



U K R E S E A R C H I N T E G R I T Y O F F I C E

Procedure for the Investigation of Misconduct in research

Version 2.0

CONSULTATION DRAFT

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Introduction

The Procedure described in this document is designed as a model procedure for research organisations to follow for the investigation of allegations of misconduct in research. Such allegations might be brought to an organisation as the employer of the individual(s) against whom the allegations are made, or brought to them in another capacity, such as the host or sponsor of the research.

Applicable to all types of research, organisations can use the Procedure as a benchmark when creating or revising institutional processes to investigate allegations of research misconduct, or adopt it in full or in part. It works with existing institutional processes such as disciplinary and grievance procedures and does not replace them. Use of the Procedure can assist researchers and organisations in fulfilling the requirements of *The Concordat to Support Research Integrity* and of regulatory, funding and other bodies, and help ensure that important issues have not been overlooked.

It is not intended that the Procedure should be used as part of any disciplinary or regulatory process. The matters are often complex and the first stage is to attempt to establish what has happened, following which disciplinary and other actions to correct the record can take place depending on the outcome. Information gathered in the course of an investigation may become relevant to, and disclosed in, any such disciplinary or regulatory process. This document provides a blueprint for how the stages of the investigation should be conducted and how appropriate screening and investigation panels might be organised.

The objectives of the Procedure are to:

- ensure that an investigation is thorough and fair, conducted in a timely and transparent manner, and with appropriate confidentiality;
- demonstrate that, by using an agreed standard process, there should be fewer errors in the conduct of investigations; and
- reassure those raising concerns, those who are under investigation and other involved parties, that the process of investigation will follow a standard procedure adopted nationally by research organisations.

By adopting and following the Procedure it should be possible to:

- establish the ethos and mechanisms by which misconduct in research may be addressed appropriately, investigated effectively and handled fairly;
- enable an expert panel to establish whether the allegations have substance and constitute misconduct in research;
- enable an expert panel to establish whether, on the balance of probabilities, the evidence upholds the allegations of misconduct in research (either intentional or reckless in nature); and
- produce a report on the basis of which the Organisation may initiate appropriate action.

UKRIO is committed to promoting good conduct in research by providing the research community with practical guidance on the issues which need to be addressed and facilitating the sharing of existing good practice. The Procedure is a vital part of our continuing work to encourage good conduct in research and to help to prevent misconduct, setting out the responsibilities and values critical to research, as well as providing practical guidance for researchers and their employers.

Introduction

This guidance reflects and is in accord with other relevant initiatives, guidance from UKRIO and other bodies, and the expectations of funding bodies. It has been produced to harmonise with broader research integrity expectations, such as *The Concordat to Support Research Integrity*.

A 'living document'

As the research community and other bodies further develop practices in this area, we expect this Procedure to evolve. The intent is that it will be a 'living document', subject to periodic review and revision to reflect emerging best practice in this area. UKRIO welcomes feedback on the content and use of this document.

Please submit any comments or suggestions via our website www.ukrio.org.

Footnote to the revised edition

To be added to the final version.

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How to use this document

This guidance document comprises two topic-based sections. The first, **Embedding the Procedure within an organisation**, describes:

- how to use this document to create or revise an institutional process to investigate allegations of research misconduct;
- how to embed that process within an organisation so it is ready for use, including the designation of a Named Person who will be responsible for receiving any allegation of research misconduct made to an Organisation and for the initiation, operation and oversight of the Organisation's institutional process to investigate allegations of research misconduct.

The second, **Template Procedure for the Investigation of Misconduct in Research**, contains UKRIO's Procedure for the Investigation of Misconduct in Research, ready to be incorporated into a research organisation's processes or adapted by organisations and other bodies. It consists of six stages – **Scope, Purpose and Standards, Receipt of Allegations, Initial Investigation, Full Investigation, Outcomes and Reporting**, and **Appeals** – and three annexes - **Annex 1: Principles, Annex 2: Definitions** and **Annex 3: Resolution using informal measures**. This is further described in the next section

Text boxes: throughout this document are three types of text box. Each type has a specific purpose:

- Reminders of key actions, processes or issues.
- Optional steps and/or modifications to the Procedure which organisations may wish to consider.

Discussion giving clarification or additional commentary on: particular stages of the Procedure; issues which may be encountered during an investigation; or why UKRIO has taken a certain approach in this document.

Examples of the three types of text box are given below.

Reminder: The Named Person should take great care to ensure that all information on the investigation is fully and accurately transferred to the next stage of the procedure.

Optional: If an Organisation wishes to publish separate Terms of Reference for the Initial Investigation, Full Investigation and Appeals stages, these can be created from the sections in those stages marked 'Purpose', 'Conducted by', 'Potential outcomes' and 'Timescale'.

Discussion: This provision allows an Organisation to use this Procedure to investigate matters of concern that are not formally lodged with it but which are highlighted via other means.

Embedding the Procedure within a research organisation

To be added in the final version.

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Template Procedure for the Investigation of Misconduct in Research

This part of the document contains UKRIO's Template Procedure for the Investigation of Misconduct in Research, ready for use or adaptation by research organisations and other bodies. The Procedure consists of the following sections:

- **Purpose, Scope and Standards**
- **Receipt of allegations stage**
- **Initial Investigation stage**
- **Full Investigation stage**
- **Outcomes and reporting stage**
- **Appeals stage**
- **Annex 1: Principles**
- **Annex 2: Definitions**
- **Annex 3: Resolution using informal measures**

Reminder: As noted earlier, Organisations can use this Template Procedure as a benchmark when creating or revising institutional processes to investigate allegations of research misconduct. Alternatively, they can adopt the Template Procedure as it is set out in this document.

If used as a benchmark for the creation or revision of an institutional process, this will naturally lead to the text of the Template Procedure being adapted or otherwise modified. If adopted, the Template Procedure contains a number of optional provisions, which Organisations may or may not choose to incorporate when adopting it.

Accordingly, individual institutional processes may be worded and/or ordered differently to the Template Procedure, while still remaining aligned with its provisions and principles.

Each section of the Template Procedure (apart from Scope and Purpose and the Annexes) begins with a description of: the purpose of that section; who will carry it out; the potential outcomes; and the timescale for completion of that section. Following a description of the process for that stage of the Template Procedure, the end of each section gives information on what steps to take next, dependent on the final outcome of that stage.

The Procedure contains three Annexes. These are essential to the operation of the Procedure and should always be used: **Annex 1: Principles**, **Annex 2: Definitions** and **Annex 3: Resolution using informal measures**.

Optional: If an Organisation wishes to publish separate Terms of Reference for the Initial Investigation, Full Investigation and Appeals stages, these can be created from the sections in those stages marked 'Purpose', 'Conducted by', 'Potential outcomes' and 'Timescale'.

Template Procedure for the Investigation of Misconduct in Research

Purpose, Scope and Standards

1. **Purpose:** This Procedure recognises that the investigation of allegations of research misconduct can involve complex issues and seeks to discharge the Organisation's responsibilities in a sensitive and fair manner. It outlines the process to be followed when allegations of misconduct in research are brought against a researcher in relation to research conducted under the auspices of the Organisation.
2. *If the Organisation is a higher education institution:* Organisation Statutes take precedence over anything set out in this Procedure. Notwithstanding the arrangements which follow, the Head of the Organisation or their nominee has the right to suspend a member of staff and the right to suspend a student in accordance with the relevant Organisation Statute(s).
3. The Procedure will be carried out in accordance with the Standards set out later in this section (see [paragraph XX](#)) and the Principles set out in [Annex 1](#). Those responsible for the operation of this Procedure must ensure that they are familiar with the Standards and Principles and refer to them with respect of all decisions and interpretations.
4. *If the Organisation is a higher education institution:* Nothing in this Procedure shall limit the right of the Organisation or a member of staff of the Organisation or a student of the Organisation to exercise their rights under any Statutes and Ordinances concerning discipline and grievance.
5. When allegations of research misconduct are upheld, in full or in part, this may result in action being taken under the Organisation's disciplinary procedures as appropriate, or under another relevant process, and may be considered good cause for dismissal in the case of members of staff.
6. *If the Organisation is a higher education institution:* When allegations of research misconduct are upheld, in full or in part, this may be considered good cause for programme termination in the case of registered students; and rescission of award in the case of graduates of the Organisation.
7. Reports generated by this Procedure may be used in evidence by the Organisation's disciplinary procedures, by subsequent investigations under this Procedure and by other Organisational processes. In addition, they may be released, in full or in part or in summary form, in reporting the matter to any appropriate external organisation.

Reminder: Opening policy statement on research misconduct

When adopting this Template Procedure or creating their own, Organisations should begin this section by setting out their views/ ethos on the importance of good research practice and the safeguarding of quality and ethical standards in research, and briefly describe the importance of addressing research misconduct.

Organisations must briefly set out how their Procedure relates to other Organisational research policies (e.g. Code of Good Practice for Research) and other relevant processes (e.g. Whistleblowing Policy, Anti-Harassment Policy), and include similar references to their Procedure in those policies/ processes. They should also note that it helps fulfil key Organisational responsibilities for research, such as conditions of research funding and the Commitments of *The Concordat to Support Research Integrity*.

Template Procedure for the Investigation of Misconduct in Research

8. **Scope:** This Procedure applies to any person conducting research under the auspices of the Organisation, whether solely or in conjunction with others in the Organisation or other bodies or in conjunction with other bodies, including but not limited to:
 - a. a member of staff;
 - b. a research student;
 - c. an independent contractor or consultant;
 - d. a person with visiting or emeritus status; and
 - e. a member of staff on a joint clinical or honorary contract.
9. *If the Organisation is a higher education institution:* This Procedure will normally apply to research students, who are registered for an MPhil by research, a DPhil or a Professional Doctorate, but not normally to undergraduate, taught postgraduate and other types of students.
10. Alleged misconduct in research relating to a thesis which has been submitted for examination will normally be investigated under the Organisation's examination regulations, academic misconduct process or equivalent, instead of under this Procedure. However, at the discretion of the Organisation, related allegations of misconduct in research may be dealt with under this Procedure (see [paragraph XX](#)).
11. When allegations of misconduct in research are raised which include/relate to allegations of bullying/harassment, the Organisation will determine whether those allegation are investigated under this Procedure or another Organisational process, for example bullying/ harassment procedure or disciplinary process. This is further discussed under [paragraph XX](#), below.
12. Financial fraud or other misuse of research funds or research equipment may be addressed under the Organisation's financial fraud investigation process or equivalent, instead of under this Procedure. This is further discussed under [paragraph XX](#), below.
13. The Organisation will follow this Procedure through to its natural end point even in the event that:
 - a. any individual(s) concerned leave or has left the jurisdiction of the Organisation, either before the operation of this Procedure is concluded or before the allegation(s) of research misconduct was made; or
 - b. the Complainant(s) withdrawing the allegation at any stage; or
 - c. the Respondent(s) admitting, or having admitted, the allegation in full or in part; or
 - d. the Respondent(s) admitting, or having admitted, other forms of misconduct, whether research misconduct or otherwise; and/or
 - e. the Complainant(s) and/or the Respondent(s) withdrawing from the Procedure.
14. After an investigation into alleged misconduct by any person who is not a current or former member of staff or student of the Organisation, the Named Person will determine the nature of any further action to be taken in relation to the investigation and its outcome.

