegation of research misconduct is handled in a fair and transparent manner.

Once an investigation into an allegation of research misconduct has been initiated, it must continue until a conclusion is reached in order to uphold the reputation of the University and to protect the interests of any relevant funding bodies or publishers.

This Code of Practice is informed by the UK Research Integrity Office (UKRIO) Procedure for the Investigation of Misconduct in Research (August 2008).

If there are any queries, please contact the Research Office (RO) at Research@edgehill.ac.uk for assistance.

Glossary of Terms

Purpose

The University recognises its responsibility to researchers and the wider community to ensure the highest standards of integrity and professionalism are observed within the conduct of research. Research misconduct is an uncommon but potentially important threat to the University’s rigour and integrity.

This document applies to all those undertaking research on the University’s premises, or on behalf of the University, including staff, students, visiting or emeritus staff, associates, honorary or clinical contract holders, contractors and consultants.

This document details the following important stages of the research misconduct procedure: the submission of an allegation, the preliminary stage, initial enquiry and the formal investigation.

Code of Practice for the Investigation of Research Misconduct

1. Introduction

The Code of Practice for the Conduct of Research provides guiding principles and standards of good practice in research across all subject disciplines and fields of study in the University. These principles of good practice underpin the University’s commitment to effective research governance, the pursuit of excellence and the highest quality research. Failure to comply with the Code of Practice for the Conduct of Research, or any actions taken that may be deemed to constitute research

misconduct under the University's Code of Practice for the Investigation of Research Misconduct, may be grounds for instigating disciplinary proceedings in accordance with the University's Disciplinary Policy and Procedure. Where researchers are found to have committed research misconduct, referral to the appropriate funding agency and/or relevant regulatory body may also be required. The Code of Practice for the Investigation of Research Misconduct does not form part of the researcher's contract of employment and may be amended and varied from time to time. Furthermore, the University may depart from the Policy and the procedures herein where appropriate.

Any misconduct in research is unacceptable and should be reported. Allegations will be investigated thoroughly, fairly and in a timely manner, in accordance with this Code of Practice. All proceedings will be conducted under the presumption of innocence and carried out with sensitivity and confidentiality. Anyone wishing to raise concerns relating to misconduct in research may do so in accordance with the University's Whistleblowing Code of Practice and where raised in good faith, will be supported and not penalised.

Any researcher whose work has been investigated and then is found not to have committed misconduct will be supported and appropriate steps taken to restore their reputation and that of any relevant research project(s).

The DVC (Resources) is designated by the University to act in the role of Research Integrity Officer (RIO) and is responsible for:

- Receiving allegations of research misconduct;
- Initiating and supervising the procedure for investigating allegations of research misconduct;
- Maintaining the information record during the investigation and subsequently reporting on the investigation with internal contacts and external organisations;
- Taking decisions at key stages in the procedure and investigation.

The RIO shall have a nominated alternate who will receive allegations of research misconduct and initiate and supervise the procedure for investigating them in the absence of the RIO.

The procedures described in this Code of Practice are designed specifically for the investigation of research misconduct. Allegations of misconduct are often raised as departures from accepted procedures and practice in the conduct of research, as articulated in the University's Code of Practice for the Conduct of Research and related standards and guidance. This Code should only be used for investigating the intentional and/or reckless behaviour set out in the following definition of research misconduct.

Research Misconduct which could be investigated under this Code of Practice, may include, but not be limited to:

- Fabrication
- Falsification
- Misrepresentation of data and/or interests and/or involvement and plagiarism
- Failures to follow accepted procedures, including the failure to secure appropriate ethical approval for the project (whether Edge Hill or the relevant external body such as the Health Research Authority), or to exercise due care in carrying out responsibilities for:
 - Avoiding unreasonable harm or risk to humans, animals used in research, the environment and cultural objects
 - The proper handling of privileged or private information on individuals collected during the research.

Interpretation of the above terms will involve judgements, which should be guided by previous experience and decisions made on matters of misconduct in research.

For the avoidance of doubt, research misconduct includes acts of omission as well as acts of commission. In addition, the standards by which allegations of research misconduct should be judged should be those prevailing in the country in question and at the date that the behaviour under investigation took place.

