

Advice on Assessing Vexatious, Malicious, and Frivolous Complaints

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August 2023

Introduction

This guidance is related to UKRIO's [Research Misconduct Procedure](#). During the consultation on the revised Procedure in May 2022, UKRIO received several suggestions on further guidance that those involved in managing investigations would find useful. This is one of those. It is aimed at Named Persons, Research Integrity Managers, and others in institutions who have responsibility for managing investigations under their procedure.

Many institutional research misconduct procedures include sections on dealing with matters raised that are deemed to be **vexatious**, **malicious**, or **frivolous**. This short article seeks to clarify the difference between the three terms and provide some insights on how to distinguish between them.



Definitions

- Vexatious:** (of a [legal](#) action or [proceeding](#)) instituted without [sufficient](#) grounds, especially so as to cause [annoyance](#) or embarrassment to the [defendant](#).
- Malicious:** if you [describe](#) someone's words or actions as malicious, you mean that they are [intended](#) to [harm](#) people or their [reputation](#), or cause them [embarrassment](#) and [upset](#).
- Frivolous:** if you describe an activity as frivolous, you [disapprove](#) of it because it is not [useful](#) and [wastes](#) time or money.

For further definitions and terms used in research misconduct investigations, please see the Definitions section of the [Research Misconduct procedure](#).

Vexatious Allegations and Behaviour

Matters raised in a vexatious way may include one of the following:

- a.** Abusive, threatening, or offensive language;
- b.** Unreasonably persistent emailing or calling;
- c.** Unreasonable demands to speak or engage with a particular individual;
- d.** Unreasonable refusal to accept the outcome of an investigation;
- e.** Multiple allegations raised against an individual or group, all of which are found to be without substance;
- f.** Reporting those who are not perceived to have sufficiently helped a claimant to their own organisation/affiliations, as part of an ever-widening complaint.

There can be other reasons for what may appear to be vexatious behaviour. For example, the person may consider they are raising a serious matter that has been ignored or not dealt with properly. Complainants can sometimes behave in a vexatious manner, but that does not always mean there is no substance to the allegations.

It is helpful to respond to the content and substance rather than the tone and way in which a matter is raised. However, it is necessary to set some boundaries beyond which an institution will not engage with an individual. This is important to protect the dignity and well-being of the staff who are dealing with the individual concerned, or who are the subject of the allegations.

Matters can be raised by people who already have a disagreement or grievance against the complainant or can be quite aggressive or difficult to deal with. This does not mean that a matter has been raised maliciously or that it does not have substance. The Named Person will need to make a judgement when they consider a complainant is behaving vexatiously.

Matters can also be vexatious in terms of the allegation raised. A determination that an allegation of research misconduct is vexatious means that it does not have substance (i.e., any evidence to support it), and that it has been raised to cause annoyance and disruption and rather than in good faith.

Many research misconduct procedures include the right to act against vexatious complainants. It can be difficult to determine this, because in part you are attempting to determine the motivation of the individual who raised the matter. It is also unlikely that people will admit their behaviour is malicious or vexatious even if this is true. A judgement call will need to be made based on corroborating evidence, for example the behaviour of the individual over a sustained amount of time. As noted, complainants can be persistent and behave discourteously, and institutions need to ensure they are protecting their staff from unreasonable behaviour, whilst also not refusing to investigate on what might be seen as a technicality.

It is worth noting that claims that a complainant or other party is behaving vexatiously, maliciously, or frivolously may be used to in an attempt to close down

inconvenient allegations. This can also take the form of counter allegations and grievances. Whilst matters raised need to be investigated, it is important not to permit counter allegations and accusations to derail a complaint raised (for more information on dealing with this scenario, please see paragraph 20 of the UKRIO [Research Misconduct Procedure](#)).

Malicious Allegations

Malicious allegations are those allegations raised solely to cause harm to or damage the reputation of the respondent. They are without substance and not raised in the belief that a breach of research integrity has taken place.

As noted with vexatious allegations, it can be difficult to prove that a matter has been raised maliciously, as the complainant will normally appear to believe the truth of the allegations they have raised and are not likely to admit that they have raised it for this purpose. Repetitious behaviour aimed against a particular person may be an example of malicious behaviour, as well as a falling out or academic disagreement. Whilst a matter may appear to have been raised maliciously, it can happen that the complainant has convinced themselves that the allegation has substance.

Frivolous Allegations

Frivolous allegations are those that may be trivial, insignificant, and have no serious purpose or value, to such a degree that an investigation would be disproportionate in terms of time and cost. The subtext may be that the matter has not been brought in good faith because it clearly has no reasonable prospect of success and/or is not significant enough to be investigated. Another example might be multiple minor complaints all at once or in quick succession.

This can include allegations of minor breaches of research integrity that could be dealt with informally. In our experience this does not arise often – even where a matter is raised that is dismissed at receipt of allegations stage, due to lack of substance, it is rare for it to be deemed frivolous. As noted with malicious or vexatious allegations, it can be difficult to determine the motivation of the person raising it. Nonetheless, it is important not to deter complainants from raising allegations if they consider a matter needs investigation.

We welcome comments on this and other guidance and advice that UKRIO produces. If you have any comments, questions or concerns, please contact UKRIO on info@ukrio.org.

Acknowledgments

Many thanks to colleagues at the UK Research Integrity Office who commented and provided suggestions on this guidance.

Further Reading

Some of the links below do not relate specifically to research misconduct but may be helpful when thinking about the terms referenced here. I am grateful particularly for the useful information contained in the Office of National Statistics guidance.

- Office of National Statistics. (2014). [How to recognise and deal with vexatious and malicious grievances](https://www.ons.gov.uk/file?uri=/aboutus/transparencyandgovernance/freedomofinformationfoi/onsgrievancepolicyandprocedures/howtorecogniseanddealwithvexatiousandmaliciousgrievances.pdf).
<https://www.ons.gov.uk/file?uri=/aboutus/transparencyandgovernance/freedomofinformationfoi/onsgrievancepolicyandprocedures/howtorecogniseanddealwithvexatiousandmaliciousgrievances.pdf>
- <https://www.dundee.ac.uk/corporate-information/guidance-dealing-unacceptable-or-vexatious-behaviour>
- <https://www.foxwilliams.com/2014/01/06/top-tips-for-dealing-with-vexatious-or-serial-complaints/>
- Science Media Centre. (2019). [Advice for researchers experiencing harassment](https://www.sciencemediacentre.org/wp-content/uploads/2019/10/Advice-for-Researchers-Experiencing-Harrasment-2019.pdf).
<https://www.sciencemediacentre.org/wp-content/uploads/2019/10/Advice-for-Researchers-Experiencing-Harrasment-2019.pdf>
- Ad Valvas. (2019). [‘Some complaints are made to get revenge’](https://www.advalvas.vu.nl/nieuws/sommige-klachten-worden-ingediend-om-wraak-te-nemen).
<https://www.advalvas.vu.nl/nieuws/sommige-klachten-worden-ingediend-om-wraak-te-nemen>
Article related to a Dutch symposium on malicious complaints.
- Grimes DR, Brennan LJ, O'Connor R. (2020). [Establishing a taxonomy of potential hazards associated with communicating medical science in the age of disinformation](http://dx.doi.org/10.1136/bmjopen-2019-035626). *BMJ Open*. **10**:e035626.
<http://dx.doi.org/10.1136/bmjopen-2019-035626>
Example within medical sciences.

DOI: <https://doi.org/10.37672/UKRIO.2023.09.advicevexatiouscomplaints>



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