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15. The Organisation will need to ensure that they have arrangements in place for collaboration with other organisations over investigations where appropriate. This may be when an individual has moved during the course of the matter being investigated, where the Respondents are based in more than one institution, or when individuals fall under the auspices of the Organisation and another body (e.g. persons with visiting status who are employed by another body or members of staff on a joint clinical or honorary contract). Matters for investigation can also cross national boundaries. The references below include further information:
 - a. *Montreal Statement on Research Integrity in Cross-Boundary Research Collaborations* <https://wcrif.org/documents/354-montreal-statement-english/file>
 - b. *Russell Group Statement of Cooperation in respect of cross-institutional research misconduct allegations* <https://russellgroup.ac.uk/media/5708/russell-group-research-integrity-forum-statement-of-cooperation-may-2018.pdf>
16. **Standards for the conduct of this Procedure:** as noted above (see **paragraph XX**), the Procedure will be carried out in accordance with the following Standards (see **paragraph XX**). Those responsible for the operation of this Procedure must ensure that they are familiar with these Standards, as well as the Principles set out in Annex 1, and will refer to them with respect of all decisions and interpretations.
17. Those conducting this Procedure will endeavour to do so as to retain the confidence of both the Complainant(s) and the Respondent(s).
18. Every effort will be made to investigate allegations of research misconduct in the shortest possible timescale necessary to ensure a full and fair investigation. This will vary according to the time required to investigate a specific allegation.
19. If at any stage of this Procedure, a Respondent or other person raises a counter-allegation of misconduct in research or an allegation of misconduct in research unrelated to the matter under investigation, such allegations will be addressed under this Procedure as separate matters and will be forwarded to the Named Person for consideration (see **paragraph XX**).
20. If at any stage of this Procedure, a Complainant, Respondent or other person raises a complaint about the use or operation of this Procedure or any decision or action proposed or taken under this Procedure, or raises any other grievance, then the Named Person will seek the advice of Human Resources, Student Services and other relevant departments, in confidence, to determine an appropriate course of action.
 - a. Reports generated by an investigation under this Procedure may be used in evidence by subsequent investigations under this Procedure or by other Organisational processes.
21. If required to facilitate a full and fair investigation and/or the operation of any aspect of this Procedure, the Named Person, those persons conducting Initial Investigations and Panels conducting Full Investigations shall be free to seek confidential advice from persons with relevant expertise, both within the Organisation and outside it. Those seeking advice will, so far as is possible, make no information available which could lead to the identification of the Complainant, Respondent or other

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individuals involved in the case. Persons who might be consulted include but are not limited to:

- a. experts in particular disciplines of research; or
 - b. experts in particular aspects of the conduct of research, such as members of research ethics committees, statisticians, editors of academic journals, and/or experts in addressing misconduct in research and poor practice; or
 - c. representatives of Organisational departments such as: Legal Services, Human Resources, Student Services, Finance; Governance/Registry, Research Office, Health and Safety Office, Library Services, Information and Technology Services or the equivalents; or
 - d. representatives of the UK Research Integrity Office; or
 - e. legal advisers.
22. Confidential records will be maintained on all aspects, and during all stages, of the Procedure and minutes will be made of all formal meetings convened under the Procedure.
23. The Named Person will retain all reports, correspondence, transcripts of meetings and other documentation relating to the operation of this Procedure. Advice should be sought from Human Resources and Student Services on the Organisation's records retention policy for conduct enquiries involving staff and/or students. In the absence of Organisational standards, the normal retention period for such records will 6 years plus current (also known as 6 years +1), defined as 6 years after the last entry in a record, then followed by first review or destruction to be carried out in the additional current (+1) year. After the retention period, organisations must retain anonymised summary information of investigations (i.e. of the sort which is reported in annual statements required by *The Concordat to Support Research Integrity*).
- a. Records must only be retained beyond the normal retention period if:
 - i. their retention can be justified for statutory, regulatory, or legal reasons; and/or
 - ii. the research project to which the records relate is still ongoing; and/or
 - iii. the retention period of the research project to which the records relate is longer.
24. The Named Person will identify suitable administrative and other support to assist them and other persons responsible for the operation of this Procedure. In particular, support from Human Resources and Student Services will normally be appropriate. Those selected to provide such support will confirm to the Named Person in writing that their participation involves no conflict of interest (seeking advice from the Named Person if unsure (see [paragraph XX](#))) and that they will respect the confidentiality of the proceedings.
25. In addition to the administrative and other support identified by the Named Person, as [paragraph XX](#) above, the Research Integrity Officer or their designated alternate will also assist the Named Person and other persons responsible for the operation of this Procedure as necessary. The Research Integrity Officer or alternate as described above will confirm to the Named Person in writing that their participation involves no conflict of (seeking advice from the Named Person if unsure (see [paragraph XX](#))) and that they will respect the confidentiality of the proceedings.

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Receipt of Allegations stage

26. **Purpose:** the purpose of the Receipt of Allegations Stage is to assess an allegation of research misconduct that has been received by an Organisation, in order to determine the most appropriate process to investigate or otherwise address it. The primary aim is to determine whether the matter falls under the institutional procedure for investigating misconduct in research (in terms of both the matter raised and the individuals identified).
27. **Conducted by:** the Named Person will carry out this stage of the Procedure, supported by the Research Integrity Officer.
28. The Named Person may identify suitable professional, administrative, and other support to assist them in carrying out the above actions, including liaisons from Human Resources and Student Services if deemed appropriate. Those selected to provide such support should confirm to the Named Person in writing that their participation involves no conflict of interest (seeking advice from the Named Person if unsure (see paragraph XX)) and that they will respect the confidentiality of the proceedings.
29. The Named Person shall be free to seek confidential advice from persons with relevant expertise, both within the Organisation and outside it, as described in [paragraph X](#), above.
30. **Possible outcomes:** at the conclusion of the Receipt of Allegations stage, the Named Person will determine whether the allegation of misconduct in research:
 - a. falls within the scope of another formal process of the Organisation and warrants referral directly to it, including but not limited to: exam regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary process; **or**
 - b. warrants referral directly to an external organisation, including but not limited to: the research organisation(s) under whose auspices the research in question took place; statutory regulators; or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; **or**
 - c. presents as being related to potential poor practice rather than to misconduct, and therefore the initial approach to addressing the matter will be via education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; **or**
 - d. is sufficiently serious and has sufficient substance to advance to the Initial Investigation Stage of this Procedure.
31. **Timescale:** this stage of the Procedure should be completed as soon as is practicable upon receipt of an allegation, normally within ten working days, provided this does not compromise the Standards (see [paragraph XX](#)) and Principles (see Annex 1) of this Procedure and the full and fair investigation of the allegation.

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- a. Any delays to this timescale will be explained to the Complainant in writing, presenting an estimated revised date of completion.
32. **Process:** In accordance with the Whistleblowing Procedure approved by the Organisation's governing body, initial allegations of misconduct in research should be made to the Named Person. If the Complainant is not a member of the Organisation, they should still make an initial allegation of misconduct in research to the Named Person. The Complainant must provide as detailed a statement as possible in writing in support of the allegation.

Discussion: 'historic' allegations

Allegations may be raised relating to research that was carried out many years previously. The institution may wish to consider whether it wishes to impose a time limit on allegations raised, or to consider each case on its merits, including the likelihood of finding sufficient evidence to establish the truth of the matter a significant time afterward, balanced with the responsibility to correct the record of research if appropriate.

A key principle of research integrity and research governance is that organisations have both a responsibility to ensure that any research conducted under their auspices meets required standards and also a responsibility to respond appropriately when concerns are raised about research which has been conducted under their auspices.

Imposing a time limit on allegations raised would limit the ability of organisations to discharge these responsibilities. It also could be viewed as failing to recognise that those raising concerns can have valid reasons for not raising concerns promptly. In addition, such time limits can be viewed by the public and by policy makers as being somewhat arbitrary, and institutions can often find that exceptions need to be made for certain allegations, which then cause procedural challenges as they go against the time limits previously set by the institution.

UKRIO therefore strongly advises against imposing a time limit on when allegations can be raised. Instead, we advise that each allegation is considered on its own merits, including the likelihood of finding sufficient evidence to establish the truth of the matter a significant time afterward, balanced with the responsibility to correct the record of research if appropriate.

Advice should be sought from the Research Integrity Officer, Student Services, Human Resources and Legal (or equivalents), as necessary, and can also be sought from UKRIO.

Please note that the standards by which allegations of misconduct in research should be judged should be those prevailing at the date that the behaviour under investigation took place (see [Annex 2 Definitions](#)).

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33. It is important to report alleged or suspected misconduct in research as it can have wide-ranging and damaging consequences, harming the integrity of research, bringing both the individuals involved and the Organisation into disrepute and, in extreme circumstances, causing harm to those involved in research. Those making an allegation or complaint will not be penalised, provided that it is done without malice and in good faith, reasonably believing it to be true.
34. Anyone may raise a concern relating to research misconduct; it is not limited to members of the institution. The complainant may, in the first instance and where appropriate, attempt to address the issue with either the individual concerned or the appropriate head of department; however, they should always feel free to raise their concerns with the organisation direct. They may also wish to seek advice from the confidential liaison point within the institution. In the event that the complainant is not satisfied with the outcome of an informal approach, or if they do not consider such an approach appropriate, a formal allegation is made as set out below.
35. While this Procedure encourages persons with concerns about the conduct of research to raise them with the Named Person direct, it is recognised that members of staff or students may fear that their own position could be jeopardised if they raise a particular concern directly. In accordance with the Whistleblowing Procedure, a member of staff or a student may, therefore, choose to raise a concern in the first instance with a Head of School or Department or equivalent role, a line manager, a trades union representative, a member of the Students' Union or a colleague, and ask that person to bring the matter forward on their behalf. They may also wish to seek advice from research integrity champions or similar roles within their organisation or from the UK Research Integrity Office.
36. When raising concerns, complainants should provide a summary of the allegation along with any other information, and enclose any evidence they have to support their concerns.
 - a. It is helpful if allegations are made in a single submission on a single occasion, as this facilitates a thorough assessment of the complainant's concerns and reduces procedural challenges that can arise from additional allegations being made during subsequent stages of this procedure.
 - b. However, the Named Person should recognise that complainants may understandably be unfamiliar with the requirements of this Procedure and/or nervous about raising concerns. The priority should be a thorough and fair assessment of the complainant's concerns (see 'Purpose', above) and at the discretion of the Named Person the timescale of this stage of the Procedure can be extended if necessary to gather more information from the Complainant.
37. Complainants will normally put their name to any allegations they make. However, it is recognised that complainants can have significant concerns about revealing their identity. Allegations which are anonymous or where there is no specific complainant will only be considered at the discretion of the Named Person, taking into account: the seriousness of the concerns raised and the likelihood of confirming the concerns from alternative and credible sources/ evidence.

Discussion: This provision allows an Organisation to use this Procedure to investigate matters of concern that are not formally lodged with it but which are highlighted via other means.

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38. If the Named Person is the Complainant or the Respondent or is personally associated with the work to which the allegation relates or has any other conflict of interest, they will instead refer the allegation to their nominated alternate in writing and notify the Complainant accordingly, also in writing. The nominated alternate will then take on the role of the Named Person as regards the conduct of this Procedure and they will be responsible for fulfilling all of the duties allocated to that role by this Procedure.
39. The Named Person will inform the Research Integrity Officer in confidence that an allegation of misconduct in research has been received and, where appropriate, will seek the advice of Human Resources and/or Student Services regarding the use of this Procedure, also in confidence.
40. The Named Person will then acknowledge receipt of an allegation by the Complainant in writing, informing them that the allegation will be investigated under this Procedure, beginning with this Receipt of Allegations stage. A copy of the Procedure will be provided to the Complainant.
41. The Named Person will review the allegation(s) to determine whether they fall within the scope of the Organisation to address and, if so, what would be the most appropriate process to investigate or otherwise address them, with reference to the following criteria:
 - a. Whether the Respondent (or Respondents) is conducting research under the auspices of the Organisation, whether solely or in conjunction with others in the Organisation or other bodies or in conjunction with other bodies;
 - b. Whether the research project(s) to which the allegation relates are being conducted under the auspices of the Organisation, whether solely or in conjunction with other bodies; and
 - c. Whether the allegation(s) fall within the definition of misconduct in research described in Annex 2 (see [paragraph XX](#)).
42. In carrying out the above review, the Named Person shall assess the evidence provided and any additional information they require.
 - a. The purpose of the above review is not to determine whether the allegation should be upheld or dismissed. Nor is it to determine whether there is sufficient evidence of research misconduct to warrant a Full Investigation of the allegation.
 - b. As noted above, the purpose of the review is to determine the most appropriate process to investigate or otherwise address an allegation of research misconduct that has been received by the Organisation.
43. As part of their review, the Named Person will ensure that all relevant information and evidence are secured, so they can be accessed as necessary by any investigation conducted under subsequent stages of this Procedure and/or by any other process used to address the allegation(s) in question.
44. The Named Person may decide that it is necessary to contact the Complainant and/or the Respondent to seek information or ask questions in order to carry out the above review. Such contact should be in writing; the Complainant and Respondent would not normally be interviewed at this stage.

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- a. If it is necessary to contact the Respondent in order to carry out the above review, the Respondent should first be informed that allegation(s) of research misconduct have been made concerning them and that the allegation(s) is being investigated under this Procedure, beginning with the Receipt of Allegations stage. The Named Person should follow the process for informing the Respondent set out in see [paragraph XX](#) of this Procedure.
45. The Named Person will also determine whether the allegation(s) and/or the research project(s) in question 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). If so, then the Named Person will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated. It may be necessary to notify legal or regulatory authorities or relevant professional bodies.
- a. It may be necessary to inform the Respondent when carrying out any such actions. This may be because the Respondent will be involved in some or all of the actions and/or because the Respondent will become aware of them. If it is necessary to inform the Respondent, they should at the same time be informed that allegation(s) of research misconduct have been made concerning them and that the allegation(s) is being investigated under this Procedure, beginning with the Receipt of Allegations stage. The Named Person should follow the process for informing the Respondent set out in see [paragraph XX](#) of this Procedure.

Reminder: At all times, the Named Person should emphasise to all parties that the allegation is to be investigated, is as yet unproven and that the information is confidential.

46. The Named Person will also determine whether the research project to which the allegation relates includes legal or contractual obligations that require the Organisation to undertake prescribed steps in the event of an allegation of misconduct in research being made, such as making reports to a regulatory body or a funding body, and take any actions that may be necessary to meet such obligations. Such obligations might be in:
- a. a contract/agreement or guidance on research conduct from a regulator or a funding body;
 - b. a partnership contract/ agreement/ Memorandum of Understanding; or
 - c. an agreement to sponsor the research.
47. The Named Person will then ensure that all legal or contractual obligations are carried out by the Organisation, seeking advice from human resources and/or student services, the research office, legal and other sources within the Organisation as necessary.
- a. It may be necessary to inform the Respondent when carrying out any such legal or contractual obligations. This may be because the Respondent will be involved in some or all of the actions and/or because the Respondent will become aware of them. If it is necessary to inform the Respondent, they should at the same time be informed that allegation(s) of research misconduct have been made concerning them and that the allegation(s) will be investigated under this

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Procedure, beginning with the Receipt of Allegations stage. The Named Person should follow the process for informing the Respondent set out in see [paragraph XX](#) of this Procedure.