The basis for reaching a conclusion that an individual is responsible for research misconduct relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct in any aspect of a research project. Where allegations concern unintentional and/or reckless departure from accepted procedures in the conduct of research that may not fall directly within the terms detailed above, a judgement should be made as to whether the matter should be investigated under this Code of Practice.

This Code of Practice is designed to produce a report that might require action using the University's disciplinary processes or other relevant policies as appropriate.

2. Submission of an Allegation of Misconduct

2.1 Formal Submission

Allegations, or other evidence of possible misconduct in research, should be made formally in writing (where possible) to the RIO and should include any supporting evidence available to the Complainant. Submissions to the RIO may be from within and outside the University. An initial approach to the RIO might be anonymous, but to take forward any allegations, the Complainant should make a formal written submission, in confidence if desired, to the RIO. Should allegations be received by another member of the University, for example, the Director of the Research Office or Head of Department, and it cannot, or is not appropriate to be, resolved locally (see Informal Resolution below), it should be referred to the RIO, with the agreement of the Complainant.

2.2 Informal Resolution

In research, situations may 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/departmental level and this should be considered and explored where appropriate. Formal investigation procedures should only be instigated if the informal route is inappropriate due to the seriousness of the allegation, or where mediation and/or arbitration has been refused or proved unsuccessful.

2.3 Conflicts of Interest

Allegations linked in any way to the RIO, or which raise the potential for a conflict of interest for the RIO, must be declared and an alternative senior member of staff identified by the Vice Chancellor to supervise the investigation.

2.4 Confidentiality

Any investigation should be conducted as confidentially as is reasonably practicable. The confidential nature of the proceedings should be maintained provided this does not compromise either the investigation of the misconduct allegations, any requirements of health and safety or any issue related to the safety of the participants in research.

Breaching confidentiality may lead to disciplinary action, unless covered by the Public Interest Disclosure Act and/or the University's own grievance or Whistleblowing procedures.

3 Preliminary Stage

3.1 Acknowledgement of the allegation

On receipt of an allegation of research misconduct, the RIO will formally acknowledge receipt of the allegation in writing to the Complainant, advising the Complainant of the procedure that will be followed.

3.2 Determining the nature of the allegation

The RIO will review the nature of the allegation and where judged serious enough to require immediate action to prevent further risk or harm to staff, research participants or others, suffering to animals or negative impact to the environment or cultural objects, the RIO will take immediate appropriate action to ensure that any such potential or actual danger, illegal activity or risk is prevented or eliminated. Such actions may include (but are not limited to) the temporary suspension of the individual, the immediate cessation of research activity, or the removal of equipment or installations. In taking such actions, it will be made clear to all parties that the actions taken are not to be regarded as disciplinary actions and do not in themselves indicate that the allegation is considered to be true by the University.

3.3 Notification to external bodies

Serious allegations are also likely to require notification to legal or regulatory authorities. As a result, the University may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Code of Practice. The University's investigations may continue in parallel or may have to be suspended, to be concluded later, or to be declared void by the RIO.

3.4 University Disciplinary Policy and Procedure

Where allegations include behaviour subject to University Disciplinary Policy and Procedure the RIO will take steps to implement the appropriate disciplinary process. The investigation into the allegation of research misconduct may then proceed in parallel, be suspended to be concluded later, or be declared void by the RIO.

3.5 Informing the Complainant

The RIO will review the allegation and if judged to fall within the definition of research misconduct (section 1), it will proceed to the next stage of investigation. If outside the definition, the RIO will inform the Complainant in writing:

- The reason why the allegation cannot be investigated under this Code of Practice;
- Which process for dealing with complaints might be appropriate for handling the allegation, if appropriate, and to whom it should be reported.

3.6 Determining Contractual Status and Obligations

Where an allegation falls under the definition of research misconduct, the RIO shall inform appropriate senior managers in the University to determine the contractual status of the Respondent and the contractual details specific to the research project(s) related to the allegation. Such senior officers may include, but not be limited to: Director of the Research Office, Director of Human Resources, Head of Department. At this stage, the allegation remains unproven and the information shared with the appropriate senior managers is confidential.