48. **Conclusion of this stage and next steps:** The Named Person shall write a note summarising their review of the allegation(s) and state whether the matter:
- a. warrants referral directly to another formal process of the Organisation, including but not limited to: examination regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary procedure; **or**
 - b. warrants referral directly to an external organisation, including but not limited to statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; **or**
 - c. has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; **or**
 - d. is sufficiently serious and has sufficient substance to advance to the Initial Investigation Stage of this Procedure.

Discussion: allegations involving research students

The decision on which process to use to investigate allegations of misconduct involving students should take into account the nature of the allegation and which process would be most suitable to carry out a full, fair and transparent investigation of the allegation(s) in question, in a timely manner and with appropriate confidentiality.

For example, an Organisation's examination regulations/ academic misconduct process/ equivalent may be viewed as a more suitable process to investigate an allegation relating to work submitted as part of the assessment process (including but not limited to a thesis), while the misconduct investigation procedure may be viewed as a more suitable process to investigate allegations relating to the conduct of the research itself.

Similarly, if the respondents in an allegation consist of both staff and students, the organisation should consider whether it would be appropriate to investigate the allegations using a single process and if so which one, or if the allegation should be investigated via two or more investigations using separate/ different processes. The aim should always be a full, fair and transparent investigation of the allegation(s) in question, in a timely manner and with appropriate confidentiality.

Advice should be sought from the Research Integrity Officer, Student Services, Human Resources and Legal (or equivalents), as necessary, and can also be sought from UKRIO.

49. The Named Person or the Research Integrity Officer will inform relevant organisational contacts of the

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conclusions of the review of the allegation and provide them with a copy of the note of the review as appropriate. Such contacts may include, but not be limited to: Human Resources, Student Services, Legal, the research office.

50. Unless the review of the allegation has found that the Respondent does not fall under the auspices of the Organisation (see [paragraph XX](#) in the **Outcomes and reporting stage** for next steps in such circumstances), the Named Person will then inform the Respondent of the following, formally and in writing. When allegations have been made against more than one Respondent, the Named Person should inform each individual separately and not divulge the identity of any other Respondent.
 - a. An allegation of misconduct in research has been made which involve them.
 - b. A summary of the allegation(s).
 - c. The allegation(s) is being investigated under this Procedure, beginning with the Receipt of Allegations stage.
 - d. The Respondent will be given the opportunity to respond to the allegation(s) and set out their case at a later stage.
 - e. The conclusions of the review of the allegation(s), an outline of the next steps (see [paragraph XX](#)) and, if available, a provisional timetable for them.
51. The Named Person must also provide the Respondent with a copy of this procedure.

Reminder: The Respondent is informed earlier in the Receipt of Allegations stage if any actions are taken that require their involvement or would otherwise make them aware of the allegation(s) or the investigation. See [paragraphs XX](#) , [paragraphs XX](#) and [paragraphs XX](#) for further details.

Optional: At the discretion of the Named Person, they may inform the Respondent in a confidential meeting, rather than in writing.

The Named Person should be accompanied to this meeting by a representative of Human Resources and/or Student Services, as appropriate, and the meeting should be minuted with a summary of the minutes made available to all attendees afterwards.

The Respondent may be accompanied to this meeting by a colleague, or trade union or student union representative, or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances).

In the meeting, the Named Person should formally notify the Respondent of the information set out in [paragraphs XX](#), above, and provide them with a copy of this procedure.

When allegations have been made against more than one Respondent, the Named Person should inform each individual in a separate meeting and not divulge the identity of any other Respondent.

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52. The Named Person will then inform the Complainant, formally and in writing, of:
- The conclusions of the review of the allegation(s) (see [paragraph XX](#)).
 - An outline of the next steps (see [paragraph XX](#)) and, if available, a provisional timetable for them.
53. The Named Person will then take the following actions:
- If it is concluded that the allegation(s) warrants referral directly to another formal process of the Organisation, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - If it is concluded that the allegation(s) warrants referral directly to an external organisation, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - If it is concluded that the allegation(s) has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - If it is concluded that the allegation(s) is sufficiently serious and has sufficient substance to warrant an Initial Investigation of the complaint, then the investigation moves to the **Initial Investigation stage** (see [paragraph XX](#)).
54. The Receipt of Allegations stage now ends.

Reminder: The Named Person should take great care to ensure that all information on the investigation is fully and accurately transferred to the next stage of the procedure.

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Initial Investigation stage

55. **Purpose:** the purpose of the Initial Investigation Stage is to determine whether there is sufficient evidence of research misconduct to warrant a Full Investigation of the allegation or whether alternative action(s) should be taken.
56. **Conducted by:** this stage will normally be conducted by an Investigator, whose appointment is discussed under 'Process' (see [paragraph XX](#)).
- a. At the discretion of the Named Person, the Initial Investigation may instead be conducted by an Initial Investigation Panel consisting of two or three persons (see [paragraphs XX](#)), which may include external members or an external Chair. Use of an Initial Investigation Panel may be advantageous when allegations involve multiple disciplines of research and/or are especially complex.
 - i. For the purposes of this Template Procedure, any reference to, or use of, the term 'Investigator' shall be taken as referring to the Initial Investigation Panel if one is appointed to conduct the Initial Investigation.
57. The Named Person will identify suitable administrative and other support to assist the Investigator, including the Research Integrity Officer or equivalent and, if deemed appropriate, liaisons from Human Resources and Student Services. Those selected to provide such support will confirm to the Named Person in writing that their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see [paragraph XX](#)).
58. The Investigator shall be free to seek confidential advice from persons with relevant expertise, both within the Organisation and outside it, as described in [paragraph XX](#), above.
59. **Possible outcomes:** at the conclusion of the Initial Investigation Stage, the Investigator will determine whether the allegation of misconduct in research:
- a. is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; **or**
 - b. is unfounded, because it is vexatious and/or malicious, and will be dismissed; **or**
 - c. warrants referral directly to another formal process of the Organisation, including but not limited to: examination regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary procedure; **or**
 - d. warrants referral directly to an external organisation, including but not limited to statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; **or**
 - e. has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or

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other formal processes; **or**

- f. is sufficiently serious and has sufficient substance to warrant a Full Investigation of the complaint.
60. **Timescale:** The Investigator will normally aim to complete the Initial Investigation Stage within 30 working days following instruction from the Named Person (see [paragraph X](#)) provided this does not compromise the Standards (see [paragraph XX](#)) and Principles (see Annex 1) of this Procedure and the full and fair investigation of the allegation.
- a. Any delays to this timescale will be explained to the Complainant, the Respondent and the Named Person in writing, presenting an estimated revised date of completion.
61. **Process:** the Initial Investigation Stage will normally commence following an instruction to that effect from the Named Person (see [paragraph X](#)) at the conclusion of the Receipt of allegations stage.
62. The Named Person shall then, as soon as is practicable, appoint an individual ('the Investigator') to undertake an Initial Investigation into the allegation(s). The Investigator will normally be a senior member of academic staff from within the Organisation and may be from within or outside the department concerned, depending on the circumstances of the investigation and at the discretion of the Named Person.
- a. At the discretion of the Named Person, they may instead appoint an Initial Investigation Panel to carry out the Initial Investigation, consisting of two or three persons. At least one of these should be a senior member of academic staff from within the Organisation and may be from within or outside the department concerned, depending on the circumstances of the investigation and at the discretion of the Named Person.
 - i. Also at the discretion of the Named Person, the Initial Investigation Panel may include external member(s). This may be advantageous when allegations involve multiple disciplines of research and/or are especially complex, and can help involved parties that the investigation process will be transparent, rigorous and fair. There would also be advantage in the review of allegations that involve staff on joint clinical/honorary contracts for there to be on the Initial Investigation Panel an appropriate member of staff from the other employing organisation(s).
 - ii. Once convened, the membership of the Initial Investigation Panel should not be added to. In the event that the membership falls below its initial number, the Named Person will determine whether to recruit additional members and continue the investigation from its current point or restart the Initial Investigation stage.
 - b. The Named Person will select one of the members of the Initial Investigation Panel to act as its Chair. The Chair may be selected from the Initial Investigation Panel's external members if the Named Person wishes; as above, this can help reassure involved parties that the investigation process will be transparent, rigorous and fair. In the event of the Chair becoming unable to participate in the Initial Investigation Stage once it is underway, the Named Person will select a new Chair from the members of the Initial Investigation Panel and then consider the overall

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membership of the Panel as in [paragraph 62\(a\)\(ii\)](#) above.

- i. When making any decisions about the conduct or conclusion of the Initial Investigation, the Initial Investigation Panel will do so by a vote, with the majority vote determining the outcome. In the event of any tie, the Chair has a casting vote.
 - c. For the purposes of this Template Procedure, any reference to, or use of, the term 'Investigator' shall be taken as referring to the Initial Investigation Panel if one is appointed to conduct the Initial Investigation.
63. All persons appointed to carry out the Initial Investigation will confirm to the Named Person in writing that:
 - a. Their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see [paragraphs XX](#));
 - b. They will abide by the Procedure as it affects the work of the Initial Investigation stage;
 - c. They will respect the confidentiality of the proceedings; and
 - d. They will adhere to the Principles and Standards of the Procedure.
64. Both the Respondent and Complainant may raise with the Named Person concerns that they may have about those chosen to carry out the Initial Investigation but neither has a right of veto over those nominated. The Named Person will consider any concerns raised and whether new persons should be selected to carry out the Initial Investigation Stage.
65. In the event of the Investigator becoming unable to participate in the Initial Investigation Stage once it is underway, the Named Person will determine whether a new person should be selected to take on the role of the Investigator and continue the investigation from its current point or if the Initial Investigation Stage should be restarted.
66. The Named Person or suitable administrative support will provide the Investigator with:
 - a. a copy of this Procedure;
 - b. details of the allegation(s) which will be considered under the Initial Investigation stage;
 - c. a copy of the Named Person's note of the Receipt of Allegations stage (see [paragraph XX](#));
 - d. names and contact details of the Complainant(s) and the Respondent(s);
 - e. a summary of correspondence with the Complainant(s) and the Respondent(s) to date; and
 - f. a summary of any evidence secured by the Named Person during the Receipt of Allegations stage (see [paragraph XX](#)).
67. The Investigator is responsible for keeping a full record of the evidence received and of the proceedings, and should be supported in this by the administrative and other support identified by the Named Person to assist the Initial Investigation.
68. The Investigator will then inform the Complainant and the Respondent of the following, formally and in writing. The Investigator should contact each Complainant and Respondent separately and not divulge

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the identity of any other Complainant or Respondent.

- a. An Initial Investigation of the allegation is being conducted.
 - b. They will be interviewed as part of the Initial Investigation.
 - i. Respondents must be informed that when interviewed, they will be given the opportunity to respond to the allegations made against them.
 - c. They have the right to be accompanied this interview by a colleague, or trade union or student union representative, or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances).
 - d. A provisional timescale for the completion of the Initial Investigation.
69. The Investigator shall assess the evidence provided and any additional information they require. The work of the Investigator will include: determination of whether the allegation is made in good faith; a confidential review and assessment of the evidence provided; and reaching a conclusion on the allegation(s) in line with the possible outcome set out in [paragraph XX](#).
- a. As part of its works, the Investigator must separately interview the Complainant and the Respondent.
 - i. Where there are multiple Complainants and/or Respondents, each must be interviewed separately.
 - b. Complainants and Respondents have the right to be accompanied to interviews by a colleague, or trade union or student union representative, or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances).
 - c. When interviewed, the Respondent will be given the opportunity to respond to the allegations made against them.
70. If the Complainant or Respondent does not wish to be interviewed, they should be asked to engage with the process through other means, such as providing written answers to questions posed by the Investigator.
- a. If the Complainant or Respondent decline to answer any questions from the Investigator, this may be viewed as them withdrawing from the Procedure (see [paragraph XX](#)).
71. The Investigator should also interview relevant witnesses; these can include witnesses suggested by the Complainant or Respondent.
- a. Witnesses who are staff or students of the Organisation have the right to be accompanied to interviews by a colleague, or trade union or student union representative, or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances).
 - b. While witnesses who are external to the Organisation will not have a contractual right to be accompanied to interviews, it is strongly advised that they be offered the right to be accompanied by a friend. This provision will aid the thorough and fair investigation of the allegation(s) in question and increase the confidence of witnesses in the investigation in

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question.

72. Where the Complainant has raised an allegation relating to a large body of work, or work carried out over a significant period of time, the Investigator will need to carry out sufficient investigation to reach a robust conclusion on the allegation(s). This can take time and resources, and advice should be sought from the Named Person and their advisers/ support on how to best approach this. See also under **Outcomes and reporting stage** (paragraph XX) - where serious longstanding research misconduct has been established.
73. **Conclusion of this stage and next steps:** The Investigator shall write a report indicating (where relevant, for each allegation) whether they judge that the allegation is as follows:
 - a. is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; **or**
 - b. is unfounded, because it is vexatious and/or malicious, and will be dismissed; **or**
 - c. warrants referral directly to another formal process of the Organisation, including but not limited to: examination regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary procedure; **or**
 - d. warrants referral directly to an external organisation, including but not limited to statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; **or**
 - e. has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; **or**
 - f. is sufficiently serious and has sufficient substance to warrant a Full Investigation of the complaint.
74. The standard of proof used by the Initial Investigation is that of “on the balance of probabilities”.
75. A summary of the findings will be sent to the Complainant and the Respondent for comment on matters of factual accuracy. The Investigator will consider the responses received and if they consider that the report includes errors of fact, will modify the report as necessary.
76. The Investigator will then submit their final report to the Named Person, setting out the conclusions of the Initial Investigation stage on the allegation(s) under investigation (see paragraph XX) and any other matters they wish to draw to the attention of the Organisation.
77. The Initial Investigator will also hand over to the Named Person or their nominated representative all records/ material relating to the Initial Investigation.
78. The Named Person shall convey the substance of the Investigator’s findings to the Complainant, the Respondent and such other persons or bodies as they deem appropriate.

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79. The Named Person will then undertake the following actions depending on the conclusions of the Initial Investigation stage on the allegation(s) under investigation:
- a. If it is concluded that the allegation(s) is unfounded, because it is mistaken or is frivolous or is otherwise without substance, then the allegation(s) are dismissed and the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - b. If it is concluded that the allegation(s) is unfounded, because it is vexatious and/or malicious, then the allegation(s) are dismissed and the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - c. If it is concluded that the allegation(s) warrants referral directly to another formal process of the Organisation, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - d. If it is concluded that the allegation(s) warrants referral directly to an external organisation, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - e. If it is concluded that the allegation(s) has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - f. If it is concluded that the allegation(s) is sufficiently serious and has sufficient substance to warrant a Full Investigation of the complaint, then the investigation moves to the **Full Investigation stage** (see [paragraph XX](#)).
80. The work of the Investigator is then concluded and they step down from this role in the Procedure. As the matter may then give rise to disciplinary or other action, a former Investigator should not make any comment on the matter in question, unless formally sanctioned by the Organisation or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence.
81. Any queries or requests for comment addressed to the Investigator should be referred to the Named Person.
82. The former Investigator should have no further involvement in the Procedure, unless formally asked to clarify a point in their written report at a subsequent stage or as part of any subsequent action or process.
83. A role as the Investigator rules out participation in any subsequent disciplinary or other process.
84. The Initial Investigation stage now ends.

Reminder: The Named Person, working with the Initial Investigator as necessary, should take great care to ensure that all information on the investigation is fully and accurately transferred to the next stage of the procedure.

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Full Investigation stage

65. **Purpose:** The purpose of the Full Investigation is to review all the relevant evidence and:
- conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not upheld (see [paragraph XX](#)); and
 - make recommendations, for consideration by the appropriate Organisational authorities, regarding any further action the Full Investigation Panel (“the Panel”) deems necessary to: address any misconduct it may have found; correct the record of research, and/or address other matters uncovered during the course of its work (see [paragraph XX](#), below, for further details).
85. **Conducted by:** The Named Person will establish a Full Investigation Panel, whose appointment is discussed under ‘Process’ (see [paragraph XX](#)). At least one member of the Panel must be from outside the Organisation.

Reminder: The Concordat to Support Research Integrity requires external membership on Full Investigation Panels or their equivalents, as do the terms and conditions of some research funders.

86. The Named Person will identify suitable administrative and other support to assist the Panel, including the Research Integrity Officer or equivalent and, if deemed appropriate, liaisons from Human Resources and Student Services. Those selected to provide such support will confirm to the Named Person in writing that their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see [paragraph XX](#)).
87. The Panel shall be free to seek confidential advice from persons with relevant expertise, both within the Organisation and outside it, as described in [paragraph XX](#).
88. Observers may be permitted to attend Full Investigations where requested, for example by the funder of the research under investigation. The Named Person shall make any decisions concerning the attendance of observers, bearing in mind the organisation’s legal and contractual obligations and its duty of care to involved persons (such as the Complainant and the Respondent), seeking advice from Human Resources, Student Services and legal advisers as necessary.
89. **Possible outcomes:** the Panel will reach a conclusion on the allegation(s) under investigation (see [paragraph XX](#)) and may also make recommendations on subsequent actions which should be taken by the Organisation and/or other bodies (see [paragraph XX](#)).
90. At the conclusion of the Full Investigation, the Panel will conclude, giving the reasons for its decision and recording any differing views, whether the allegation of misconduct in research is:
- is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; **or**
 - is unfounded, because it is vexatious and/or malicious, and will be dismissed; **or**

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- c. warrants referral directly to another formal process of the Organisation, including but not limited to: examination regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary procedure; **or**
 - d. warrants referral directly to an external organisation, including but not limited to statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; **or**
 - e. has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; **or**
 - f. is upheld in full; **or**
 - g. is upheld in part.
91. The Panel may also make recommendations, for consideration by the Named Person and/or appropriate Organisational authorities, regarding any further action(s) which should be taken by the Organisation and/or other bodies to: address any misconduct the Full Investigation may have found; correct the record of research, and/or address other matters uncovered during the course of the Full Investigation. Such recommendations might include but are not limited to:
- a. whether following the conclusion of the operation of this Procedure, the matter should be referred to the Organisation's relevant disciplinary procedure; and/or
 - b. whether following the conclusion of the operation of this Procedure, the matter referred to another relevant Organisational process, including but not limited to the examination regulations, academic misconduct process or equivalent or the Organisation's financial fraud investigation process.
 - c. what external organisations should be informed of the findings of the investigation, with appropriate confidentiality, including but not limited to statutory regulators, relevant funding bodies, partner organisations and professional bodies, the latter being particularly relevant if concerns relate to Fitness to Practise;
 - d. whether any action will be required to correct the record of research, including but not limited to informing the editors of any journals that have published articles concerning research linked to an upheld allegation of misconduct in research and/or by a person against whom an allegation of misconduct in research has been upheld; and/or
 - e. whether procedural or organisational matters should be addressed by the Organisation or other relevant bodies through a review of the management of research; and/or
 - f. informing research participants or patients or their doctors; and/or
 - g. other matters that should be investigated, including allegations of misconduct in research which are either unrelated to the allegation in question or alleged to have been committed by persons

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other than the Respondent and/or other forms of alleged misconduct.

Reminder: The potential outcomes listed above reflect the dual purpose of the Full Investigation stage: the Panel must reach a conclusion on the allegation(s) under investigation, but may also choose to make recommendations on further actions which might be necessary for the Named Person and/or the Organisation to take in order to address what the Full Investigation discovers.

If the Panel chooses not to make such recommendations, then these issues should be considered by the Named Person working with the Research Integrity Officer, and with others as necessary, during the **Outcomes and reporting** stage.

92. **Timescale:** The Panel will normally reach its conclusions within three months of being established, provided this does not compromise the Standards (see [paragraph XX](#)) and Principles (see Annex 1) of this Procedure and the full and fair investigation of the allegation. This is indicative as it will depend on the number and nature of the allegations under investigation. The aim throughout must be a thorough and fair investigation of the allegation(s) in question, conducted in a timely and transparent manner, and with appropriate confidentiality.
- a. Any delays to this timescale will be explained to the Complainant, the Respondent and the Named Person in writing, presenting an estimated revised date of completion.

Discussion: Due to the varying nature of the allegations which may be investigated under this Procedure and challenges that may arise when investigating them, it is difficult to set a precise duration for the completion of the Full Investigation Stage. The aim throughout must be a thorough and fair investigation of the allegation(s) in question, conducted in a timely and transparent manner, and with appropriate confidentiality.

The Named Person and the Panel must be mindful of the need to retain the confidence of Complainants, Respondents and other involved parties. There should be a proactive attitude towards communicating any delays to intended timescales. For reasons of confidentiality, it may not be possible to explain in detail all reasons for such delays, but the Named Person should be as open as possible. For example, if a Panel member is unwell, it would clearly be incorrect to provide detailed information on their health but a general explanation could be given.

When setting a revised date of completion, these must be realistic rather than overly-optimistic.

When there is no delay, Named Persons should be mindful of the need to give periodic updates to Complainants, Respondents and other involved parties. Sparse communication during ongoing investigations can lead to a loss of confidence in the process, impeding the operation of the Procedure.

The Named Person should also be mindful that lengthy investigations can lead to a greater need for pastoral care/ support, both for Complainants, Respondents and other involved parties, and also for those responsible for the operation of this Procedure.

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93. **Process:** the Full Investigation Stage will normally commence following an instruction to that effect from the Named Person (see [paragraph X](#)) at the conclusion of the Initial Investigation stage.
94. The Named Person shall then, as soon as is practicable, appoint a Full Investigation Panel (“the Panel”) to undertake a Full Investigation into the allegation(s).
- a. The Panel will normally consist of three persons. Depending on the circumstances of the investigation and at the discretion of the Named Person, the Panel may consist of a greater number of persons, for example to ensure that it contains sufficient expertise or diverse perspectives to reach a thorough and fair conclusion on the allegation(s) under investigation.
 - b. At least one member of the Panel shall be from outside the Organisation, as required by *The Concordat to Support Research Integrity*.
 - i. At the discretion of the Named Person, the Panel may include multiple external members. This may be advantageous when allegations involve multiple disciplines of research and/or are especially complex, and can help involved parties that the investigation process will be transparent, rigorous and fair.
 - c. At least two members of the Panel shall be academic specialists in the general area within which the misconduct is alleged to have taken place and where allegations concern highly specialised areas of research the Panel should have at least one member with specialised knowledge of the field. Such specialists can be drawn from within the Organisation, bearing in mind the conflict of interest requirements below (see [paragraph X](#)) or from the Panel’s external member(s) (see [paragraph X](#)). When allegations involve multiple disciplines of research, it may be necessary to increase the membership of the Panel so it contains sufficient expertise, as in [paragraph X](#) above.
 - d. There would be advantage in the review of allegations that involve staff on joint clinical/honorary contracts for there to be on the Panel an appropriate member of staff from the other employing Organisation(s).
 - e. Once convened, the membership of the Panel should not be added to. In the event that the membership falls below its initial number, the Named Person will determine whether to recruit additional members and continue the investigation from its current point or restart the Initial Investigation stage.
95. The Named Person will select one of the members of the Panel to act as its Chair. In the event of the Chair becoming unable to participate in the Full Investigation Stage once it is underway, the Named Person will select a new Chair from the members of the Panel and then consider the overall membership of the Panel as in [paragraph XX](#) above.
- a. At the discretion of the Named Person, the Chair may be selected from the Panel’s external members; this can help reassure involved parties that the investigation process will be transparent, thorough and fair.
96. The Organisation may at its discretion permit observers to attend Full Investigations where requested.

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97. All persons appointed to carry out the Full Investigation, and all persons allowed to observe it, will confirm to the Named Person in writing that:
- Their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see [paragraphs XX](#));
 - They will abide by the Procedure as it affects the work of the Full Investigation stage;
 - They will respect the confidentiality of the proceedings; and
 - They will adhere to the Principles and Standards of the Procedure.
98. Both the Respondent and Complainant may raise with the Named Person concerns that they may have about those chosen to carry out the Full Investigation but neither has a right of veto over those nominated. The Named Person will consider any concerns raised and whether new persons should be selected to carry out the Full Investigation Stage.
99. The Chair is responsible for keeping a full record of the evidence received and of the proceedings, and should be supported in this by the administrative and other support identified by the Named Person to assist the Panel.
100. The Named Person or suitable administrative support will provide the Chair and each member of the Panel with:
- a copy of this Procedure;
 - details of the allegation(s) which will be considered under the Full Investigation stage;
 - a copy of the Named Person's note of the Receipt of Allegations stage (see [paragraph XX](#));
 - a copy of the report of the Initial Investigation stage (see [paragraph XX](#));
 - other records from the Initial Investigation stage as deemed appropriate by the Named Person;
 - names and contact details of the Complainant(s) and the Respondent(s);
 - a summary of correspondence with the Complainant(s) and the Respondent(s) to date; and
 - a summary of any evidence secured by the Named Person during the Receipt of Allegations stage or by the Investigator during the Initial Investigation stage (see [paragraph XX](#)).
101. The Panel will then inform the Complainant and the Respondent of the following, formally and in writing. The Panel should contact each Complainant and Respondent separately and not divulge the identity of any other Complainant or Respondent.
- A Full Investigation of the allegation is being conducted.
 - Respondents should be informed of the name of any Complainant(s) who have made the allegation(s) concerning them.
 - At the discretion of the Named Person, in exceptional circumstances the identity of the Complainant(s) may remain confidential. Any such decision should be made after: seeking advice from human resources/ student services and/or

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legal; taking into account the Organisation's whistleblowing policy or equivalent; and taking into account the impact on the Respondent(s) ability to respond to the allegation(s) that have been made against them. No decision should be made that compromises the Principles and Standards of this Procedure or the thorough and fair investigation of the allegation(s) in question.