If the Respondent is the holder of an honorary contract with the University, the RIO may be required to inform the Respondent's primary employer of the allegation made against him/her. The employer may also instigate their own investigations.

An external funding agency, collaborator, partner or sponsor of the research project(s) related to the allegation may have a responsibility for the way any investigation is conducted. The University may have legal and contractual obligations towards such organisations in this regard, as detailed in their terms and conditions of award, negotiated contract, collaboration or sponsorship agreement, which must be fulfilled.

3.7 Informing the Respondent

Subject to other legal and regulatory procedures that may be led by external organisation(s), as detailed above, the RIO should formally notify the Respondent of

the allegations of research misconduct made against him/her. This should normally be done in a confidential meeting, at which, for example, an HR Adviser may also be present. The Respondent may also be accompanied to this meeting by a colleague or trade union representative, as appropriate.

If allegations are made against more than one Respondent, they should each be informed separately and the identity of any other Respondents not divulged. A written summary of the allegation(s) should be given to the Respondent (and to his/her representative by agreement) at the meeting, with an outline of the procedure to be followed, the opportunities the Respondent will have to respond and a timetable for the screening stage.

The Respondent will be given the opportunity to respond to the allegations and set out his/her case at a later stage.

3.8 Securing Evidence and Information

The RIO will ensure that all relevant evidence and information are secured and accessible to any investigation to be conducted. This may involve taking necessary steps, for example, to secure documents, data and locations associated with the research and individual(s) in question, temporary suspension of the Respondent or restrictions on his/her access to premises, data or personnel. Account must be taken for the impact any such steps may have on the Respondent's responsibilities for supervision, teaching, research, management and administration and alternative arrangements made to meet those responsibilities.

Such actions should only be taken where there is a clear risk to individuals or that evidence may be destroyed, there has been careful consideration of their impact and it is deemed essential to the conduct of the investigation. The reason(s) for taking such action should be recorded in writing and all relevant parties informed. Any suspension of a Respondent will be reviewed throughout the investigation to ensure that it is not unnecessarily protracted.

Copies of any information or records secured will be made available to the Respondent.

In taking such actions as those outlined, it will be made clear to all parties that the actions taken are not to be regarded as disciplinary actions and do not in themselves indicate that the allegation is considered to be true by the University.

3.9 Timing

The Preliminary Stage of the procedure should normally be completed within ten working days from receipt of the initial allegation. Any delays should be explained to all parties in writing, and a revised completion date given.

3.10 Initial Screening

Within a further ten working days of the RIO informing the Complainant and Respondent of the proceedings, an initial screening of the case may be undertaken

to determine whether the allegation is mistaken, frivolous, vexatious and/or malicious. If judged to be so by the RIO, the allegation will be dismissed at this stage and the decision reported in writing to the Complainant, Respondent (and their representatives, by agreement) and all relevant parties.

In such cases, the RIO shall then consider recommending that action against the Complainant be taken under the University's disciplinary regulations. Those who have made allegations in good faith will not be penalised and support will be provided, where appropriate. Support to restore the reputation of the Respondent and his/her research will also be provided, as appropriate to the seriousness of the dismissed allegations.

If the allegations cannot be discounted at this point, the RIO will convene an Initial Enquiry Panel.

4. Initial Enquiry

4.1 Enquiry Panel

This initial investigation is intended to determine whether there is prima facie evidence of research misconduct and is supervised by the RIO who may nominate one or more of advisers and experts and a secretary to form the initial enquiry panel. One or more members of the initial enquiry panel may be selected from outside the University, particularly, but not only, in a case involving staff on joint clinical or honorary contracts, where a member of the panel may be from the primary employer. The RIO may choose to consult UKRIO to nominate a member from its Register of Advisers to be a member of the initial enquiry panel.

Members of the enquiry panel will be provided with the Code of Practice for Investigation of Research Misconduct and any additional guidance as may be produced, must declare any links to the research and/or the individuals involved in the allegation(s) and maintain the confidentiality of the proceedings throughout and beyond the work of the enquiry, unless formally sanctioned by the University or otherwise required by law.