- b. They will be interviewed as part of the Full Investigation.
 - i. Respondents must be informed that when interviewed, they will be given the opportunity to respond to the allegations made against them.
 - c. They have the right to be accompanied this interview by a colleague, or trade union or student union representative, or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances).
 - d. A provisional timescale for the completion of the Full Investigation.
102. The Chair of the Panel will be responsible for the conduct of the proceedings during the Full Investigation and will determine its way of working and rules. The Panel does not have any disciplinary powers. The Panel shall decide on the basis of the provisions of this stage of the Procedure and the information that it has been given, its way of working, what information it needs to make a decision and who it wishes to interview/ take statements from in addition to the Complainant and the Respondent, who must be interviewed ([paragraph XX](#)).
103. When making any decisions about the conduct or conclusion of the Full Investigation, the Panel will do so by a vote, with the majority vote determining the outcome. In the event of any tie, the Chair has a casting vote.
104. The Panel shall assess the evidence provided and any additional information they require. The work of the Panel will include: determination of whether the allegation is made in good faith; a confidential review and assessment of the evidence provided; reaching a conclusion on the allegation(s) in line with the possible outcomes set out in [paragraph XX](#); and it may choose to make recommendations on further actions which might necessary to address what the Full Investigation discovers in line with the possible outcomes set out in [paragraph XX](#).
- a. As part of its works, the Panel must separately interview the Complainant and the Respondent.
 - i. Where there are multiple Complainants and/or Respondents, each must be interviewed separately. Note that Complainants and Respondents are never interviewed together unless the Procedure has adopted a formal hearing approach (see text box).
 - b. Complainants and Respondents have the right to be accompanied to interviews by a colleague, or trade union or student union representative, or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances).
 - c. When interviewed, the Respondent will be given the opportunity to respond to the allegations made against them, set out their case and submit their own evidence for consideration by the Panel. They can also suggest witnesses for the Panel to interview; the Panel may then choose

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to invite the suggested witnesses to interview.

Optional: If it is the norm for their internal procedures, some Organisations may wish to allow the Respondent to call witnesses to be interviewed by the Panel (rather than suggest witnesses which the Panel might interview) and/or to ask questions of the Complainant(s) and witnesses. **Any such changes to this Template Procedure should only be made after consultation with Human Resources, legal and other relevant bodies/ groups.**

Optional: This Template Procedure includes separate interviews of the Complainant(s), Respondent(s) and witnesses. If it is the norm for their internal procedures, some Organisations may wish to instead hold a formal hearing which the Complainant(s), Respondent(s) and witnesses all attend. Any such changes to this Template Procedure should only be made after consultation with Human Resources, legal and other relevant bodies/ groups.

It should be noted that such hearings can be difficult for participants, which can impact on the effectiveness of the investigation, and also challenging to operate effectively, which lead to challenges on procedural grounds. It also can change the nature of the Template Procedure from an investigation to a quasi-disciplinary hearing or 'courtroom'-style adversarial process. **As such, UKRIO advises that Organisations consider all these factors exceptionally carefully before introducing a formal hearing element into their version of the Template Procedure.**

105. If the Complainant or Respondent does not wish to be interviewed, they should be asked to engage with the process through other means, such as providing written answers to questions posed by the Panel.
 - a. If the Complainant or Respondent decline to answer any questions from the Panel, this may be viewed as them withdrawing from the Procedure (see [paragraph XX](#)).
106. The Investigator should also interview relevant witnesses; these can include witnesses suggested by the Complainant or Respondent.
 - a. Witnesses who are staff or students of the Organisation have the right to be accompanied to interviews by a colleague, or trade union or student union representative, or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances).
 - b. While witnesses who are external to the Organisation will not have a contractual right to be accompanied to interviews, it is strongly advised that they be offered the right to be accompanied by a friend. This provision will aid the thorough and fair investigation of the allegation(s) in question and increase the confidence of witnesses in the use of the investigation in question.
107. Where the Complainant has raised an allegation relating to a large body of work, or work carried out

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over a significant period of time, the Panel will need to carry out sufficient investigation to reach a robust conclusion on the allegation(s). This can take time and resources, and advice should be sought from the Named Person and their advisers/ support on how to best approach this. See also under **Outcomes and reporting stage** (paragraph XX) - where serious longstanding research misconduct has been established.

108. **Conclusion of this stage and next steps:** the Panel will reach a conclusion on the allegation(s) under investigation (see paragraph XX) and may choose to make recommendations on subsequent actions which should be taken by the Organisation and/or other bodies (see paragraph XX).
109. The Panel shall write a report indicating (where relevant, for each allegation) whether they conclude, giving the reasons for its decision and recording any differing views, that the allegation is as follows. The standard of proof used by the Full Investigation is that of “on the balance of probabilities”.
 - a. is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; **or**
 - b. is unfounded, because it is vexatious and/or malicious, and will be dismissed; **or**
 - c. warrants referral directly to another formal process of the Organisation, including but not limited to: examination regulations, academic misconduct process or equivalent; bullying/ harassment procedure or equivalent; financial fraud investigation process or equivalent; disciplinary procedure; **or**
 - d. warrants referral directly to an external organisation, including but not limited to statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; **or**
 - e. has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; **or**
 - f. is upheld in full; **or**
 - g. is upheld in part.
110. In its report, the Panel may also make recommendations, for consideration by the Named Person and/or appropriate Organisational authorities, regarding any further action(s) which should be taken by the Organisation and/or other bodies to: address any misconduct the Full Investigation may have found; correct the record of research, and/or address other matters uncovered during the course of the Full Investigation. Such recommendations might include but are not limited to:
 - a. whether following the conclusion of the operation of this Procedure, the matter should be referred to the Organisation’s relevant disciplinary procedure; and/or
 - b. whether following the conclusion of the operation of this Procedure, the matter referred to another relevant Organisational process, including but not limited to the examination regulations, academic misconduct process or equivalent or the Organisation’s financial fraud investigation

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process.

- c. what external organisations should be informed of the findings of the investigation, with appropriate confidentiality, including but not limited to statutory regulators, relevant funding bodies, partner organisations and professional bodies, the latter being particularly relevant if concerns relate to Fitness to Practise;
- d. whether any action will be required to correct the record of research, including but not limited to informing the editors of any journals that have published articles concerning research linked to an upheld allegation of misconduct in research and/or by a person against whom an allegation of misconduct in research has been upheld; and/or
- e. whether procedural or organisational matters should be addressed by the Organisation or other relevant bodies through a review of the management of research; and/or
- f. informing research participants or patients or their doctors; and/or
- g. other matters that should be investigated, including allegations of misconduct in research which are either unrelated to the allegation in question or alleged to have been committed by persons other than the Respondent and/or other forms of alleged misconduct.

Reminder: If the Panel chooses not to make such recommendations, then these issues should be considered by the Named Person working with the Research Integrity Officer, and with others as necessary, during the **Outcomes and reporting stage** (see **paragraph XX**).

111. A summary of the findings will be sent to the Complainant and the Respondent for comment on matters of factual accuracy. The Panel will consider the responses received and if they consider that the report includes errors of fact, will modify the report as necessary.
112. The Panel will then submit their final report to the Named Person, setting out: the conclusions of the Full Investigation stage on the allegation(s) under investigation (see **paragraph XX**); their recommendations regarding further actions to be taken (see **paragraph XX**); and any other matters they wish to draw to the attention of the Organisation.
113. The Chair and Panel will also hand over to the Named Person or their nominated representative all records/ material relating to the Full Investigation.
114. The Named Person shall convey the substance of the Panel's findings and recommendations to the Complainant, the Respondent and such other persons or bodies as they deem appropriate.
115. The Named Person will then undertake the following actions depending on the conclusions of the Full Investigation stage on the allegation(s) under investigation:
 - a. If it is concluded that the allegation(s) is unfounded, because it is mistaken or is frivolous or is otherwise without substance, then the allegation(s) are dismissed and the investigation moves to the **Outcomes and reporting stage** (see **paragraph XX**).

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- b. If it is concluded that the allegation(s) is unfounded, because it is vexatious and/or malicious, then the allegation(s) are dismissed and the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - c. If it is concluded that the allegation(s) warrants referral directly to another formal process of the Organisation, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - d. If it is concluded that the allegation(s) warrants referral directly to an external organisation, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - e. If it is concluded that the allegation(s) has some substance but, due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - f. If it is concluded that the allegation(s) is upheld in part, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
 - g. If it is concluded that the allegation(s) is upheld in full, then the investigation moves to the **Outcomes and reporting stage** (see [paragraph XX](#)).
116. The work of the Panel is then concluded and the Panel should be disbanded. As the matter may then give rise to disciplinary or other action, the Chair and members of the disbanded Panel should not make any comment on the matter in question, unless formally sanctioned by the Organisation or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence.
117. Any queries or requests for comment addressed to the Chair or members of the Panel should be referred to the Named Person.
118. Those who have contributed to the disbanded Panel should have no further involvement in the Procedure, unless formally asked to clarify a point in their written report at a subsequent stage or as part of any subsequent action or process.
119. A role as Chair or member of the Panel rules out participation in any subsequent disciplinary or other process.
120. The Full Investigation stage now ends.

Reminder: The Named Person, working with the Chair and other Panel members as necessary, should take great care to ensure that all information on the investigation is fully and accurately transferred to the next stage of the procedure.

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Outcomes and Reporting stage

121. **Purpose:** The purpose of the Outcomes and Reporting stage is to ensure that all necessary actions are taken at the conclusion of this procedure, including but not limited to: actions arising following any Initial Investigation or Full Investigation that may have taken place; and ensuring that the research record is correct.

Discussion: The Outcomes and Reporting stage encompasses many potential situations and its operation can involve considerable decision-making by the Named Person, Research Integrity Officer and others. While some steps are required in any use of this Procedure, others apply only during certain outcomes of an investigation.

Given the sheer breadth of scenarios which this stage can address, the guidance is general in nature and those operating this Procedure will need to determine how best to apply it during specific investigations. Decisions made during the operation of this stage, and the reasoning behind them, should be recorded in a brief format, in case they need to be referred to at a later date.

122. **Conducted by:** The Named Person is responsible for ensuring that the actions described under this stage are carried out. Some actions may require the involvement of other departments within the Organisation and/or external organisations.
123. **Possible outcomes:** the Named Person is responsible for ensuring that any necessary actions are carried out after the investigation is completed. **In general terms**, these actions may include:
- Actions relating to the operation and conclusion (subject to any subsequent appeal) of this Procedure, including appropriate transfers of information to any subsequent Organisational processes or informal measures (see [paragraph XX](#) and also [Annex 3](#)), and/or to any relevant processes of external organisations.
 - Reporting the outcomes to relevant colleagues/ bodies within the Organisation, for example line managers, Human Resources and/or Student Services, Academic Board or equivalent.
 - Making necessary disclosures on the outcomes of uses of the Procedure to external organisations and other interested parties.
 - Duty of care to Complainants, Respondents and other involved parties, including but not limited to research participants.
 - Ensuring that the research record is correct.
 - Addressing procedural or organisational matters uncovered during the investigation.
124. **Timescale:** This will vary depending on the scale of action needed, but the Named Person should aim to ensure they are completed within three months of completion of the investigation. However, it is possible that some actions will require longer to complete.

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- a. Any delays to this timescale will be explained to the Complainant, the Respondent and other involved parties in writing, presenting an estimated revised date of completion.
125. **Process:** the required steps of this listed fall into two categories: “**Required actions**” which relate to any use of the Procedure and “**Actions required following [OUTCOME]**”, which relate solely to that particular outcome of the Procedure. All “Required actions” should be taken, followed by those relating to the particular outcome in question.
126. **Required actions:** The Named Person working with the Research Integrity Officer, and with others as necessary, should take any further action(s) they deem necessary to: address any misconduct the investigation may have found; correct the record of research, and/or address other matters uncovered during the course of the investigation. Such recommendations might include but are not limited to:
- a. whether following the conclusion of the operation of this Procedure, the matter should be referred to the Organisation’s relevant disciplinary procedure; and/or
 - b. whether following the conclusion of the operation of this Procedure, the matter referred to another relevant Organisational process, including but not limited to the examination regulations, academic misconduct process or equivalent or the Organisation’s financial fraud investigation process.
 - c. what individuals and/or departments within the Organisation should be notified of the findings of the investigation, including but not limited to line managers, Human Resources and/or Student Services, Academic Board or equivalent; and/or
 - d. what external organisations should be informed of the findings of the investigation, with appropriate confidentiality, including but not limited to statutory regulators, relevant funding bodies, partner organisations and professional bodies, the latter being particularly relevant if concerns relate to Fitness to Practise; and/or
 - e. informing research participants and other involved parties; and/or
 - f. whether any action will be required to correct the record of research, including but not limited to informing the editors of any journals that have published articles concerning research linked to an upheld allegation of misconduct in research and/or by a person against whom an allegation of misconduct in research has been upheld; and/or
 - g. whether procedural or organisational matters should be addressed by the Organisation or other relevant bodies through a review of the management of research and other measures as appropriate; and/or
 - h. other matters that should be investigated, including allegations of misconduct in research which are either unrelated to the allegation in question or alleged to have been committed by persons other than the Respondent and/or other forms of alleged misconduct; and
 - i. communication of anonymised summary data on uses of this Procedure within a specific period (academic year or calendar year) to relevant central committees/ departments within the Organisation, and dissemination of anonymised learning points within the Organisation as

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appropriate.

127. When considering the above, the Named Person and the Research Integrity Officer should take into account:
 - a. Any recommendations on such actions made by the Full Investigation Panel during the course of its work ([see paragraph XX](#)),
 - b. Any need to involve other elements of the Organisation and/or external bodies in carrying out agreed actions.
128. ***Actions required following conclusion that the allegation(s) is unfounded, because it is mistaken or is frivolous or is otherwise without substance:***
 - a. The Named Person shall take appropriate steps to preserve the good reputation of the Respondent. If the case has received any adverse publicity the respondent may be offered the opportunity to have an official statement released by the Organisation.
 - b. Those who have raised concerns/ made allegations in good faith will not be penalised and the Named Person shall take appropriate steps to preserve the good reputation of the Complainant.
 - c. Appropriate communications on the outcome and the reasons for it will be important to ensure good understanding of the process and outcome.
129. ***Actions required following conclusion that the allegation(s) is unfounded, because it is vexatious and/or malicious:***
 - a. The Named Person may consider recommending to the appropriate authorities that action be taken against anyone who is found to have made vexatious and/or malicious allegations of misconduct in research. This may include disciplinary action where the individual is internal to the Organisation.
 - b. The Named Person shall take appropriate steps to preserve the good reputation of the respondent. If the case has received any adverse publicity the Respondent may be offered the opportunity to have an official statement released by the Organisation.
130. ***Actions required following conclusion that the allegation(s) warrants referral directly to another formal process of the Organisation:*** Where this is necessary, the Named Person will inform the Complainant in writing of:
 - a. the reasons why the allegation cannot be investigated using this Procedure;
 - b. which process for dealing with complaints is appropriate for handling the allegation; and
 - c. that the allegation will be referred to the relevant department/ process.
131. The Named Person will then refer the matter to the relevant department/ process.
132. ***Actions required following conclusion that the allegation(s) warrants referral directly to an external organisation:***
133. When the Named Person has determined that the allegation does **not** relate to researchers or

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research under the auspices of the Organisation, the Named Person will inform the Complainant, in writing, of:

- a. The reasons why the Organisation is not an appropriate body to investigate the allegation;
- b. Which external organisation(s) might be an appropriate body to investigate the allegation;
- c. Relevant information relating to contacting the external organisation(s).

134. When the Named Person has determined that, while the allegation does relate to researchers or research under the auspices of the Organisation, the allegation warrants referral directly to an external organisation, the Named Person will:
 - a. Contact the relevant external organisation(s), in writing, to inform them of the allegation and asking them to investigate or otherwise address it. The Named Person should also explain why the Organisation has concluded that the allegation warrants referral directly to the external organisation in question.
 - b. Inform the Complainant, in writing, that the allegation is being referred directly to the external organisation(s) in question and provide the Complainant with relevant information so that they can contact the external organisation(s) in question if they so wish.
135. ***Actions required following conclusion that the allegation(s) has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach:*** The Named Person shall ensure that the relevant education and training or other informal measures is provided either directly or by referring the matter to the relevant faculty or department.
136. Further advice on addressing matters using informal measures, rather than a punitive/ disciplinary approach, is given in **Annex 3: Resolution using informal measures** (see **paragraph XX**).
137. ***Actions required following conclusion that the allegation(s) is upheld in full or in part:*** The Named Person in conjunction with relevant colleagues should decide whether the matter should be referred to the Organisation's disciplinary process or for other formal actions.
 - a. Should the allegations proceed to the Organisation's disciplinary process, the report of the Full Investigation Panel should form the basis of the evidence that the disciplinary panel receives.
 - b. All the information collected and brought to light through the Procedure should be transferred to the disciplinary process.
138. The Named Person should take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Complainant and, if the allegation has been upheld in part rather than in full, the Respondent as appropriate, and any relevant research project(s).
139. Following the conclusion of the Procedure, the Named Person may need to recommend additional measures in addition to those that may be taken by way of the Organisation's disciplinary process.

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140. Examples of potential actions that an Organisation may consider include, but are not limited to, the following. The Organisation should also remember the measures listed under “Required Actions”, above (see [paragraph XX](#)):
- a. retraction/correction of published research, via notification of findings to editors/ publishers;
 - b. withdrawal/repayment of funding;
 - c. notifying research participants and other involved parties;
 - d. notification of findings to relevant employers, statutory, regulatory, professional, grant-awarding bodies or other public body with a relevant interest;
 - e. notifying other employing organisations;
 - f. notifying other organisations involved in the research;
 - g. adding a note of the outcome of the investigation to a researcher’s file for any future requests for references;
 - h. review internal management and/or training and/or supervisory procedures for research; and/or
 - i. revocation of any degrees awarded on the basis of research that is the subject of a research misconduct finding.
141. Where an investigation has established research misconduct relating to a significant body of work over a period of time, the Organisation will wish to consider whether it needs to review other work carried out by the individual or individuals, including in work not flagged up in the course of the investigation.
142. **Conclusion of this stage and next steps:** The Complainant and Respondent will be informed of the actions taken at the final outcome of the matter. They will also be informed of the options for appeal open to them (see [paragraph XX](#)).
143. The Outcomes and Reporting stage of the Procedure is then concluded, with the Named Person and Research Integrity Officer involved in follow-up actions, or receiving reports on them, as appropriate. As the matter may then give rise to disciplinary or other action, the Named Person and Research Integrity Officer should remember that all information concerning the allegation and investigation was given to them in confidence.
144. Any queries or requests for comment on the use of the Procedure should be referred to the Named Person via the Research Integrity Officer.
145. A role as the Named Person or Research Integrity Officer rules out participation in any subsequent disciplinary process.
146. The Outcomes and Reporting stage now ends and the Procedure moves to the **Appeals** stage.

Reminder: The Named Person, working with the Research Integrity Officer and others as necessary, should take great care to ensure that relevant information on the investigation is fully and accurately transferred to subsequent actions and processes as required.

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Appeals stage

147. **Purpose:** The purpose of an appeals stage is to permit the Complainant and/or the Respondent to appeal in certain circumstances against the findings of an investigation carried out under this Procedure, in accordance with the requirements of *The Concordat to Support Research Integrity*.

Discussion: *The Concordat to Support Research Integrity* states that “Employers of researchers must... have robust, transparent and fair processes for dealing with allegations of misconduct that reflect best practice. **This includes... clear routes for appeal.**” [emphasis added]

Organisations must therefore consider how they will comply with this provision of the Concordat and ensure that their research misconduct investigation procedure contains information on such clear routes for appeal and the subsequent process.

Historically, some organisations have only allowed appeals at the conclusion of a disciplinary process. However, this would not seem to comply with the requirements of the Concordat, as such an appeals process does not apply to Respondents who wish to appeal the outcome of a research misconduct investigation, rather than the outcome of a disciplinary process, and does not apply to Complainants at all.

Given varying approaches of organisations to the criteria and processes for appeals, the guidance in this stage is general in nature. Those operating this Procedure will need to determine how best to apply it during specific investigations. Decisions made during the operation of this stage, and the reasoning behind them, should be recorded in a brief format, in case they need to be referred to at a later date.

If an Organisation has a standard appeals stage that it uses in processes for examining the conduct of staff and/or students, it may wish to use that process in place of this stage of the Template Procedure. Advice should be sought from Human Resources and other relevant sources in the Organisation.

148. **Conducted by:** The Named Person will establish an Appeals Panel, whose appointment is discussed under ‘Process’ (see [paragraph XX](#)). At least one member of the Appeals Panel must be from outside the Organisation.
- If an appeal encompasses the actions/ decisions of the Named Person, then their role in this stage will be taken by their designated alternate.
149. **Possible outcomes:** The Appeal Panel has the power to uphold, reverse or modify the following outcomes of the Procedure, including the decisions and/or recommendations associated with them. The decision of the Appeal Panel is final.
- A conclusion of an Initial Investigation **or** of a Full Investigation that an allegation is unfounded,

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- because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; **or**
- b. A conclusion of an Initial Investigation **or** of a Full Investigation that an allegation is unfounded, because it is vexatious and/or malicious, and will be dismissed; **or**
 - c. A conclusion of an Initial Investigation **or** of a Full Investigation that an allegation has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; **or**
 - d. A conclusion of a Full Investigation that an allegation is upheld in full; **or**
 - e. A conclusion of a Full Investigation that an allegation is upheld in part.
150. **Timescale:** Any appeal should normally be heard within two months of the outcome of the investigation.
- a. Any delays to this timescale will be explained to the Complainant and the Respondent in writing, presenting an estimated revised date of completion.
151. **Process:** Appeals are permitted on any or all of the following grounds:
- a. Procedural irregularity in the conduct of the investigation up to and before the Appeal Panel.
 - b. Fresh evidence becoming available which was not, and could not, have been made available to the Investigator and/or the Full Investigation Panel.
 - c. There was evidence of bias in the process or decisions taken by the Named Person, Investigator and/or the Full Investigation Panel.
 - d. The recommendations made as part of an outcome of the Procedure/ subsequent actions taken are either excessive or inadequate in relation to the misconduct found by the investigation.
152. The Complainant and/or the Respondent may appeal against the following outcomes of the Procedure, including the decisions and/or recommendations associated with them:
- a. A conclusion of an Initial Investigation **or** of a Full Investigation that an allegation is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; **or**
 - b. A conclusion of an Initial Investigation **or** of a Full Investigation that an allegation is unfounded, because it is vexatious and/or malicious, and will be dismissed; **or**
 - c. A conclusion of an Initial Investigation **or** of a Full Investigation that an allegation has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; **or**
 - d. A conclusion of a Full Investigation that an allegation is upheld in full; **or**
 - e. A conclusion of a Full Investigation that an allegation is upheld in part.

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153. Any appeal shall be made in writing to the Named Person within 10 days of being notified of the outcome of the Procedure. The written notice of appeal shall set out the grounds of appeal, and be accompanied, wherever possible, by supporting documentation.
154. The Named Person shall then, as soon as is practicable, appoint an Appeals Panel to undertake the appeals process. No individual involved in the Appeals Panel will have been involved at any stage previously. This includes the professional support to the Appeals Panel.
- a. The Appeals Panel will normally consist of three persons. Depending on the circumstances of the investigation and at the discretion of the Named Person, the Appeals Panel may consist of a greater number of persons, for example to ensure that it contains sufficient expertise or diverse perspectives to reach a thorough and fair conclusion on the appeal.
 - b. One member of the Appeals Panel shall be from outside the Organisation.
 - i. At the discretion of the Named Person, the Appeals Panel may include multiple external members. This may be advantageous when the appeal involves multiple disciplines of research and/or is especially complex, and can help involved parties that the investigation process will be transparent, rigorous and fair.
 - c. One member of the Appeals Panel shall be an academic specialist in the general area within which the misconduct is alleged to have taken place (where allegations concern highly specialised areas of research they should instead have specialised knowledge of the field). Such a specialist can be drawn from within the Organisation, bearing in mind the conflict of interest requirements below (see [paragraph X](#)) or from the Appeals Panel's external member(s) (see [paragraph X](#)). When allegations involve multiple disciplines of research, it may be necessary to increase the membership of the Appeals Panel so it contains sufficient expertise, as in [paragraph X](#) above.
 - d. There would be advantage in the review of allegations that involve staff on joint clinical/honorary contracts for there to be on the Appeals Panel an appropriate member of staff from the other employing Organisation(s).
 - e. Once convened, the membership of the Appeals Panel should not be added to. In the event that the membership falls below its initial number, the Named Person will determine whether to recruit additional members and continue the investigation from its current point or restart the Initial Investigation stage.
155. The Named Person will select one of the members of the Appeals Panel to act as its Chair. In the event of the Chair becoming unable to participate in the Appeals Stage once it is underway, the Named Person will select a new Chair from the members of the Appeals Panel and then consider the overall membership of the Appeals Panel as in [paragraph XX](#) above.
- a. At the discretion of the Named Person, the Chair may be selected from the Appeals Panel's external members; this can help reassure involved parties that the investigation process will be transparent, thorough and fair.
156. The Organisation may at its discretion permit observers to attend the Appeals stage where requested.