Both Respondent and Complainant may raise with the RIO concerns they may have about the membership of the initial enquiry panel but neither have the right of veto over those nominated.

4.2 Operation of the Enquiry

The Chair of the panel will be nominated by the RIO. The panel will:

- maintain a record of evidence sought and received, and conclusions reached
- review and assess the submission and supporting evidence provided by the Complainant

- review and assess the evidence and supporting documentation from the Respondent who should be given the opportunity to respond to the allegations, set out his/her case and to present evidence
- review all relevant background information; the review should include interviewing the Respondent and Complainant and others whom the Panel consider relevant to the investigation (all of whom may be accompanied by a colleague or trade union representative)
- provide a draft report to the RIO.

4.3 Determination of the Enquiry

The Enquiry Panel should determine whether the allegation of research misconduct:

- is mistaken, frivolous, vexatious and/or malicious
- should be handled under the University's Disciplinary Policy; has some substance but due to lack of intent to deceive or due to its relatively minor nature, should be addressed through education and training or other non-disciplinary approach, rather than through the next stage and a formal investigation
- is sufficiently serious and has sufficient substance to justify a formal investigation.

4.4 Communication of the Findings

The Enquiry Panel's draft report will be made available to the Complainant and Respondent for them to comment on the factual accuracy of the report. Changes will only be made to the report where there are errors of fact and the Chair should seek the agreement of the majority of the Panel before making amendments of substance to the Panel's report.

The Chair shall then send the final report to the RIO, Complainant and Respondent (including their representatives, by agreement), and inform all relevant parties of the reasons for reaching that conclusion in a final report. The Enquiry Panel will then be disbanded and the individuals shall have no further involvement in the case, unless formally asked to clarify a point in their written report at a subsequent part of the investigation.

A copy of the report and any documentation used in the enquiry shall be held by the RIO for a period of at least six years. Should the investigation be undertaken using this code in the first instance as opposed to the disciplinary procedure, note that this report may well be also used in the disciplinary process if applicable.

The RIO will then ensure the appropriate follow-up actions are undertaken, and where the allegations are sufficiently serious and have sufficient substance to warrant recommending a formal investigation, the RIO will take immediate steps to set this up.

4.5 Timing

The initial enquiry should take no more than 30 working days. Any delays should be explained to all parties in writing, and a revised completion date given.

5. Formal Investigation

Where the Initial Enquiry Panel recommends that the case should progress to the formal investigation stage, the RIO should take immediate steps to set up the Investigation Panel and inform the Complainant and Respondent (and their representatives, by agreement) that a formal investigation will take place. The RIO should also inform any partner organisations with whom either party has an honorary contract.

5.1 Formal Investigation Panel

The RIO should nominate members of the Investigation Panel for approval by the Vice Chancellor who may veto nominations, recording the reason for the veto in writing and communicating it to all parties.

The Investigation Panel should consist of at least three, and always an uneven number of, senior members of the University, with relevant skills and experience, and a secretary, none of whom should have been involved in the Initial Enquiry. At least one member of the panel shall be from outside the University. UKRIO may be consulted to nominate a member from its Register of Advisers to be a member of the formal investigation panel. At least one panel member should have knowledge and experience of the area of research in which the alleged misconduct has taken place, but normally not be a member of the department concerned.

Members of the investigation panel will be provided with the Code of Practice for Investigation of Research Misconduct and any additional guidance as may be produced, must declare any links to the research and/or the individuals involved in the allegation(s) and maintain the confidentiality of the proceedings throughout and beyond the work of the enquiry, unless formally sanctioned by the University or otherwise required by law.

Both Respondent and Complainant may raise with the RIO concerns they may have about the membership of the initial enquiry panel but neither have the right of veto over those nominated.

5.2 Operation of the Investigation

The Chair of the panel will be nominated by the RIO. The Investigation Panel should:

- receive all relevant information from the Initial Enquiry Panel as background to the investigation
- set a date for the investigation, which should be conducted as quickly as possible

- maintain a record of evidence sought and received, and conclusions reached
- conduct a thorough assessment of the evidence
- hear the Complainant and such other individuals as the Panel consider relevant to the investigation
- hold a formal hearing to hear the Respondent's response to the allegations made
- consider the allegations of research misconduct and reach a conclusion on the allegations with the standard of proof used to reach the decision being 'on the balance of probabilities'
- provide a draft report to the RIO.