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157. All persons appointed to carry out the Appeals stage, and all persons allowed to observe it, will confirm to the Named Person in writing that:
 - a. Their participation involves no conflict of interest, seeking advice from the Named Person if unsure (see [paragraphs XX](#));
 - b. They will abide by the Procedure as it affects the work of the Appeals stage;
 - c. They will respect the confidentiality of the proceedings; and
 - d. They will adhere to the Principles and Standards of the Procedure.
158. Both the Respondent and Complainant may raise with the Named Person concerns that they may have about those chosen to carry out the Appeals stage but neither has a right of veto over those nominated. The Named Person will consider any concerns raised and whether new persons should be selected to carry out the Appeals Stage.
159. The Chair is responsible for keeping a full record of the work of the Appeals Panel, and should be supported in this by the administrative and other support identified by the Named Person to assist the Panel.
160. When making any decisions about the conduct or conclusion of the Appeals Stage, the Appeals Panel will do so by a vote, with the majority vote determining the outcome. In the event of any tie, the Chair has a casting vote.
161. The Appeals Panel will first decide whether the grounds for appeal are met (see [paragraph XX](#)).
162. If the grounds for appeal are met, the Appeals Panel will then review the conduct of the investigation and any evidence submitted in support of the appeals(s) in question, rather than carry out a re-investigation of the allegation(s) in question.
163. **Conclusion of this stage and next steps:** The Appeals Panel will decide whether it upholds, reverses or modifies the outcome in question of the Procedure, including the decisions and/or recommendations associated with it. The decision of the Appeal Panel is final.
164. The Appeals Panel shall write a report setting out its conclusions, giving the reasons for its decision and recording any differing views.
165. A summary of the conclusions will be sent to the Complainant and the Respondent for comment on matters of factual accuracy. The Appeals Panel will consider the responses received and if they consider that the report includes errors of fact, will modify the report as necessary.
166. The Appeals Panel will then submit their final report to the Named Person. The Chair and Appeals Panel will also hand over to the Named Person or their nominated representative all records/ material relating to the Full Investigation.
167. The Named Person shall convey the substance of the Appeals Panel's findings and recommendations to the Complainant, the Respondent and such other persons or bodies as they deem appropriate.
168. The Named Person will then undertake the actions necessary to implement the conclusions of the Appeals Panel, following relevant provisions of the [Outcomes and Reporting stage](#) and liaising with

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the Research Integrity Officer and others, within and/or external to the Organisation, as necessary.

169. The work of the Appeals Panel is then concluded and the Appeals Panel should be disbanded. As the matter may then give rise to disciplinary or other action, the Chair and members of the disbanded Appeals Panel should not make any comment on the matter in question, unless formally sanctioned by the Organisation or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence.
170. Any queries or requests for comment addressed to the Chair or members of the Appeals Panel should be referred to the Named Person.
171. Those who have contributed to the disbanded Appeals Panel should have no further involvement in the Procedure, unless formally asked to clarify a point in their written report at a subsequent stage or as part of any subsequent action or process.
172. A role as Chair or member of the Appeals Panel rules out participation in any subsequent disciplinary or other process.
173. The Appeals stage now ends.

Reminder: The Named Person, working with the Chair and other Appeals Panel members as necessary, should take great care to ensure that all information on the Appeals stage is fully and accurately transferred.

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Annex 1: Principles

174. Misconduct in research is a serious matter. The investigation of allegations of misconduct in research must be conducted in accordance with the highest standards of integrity, accuracy and fairness.
175. Those responsible for carrying out investigations of alleged misconduct in research should always act with integrity and sensitivity.
176. The following principles of Data Protection, Fairness, Confidentiality, Integrity, Prevention of Detriment, and Balance as defined below must inform the use of this Procedure for the investigation of allegations of misconduct in research.

Data Protection

177. The use of this Procedure to investigate or otherwise respond to any allegation will constitute the processing of the personal data of living individuals. Such processing is regulated by the Data Protection Act 1998 (as amended). It is the duty of the Organisation to comply with the data protection principles with respect to personal data and accordingly any investigation or use of this Procedure will be carried out in accordance with such principles, as set out in Schedule 1 of the above Act.
178. The Organisation recognises its duty to consider the nature of the personal information in question and where necessary treat such information as sensitive personal data in accordance with the Data Protection Act 1998 (as amended).

Fairness

179. The investigation of any allegations of misconduct in research must be carried out fairly and in accordance with the statutory human rights of all parties involved.
180. Those responsible for carrying out this Procedure should do so with knowledge of:
 - a. the statutory obligations of the Organisation and the rights of employees according to current law;
 - b. any additional rights and obligations particular to the institution and/or its employees and/or its students – for example those bestowed by university statutes and ordinances.
181. Where anyone is formally accused of misconduct in research, that person must be given full details of the allegations in writing
182. When someone is investigated for alleged misconduct in research under this Procedure, they must be given a reasonable opportunity to set out their case and respond to the allegations against them.
183. They must also be allowed to:
 - a. ask questions;
 - b. submit evidence in their defence;
 - c. suggest witnesses for the Investigator and/or Full Investigation Panel to interview; the Investigator and/or Full Investigation Panel may then choose to invite the suggested witnesses

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to interview;

- d. raise points with the Investigator and/or Full Investigation Panel, as appropriate, about any information given by any witness (regardless of who has called the witness in question).

184. The Respondent, Complainant and any witnesses involved in the Initial Investigation stage or the Full Investigation stage may:

- a. If they are staff or students of the Organisation, be accompanied to interviews by a colleague, or trade union or student union representative, or whoever else is specified in any additional contractual rights (such as by university statutes and ordinances) when they are required or invited to attend interviews or meetings relating to this Procedure;
- b. If they are external to the Organisation, while they will not have a contractual right to be accompanied when they are required or invited to attend interviews or meetings relating to this Procedure, it is strongly advised that they be offered the right to be accompanied by a friend.
- c. seek advice and assistance from anyone of their choosing.

Confidentiality

185. The Procedure 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 participants in research.

186. The confidential nature of the proceedings is essential in order to protect the Complainant, the Respondent and others involved in the Procedure.

187. It is important that in the conduct of an investigation using this Procedure that the principles of confidentiality and fairness are applied with appropriate balance for both the Respondent and the Complainant, (see [paragraphs XX](#)).

188. The identity of the Complainant or the Respondent should not be made known to any third party unless:

- a. it has been deemed necessary (by those conducting the investigation) in order to carry out the investigation and/or to carry out required/ necessary actions or disclosures following the outcome of the investigation;
- b. it is necessary as part of action taken against the Respondent if (at the end of the Procedure and/or any subsequent process, such as a disciplinary process, and after any appeals processes) the allegations have been upheld;
- c. it is necessary as part of action taken against a person who has been found to have made malicious, vexatious or frivolous allegations;
- d. it is the stated policy of the employer/ funder/ other national body that the identity of individuals proved through appropriate disciplinary and appeals processes to have committed misconduct in research should be made public.

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189. Any disclosure to a third party of the identity of the Complainant or Respondent, or of any other details of the investigation, should be made on a confidential basis. The third party should understand this, and that they must respect the confidentiality of any information received.
190. The Organisation and/or its staff may have contractual/legal obligations to inform third parties, such as funding bodies or collaborating organisation(s), of allegations of misconduct in research. In such cases, those responsible for carrying this Procedure out should ensure that any such obligations are fulfilled at the appropriate time through the correct mechanisms, always keeping in mind the legal rights of the employees, students and others involved in the allegations.
191. While the allegations are under investigation using this Procedure (and/or the Organisation's disciplinary process), the Complainant, the Respondent, witnesses or any other persons involved in this Procedure should not make any statements about the allegations to any third parties, unless formally sanctioned by the Organisation or otherwise required to by law.
192. Breaching confidentiality may lead to disciplinary action, unless covered by the Public Interest Disclosure Act and/or the Organisation's own grievance or whistle-blowing procedures.
193. In the event of any conflict between the principle of confidentiality and any of the other principles of this Procedure, those conducting the Procedure should consider the principle of Balance (see [paragraphs XX](#)), and use their judgement to choose the appropriate solution.

Integrity

194. An investigation into allegations of misconduct in research using the processes of Initial Investigation or Full Investigation of the Procedure must be fair and comprehensive. The investigation should be conducted expediently although without compromise to the fairness and thoroughness of the process.
195. Anyone asked to take part in the processes as an Investigator or a member of a Panel must make sure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised.
196. Similarly, those who give evidence to the investigation should do so honestly and objectively in accordance with the Principles of the Procedure and should be provided with relevant sections of the Procedure before giving evidence.
197. All parties involved must inform the Named Person immediately of any interests that they have which might constitute a conflict of interest as regards any aspect of the allegations, the investigation, the area(s) of research in question, or any of the persons concerned. Where the Named Person has any interest which might constitute a conflict, they should declare any such conflicts and refer the investigation to their nominated alternate, who should decide if they should be excluded from involvement in the investigation, recording the reasons for the decision (see [paragraphs XX](#)).
198. In the interests of openness and transparency, inviting at least one member from outside the Organisation to join the Full Investigation Panel of the Procedure is required (see [paragraphs XX](#)).

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When allegations are deemed to be particularly complex or contentious, Organisations should consider inviting multiple external members join Full Investigation Panels and to use Initial Investigation Panels to undertake the Initial Investigation stage.

199. Confidential records should be maintained on all aspects, and during all stages, of the Procedure. It is the responsibility of the Named Person to see that such records are maintained and made available at all stages for any use of the Organisation's Disciplinary Processes.
200. At the conclusion of the proceedings, all records should be retained by the Organisation in line with the provisions given earlier in this Procedure (see [paragraphs XX](#)).
201. To preserve the integrity of this Procedure, great care must be taken to ensure that all relevant information is transferred to those involved in the various stages of the Procedure, such as between the Screening Panel and any Investigation Panel and between the Investigation Panel and any Disciplinary Process.
202. Those responsible for carrying out the Procedure should recognise that failure to transfer information could lead to the process being unfair to the Respondent and/or the Complainant. It could also lead to an appeal being made on the grounds of a failure to observe the Procedure or to the collapse of the investigation.
203. Suggested good practice on the keeping, transfer and storage of records can be found in [paragraphs XX](#).

Prevention of Detriment

204. In using this Procedure, and in any action taken as a result of using the Procedure, care must be taken to protect:
 - a. individuals against frivolous, vexatious and/or malicious allegations of misconduct in research;
 - b. the position and reputation of those suspected of, or alleged to have engaged in, misconduct, when the allegations or suspicions are not confirmed; and
 - c. the position and reputation of those who make allegations of misconduct in research in good faith, i.e. in the reasonable belief and/or on the basis of supporting evidence that misconduct in research may have occurred.
205. It is acknowledged that allegations may be made for what appear to be malicious reasons. The Procedure should still be used where the Complainant makes a formal complaint, to establish whether the allegations are of sufficient substance to warrant investigation.
206. Anyone accused of misconduct in research is entitled to the presumption of innocence.
207. Full Investigation should establish, on the balance of probabilities, the truth of any allegations.
208. Any formal steps taken to discipline or otherwise reprimand the Respondent, or take steps which might undermine their good name or reputation (or that of any other party), must be taken through the Organisation's disciplinary process which provides the Respondent with the right of appeal. Only when allegations have been upheld through the Organisation's disciplinary process and, where called upon,

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- the appeals process, may it be appropriate to apply any sanctions to the Respondent.
209. The Organisation must take all reasonable steps to ensure that the Respondent (or any other party) does not suffer because of unconfirmed or unproven allegations.
210. Involvement of the Respondent in the Procedure should not prevent the Respondent from being considered:
- a. for promotion;
 - b. or the completion of probation;
 - c. or other steps related to their professional development.
211. The Organisation may choose to suspend the implementation of any promotion, completion of probation or any similar step, for the period that allegations are investigated using the Procedure, rather than delay the actual consideration of such matters.
212. If the allegations are upheld at the end of the Procedure, subject to the Organisation's disciplinary process and/or appeals process, the Organisation's normal rules with respect to steps related to professional development, such as those detailed above, should apply.
213. It should be made clear that any actions that might be taken by the Named Person in response to the notification of allegations of misconduct in research are not to be regarded as a disciplinary action and do not in themselves indicate that the allegations are believed to be true by the Organisation. The Named Person and any Investigators and members of any Full Investigation Panels should take steps to make it clear to the Respondent, Complainant and any other involved parties that these actions are necessary to ensure that the allegations of misconduct in research can be properly investigated.
214. Appropriate action should be taken against:
- a. Respondents where the allegations of misconduct in research have been upheld, in full or in part, in accordance with this Procedure; and
 - b. anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research.

Balance and judgement

215. Those responsible for carrying out this Procedure must be aware that there may be occasions when a balance has to be struck in the application of the Principles and/or its Standards (see [paragraphs XX](#)): for example, it may, in certain circumstances prove to be impracticable to undertake a thorough and fair Initial Investigation of the allegations without releasing the Complainant's identity to the Respondent.
216. The Named Person should be responsible for resolving any such conflicts between the Principles, between the Standards, and/or between the Principles and the Standards, keeping in mind at all times that the primary goal of this Procedure is to determine the truth of the allegations via a thorough and fair investigation, conducted in a timely and transparent manner, and with appropriate confidentiality. The Named Person can seek guidance from UKRIO and other bodies, as well as seeking legal advice.

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217. In addition, the Named Person should be responsible for ensuring the integrity of this Procedure and any actions taken as a consequence of it. The Named Person should decide the course of action to be taken in cases of doubt.
218. The Named Person should keep a written record of all decisions taken throughout all the steps of the Procedure. The Named Person should liaise closely with the Investigator and the Chair of the Full Investigation panel to ensure that a proper record is maintained throughout the Procedure.