The Investigation Panel may call expert witnesses to give advice, if necessary and as appropriate, and may seek guidance from UKRIO and its advisers.

The RIO should provide regular, unsolicited updates to all parties regarding the process of the formal investigation.

5.3 Determination of the Investigation

The Formal Investigation Panel should determine whether the allegation of research misconduct is:

- upheld in full
- upheld in part, or
- not upheld.

The standard of proof used by the Panel is that of 'on the balance of probabilities'. The Panel may conclude that the allegations are not upheld for reasons of being mistaken, frivolous, vexatious and/or malicious.

A majority decision is acceptable, although a unanimous decision is desirable.

Should any evidence of misconduct be brought to light during the course of the Formal Investigation that suggests:

- further, distinct instances of research misconduct by the Respondent, unconnected with the allegation under investigation, or
- research misconduct by another person(s)

then the Investigation Panel should submit these new allegations of research misconduct to the RIO in writing, along with all supporting evidence, for consideration under the initial stages of this Code of Practice.

5.4 Communication of the Findings

The Formal Investigation Panel's draft report will be made available to the Complainant and Respondent for them to comment on the factual accuracy of the report. Changes will only be made to the report where there are errors of fact and the

Chair should seek the agreement of the majority of the panel members before making amendments of substance to the Panel's report.

The Final Report will:

- summarise the conduct of the investigation
- state whether the allegation of research misconduct has been upheld in whole or in part, giving reasons for its decision and recording any differing views
- make recommendations in relation to any matters relating to any other misconduct identified during the investigations
- address any procedural matters that the investigation has brought to light within the University and/or for example, any partner organisations and/or funding bodies.

In addition to reaching a conclusion over the nature of the allegation, the Investigation Panel may make recommendations with respect to:

- whether the allegations should be referred to the University's Disciplinary Policy and Procedure, and to those of any statutory or professional body as appropriate.
- whether any action will be required to correct the record of research
- whether organisational matters should be addressed by the University through a review of the management of research.
- other matters that should be investigated.
- The Chair shall then send the final report to the RIO, Complainant and Respondent (including their representatives, by agreement), and inform all relevant parties of the reasons for reaching that conclusion in a final report.
- The RIO shall inform the following of the conclusion of the formal investigation:
 - the Vice Chancellor, the Director of Research Office, the Director of Human Resources, the Head(s) of Department(s) and any other relevant members of staff.
 - where the Respondent and/or Complainant are employed on joint clinical or honorary contracts, the equivalent Research Integrity Officer.
 - the Head of Human Resources/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, including UKRIO.

The Formal Investigation Panel will then be disbanded and the individuals shall have no further involvement in the case, unless formally asked to clarify a point in their written report at a subsequent part of the investigation.

A copy of the report and any documentation used in the enquiry shall be held by the RIO for a period of at least six years.

Where allegations have not been upheld (in full or in part), the RIO should 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 initial enquiry, where the Investigation Panel concludes the allegations are frivolous, vexatious and/or malicious, the RIO should consider recommending that action be taken under the University's Disciplinary Policy and Procedure against anyone who is found to have made such allegations. Such action will commence at the Formal stage of the Disciplinary Policy and Procedure.

5.5 Timing

The Investigation Panel should be appointed within 30 working days of the submission of the Initial Enquiry Panel's report recommending a Formal Investigation. The formal investigation must conduct a thorough assessment of the case and conduct its investigation as quickly as possible but not necessarily within a prescribed timescale. If the work of the Panel is to take more than 30 working days, the Chair should report progress to the RIO at least on a monthly basis.

5.6 Complaints Procedure

Any complaints about the procedure of investigation of Research Misconduct can be referred to the University's complaints and feedback procedures.

Endmatter

Title	Code of Practice for the Investigation of Research Misconduct
Policy Owner	Director of the Research Office
Approved by	University Research Committee
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