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Annex 2: Definitions

219. **Accepted Procedures (for research):** Accepted procedures include but are not limited to the following:
- a. gaining informed consent where required;
 - b. gaining formal approval from relevant organisations where required;
 - c. any protocols for research contained in any formal approval that has been given for the research, including submitting research for ethical review when required or appropriate and abiding by the terms of all ethical approvals for the research;
 - d. any protocols for research as defined in contracts or agreements with funding bodies and sponsors;
 - e. any protocols set out by and/or approved by a regulatory authority (see [paragraph XX](#)), such as the Medicines and Healthcare Products Regulatory Authority (MHRA) for a trial of medicinal products;
 - f. any protocols for research set out in the guidelines of the employing institution and other relevant partner organisations, such as a Code of Practice for Research;
 - g. any protocols for research set out in the guidelines of appropriate recognised professional, academic, scientific, governmental, national and international bodies;
 - h. any procedures that are aimed at avoiding unreasonable risk or harm to humans, animals or the environment;
 - i. good practice for the proper preservation and management of data, artefacts and materials.
 - j. any existing guidance on good practice on research.
220. Accepted procedures do not include:
- a. un-consented to/ unapproved variations of the above;
 - b. any procedures that would encourage, or would lead to, breaches in the law.
221. Although allegations of misconduct in research are often raised as departures from accepted procedures in the conduct of research, investigations should aim to establish intentional and/or reckless behaviour as set out in the definition of misconduct in research (see [paragraph XX](#)).
222. **Complainant:** The Complainant is a person making allegations of misconduct of research against one or more Respondents (see [paragraph XX](#)). They need not be a member of the Organisation.

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Discussion: ‘Complainant’ or ‘Initiator’?

A ‘Complainant’ is defined in this Procedure as a person making an allegation of misconduct in research against one or more Respondents (see [paragraph XX](#)).

Some Organisations prefer to use the term ‘Initiator’ instead of ‘Complainant’, as they feel this better represents the role of that type of person in their investigation process or because they feel that ‘Complainant’ can convey negative connotations about those raising concerns/ whistleblowing.

As ‘Complainant’ appears to be more commonly used, this Procedure uses that term. However, it can be replaced throughout with ‘Initiator’ if the Organisation wishes; this change will not compromise the use of the Procedure in any way. Organisations should check with Human Resources, Student Services and other relevant departments to see if there is an institutional preference for either term.

223. **Disciplinary Process:** The Disciplinary Process refers to an Organisation’s mechanism for resolving disciplinary issues amongst its staff or students.
224. **Employer:** The Employer is defined in this Procedure as the person or organisation who has retained the person (e.g. the Respondent (see [paragraph XX](#))) to carry out work, usually, but not always, through a contract of employment.
225. **Full Investigation:** The Full Investigation is that part of the Procedure the purpose of which is to:
- conclude whether an allegation of misconduct in research is upheld in full, upheld in part or not upheld; and
 - make recommendations, for consideration by the appropriate Organisational authorities, regarding any further action the Full Investigation Panel (“the Panel”) deems necessary to: address any misconduct it may have found; correct the record of research, and/or address other matters uncovered during the course of its work.
226. **Honorary Contract:** Honorary contracts are used in a variety of circumstances. As a result, it is not possible to provide blanket guidance as to which organisation should lead an investigation into allegations of misconduct in research against someone holding such a contract.
227. There are different types of honorary contracts but organisations remain responsible for research carried out under their auspices of the institution regardless of whether they are the employer of the researcher(s) in question.
228. It is possible to have agreements in place with partner organisations on the process of investigations into the conduct of employees where there is cross employment and/or honorary contracts. This is particularly important as the outcome of any investigation by one party might affect the contractual relationship of the individual investigated with the other party. These are complex issues and it is therefore recommended that legal advice or other forms of clarity – for example, an agreed protocol as to how matters raised will be dealt with - is sought before any investigation commences and that

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partner organisations liaise closely.

229. **Initial Investigation Stage:** The Initial Investigation Stage is that part of the Procedure the purpose of which is to determine whether there is sufficient evidence of research misconduct to warrant a Full Investigation of the allegation or whether alternative action(s) should be taken.
230. **Misconduct in research:** In discussing misconduct in research, which could be investigated using the Procedure, the following may serve as useful terms by way of guidance. Interpretation of the terms will involve judgements, which should be guided by previous experience and decisions made on matters of misconduct in research.
231. The definition below is taken from *The Concordat to Support Research Integrity* (2019) [please note that paragraph numbers have been added] and it is strongly recommended that this is the definition used. Whilst organisations may decide what definition to be used, they should be aware that this is what is specified in the Concordat. It is important that an Organisation's Procedure sets out what it defines as misconduct in research and at what point poor or questionable research practice becomes research misconduct.
232. *The Concordat to support Research Integrity* (2019), Commitment 4, pages 12-13: *Research misconduct can take many forms, including:*
- a. *fabrication: making up results, other outputs (for example, artefacts) or aspects of research, including documentation and participant consent, and presenting and/or recording them as if they were real*
 - b. *falsification: inappropriately manipulating and/or selecting research processes, materials, equipment, data, imagery and/or consents*
 - c. *plagiarism: using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission*
 - d. *failure to meet: legal, ethical and professional obligations, for example:*
 - i. *not observing legal, ethical and other requirements for human research participants, animal subjects, or human organs or tissue used in research, or for the protection of the environment*
 - ii. *breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent*
 - iii. *misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality*
 - iv. *improper conduct in peer review of research proposals, results or manuscripts submitted for publication. This includes failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for the purposes of peer review*
 - e. *misrepresentation of:*

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- i. data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data*
 - ii. involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution*
 - iii. interests, including failure to declare competing interests of researchers or funders of a study The concordat to support research integrity*
 - iv. qualifications, experience and/or credentials*
 - v. publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication*
 - f. improper dealing with allegations of misconduct: failing to address possible infringements, such as attempts to cover up misconduct and reprisals against whistle-blowers, or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding. Improper dealing with allegations of misconduct includes the inappropriate censoring of parties through the use of legal instruments, such as non-disclosure agreements.*
233. *Honest errors and differences in, for example, research methodology or interpretations do not constitute research misconduct.*
234. For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission.
235. In addition, the standards by which allegations of misconduct in research should be judged should be those prevailing in the country in question and at the date that the behaviour under investigation took place. This is particularly important when investigating allegations relating to research that was carried out many years previously.
236. The basis for reaching a conclusion that an individual is responsible for misconduct in research relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct of any aspect of a research project. Where allegations concern an intentional 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 using the Procedure.
237. **Named Person:** The Named Person is defined in the Procedure as the individual nominated by the Organisation (see **paragraph XX**) to have responsibility for receiving any allegations of misconduct in research; initiating and supervising the Procedure for investigating allegations of misconduct in research; maintaining the record of information during the investigation and subsequently reporting on the investigation to internal contacts and external organisations; and taking decisions at key stages of the Procedure.
238. The Named Person should have a nominated alternate who should carry out the role in their absence or in the case of any potential or actual conflict of interest. The Named Person and the nominated

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alternate should not be the Organisation's Head or Head of Human Resources.

239. **Organisation:** The Organisation is defined in this Procedure as the establishment that employs the Respondent, the Named Person and, on occasions, other parties involved in the proceedings and is the host and (most likely) the Sponsor for the research to which allegations of misconduct refer.
240. **The Procedure:** The Procedure refers to this document, The Procedure for the Investigation of Misconduct in Research.
241. **Professional Body:** A professional body is an organisation with statutory powers to regulate and oversee a particular profession, such as doctors or solicitors.
242. **Regulatory Authority:** A regulatory authority is an organisation with statutory powers to regulate and oversee an area of activity, such as health and safety, or medicines to be used on humans.
243. **Research:** *The Research Excellence Framework (Research Excellence Framework 2021, Assessment framework and guidance on submissions, Annex C) defines research as the following [please note that paragraph numbers have been added:*
244. *... research is defined as a process of investigation leading to new insights, effectively shared.*
245. *It **includes** work of direct relevance to the needs of commerce, industry, culture, society, and to the public and voluntary sectors; scholarship; the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction. It excludes routine testing and routine analysis of materials, components and processes such as for the maintenance of national standards, as distinct from the development of new analytical techniques. It also **excludes** the development of teaching materials that do not embody original research.*
246. *It **includes** research that is published, disseminated or made publicly available in the form of assessable research outputs, and confidential reports.*
247. **Respondent:** The Respondent is the person against whom allegations of misconduct in research have been made. They must be a present or past employee of the Organisation that is investigating the allegations using the Procedure.
248. **Sponsor:** there is no universal definition of the term 'sponsor', however for the purposes of this Procedure the definition from *The UK Policy Framework for Health and Social Care Research 2020* (paragraph 9.10), p. 22) may be useful: *The sponsor is the individual, organisation or partnership that takes on overall responsibility for proportionate, effective arrangements being in place to set up, run and report a research project. All health and social care research has a sponsor. The sponsor is normally expected to be the employer of the chief investigator in the case of non-commercial research or the funder in the case of commercial research (The employer or funder is not automatically the sponsor; they explicitly accept the responsibilities of being the sponsor). The sponsor has overall responsibility for the research... Sponsors of clinical trials of investigational medicinal products have particular legal duties.*

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Annex 3: Resolution using informal measures

249. One potential outcome of the use of this Procedure is a conclusion the allegation(s) under investigation has some substance but, due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approach. This annex provides general guidance on implementation of this type of outcome.
250. Resolution through such measures – called ‘informal’ as opposed to resolution through a formal process of the Organisation, such as a disciplinary process or academic regulations – can be challenging. There are many types of informal measures and they can be applied to many potential situations. Those operating this Procedure will need to determine what informal measures following the outcome of a particular investigation.
- a. The Named Person and/or Research Integrity Officer may need to seek advice from colleagues to determine the best course of action and can also contact the UK Research Integrity Office.
 - b. Decisions made concerning the implementation of informal measures, and the reasoning behind those decisions, should be recorded in a brief format, in case they need to be referred to at a later date.
251. Informal measures can take many forms and some examples are given below. This list should not be taken as exhaustive and Organisations should devise and implement other informal measures as needed for the situation in question.
- a. Education, training and other development activities.
 - b. Enhanced supervision/ oversight of research activities.
 - c. Restriction of research activities.
 - d. Mentoring.
 - e. Mediation between involved parties.
 - f. Awareness-raising of relevant issues of good research practice.
 - g. Pastoral care and support.
 - h. Revision of relevant research practices, systems and/or policies relating to the allegation(s) in question. Such revision may be limited to a particular team or have a wider scope, covering a department or the entire organisation, and should be supported by appropriate training and awareness-raising.
252. The audience of the informal measures can also vary: Respondents, Complainants, other involved parties, other researchers and/or professional services staff within the Organisation or even the Organisation as a whole. Different informal measures may well be needed for different people.
- a. The implementation of some informal measures may require the involvement of other organisations and/or making disclosures to them.

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Reminder: The use of informal measures to resolve an allegation does not remove the need to implement required provisions of the **Outcomes and Reporting** stage. For example, making necessary disclosures to involved organisations and the fulfilment of contractual obligations.

253. **Implementing resolution using informal means:** seven key features of an effective system of resolution using informal measures are set out in the following paragraphs:
- Both Complainant and Respondent should be able to **appeal** against the use of informal measures, both at the beginning and during their operation, though they do not have a right of veto. The person designated to carry out the informal measures (see **paragraphs XX**) can also make such a request. The Named Person should then consider any such requests and decide on the most appropriate course of action.
 - The nature and scope of the informal measures should be clearly **defined**.
 - A **designated person** should be responsible for carrying out the agreed measures.
 - Their **duration** should be clearly set out.
 - The designated person, working with the Research Integrity Officer and others, should ensure that the informal measures are **delivered**.
 - Appropriate **documentation** should record the delivery and outcomes of the informal measures, and any next steps.
 - Once completed, there should be **discussion** by the Research Integrity Officer and others about any learning points for the Organisation.
254. **Appeal:** In line with the provisions given earlier in this Procedure (see **paragraphs XX**), both Complainant and Respondent should be able to appeal against the use of informal measures, both at the beginning and during their operation, and request implementation of formal measures instead. The Complainant and Respondent do not have a right of veto; the Named Person should then consider their request and decide on the most appropriate course of action, consulting with the Research Integrity Officer and others within the Organisation (e.g. Human Resources/ Student Services) as needed.
255. The person designated to carry out the informal measures (see **paragraphs XX**) can also request implementation of formal measures instead, and this should be considered by the Named Person as above.
256. **Defined:** the nature and scope of the informal measures should be defined in writing. This should be communicated by the Named Person or the Research Integrity Officer to the persons involved, in writing and including those who will be responsible for carrying out the informal measures. (e.g. *“The Respondent should undergo training in authorship and publication ethics, including the norms of their discipline. The training will be sourced by the Organisation and the Respondent must provide evidence to their line manager that they have completed it.”*).

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257. If communications with external persons or organisations are required, this would normally be carried out by the Research Integrity Officer on behalf of the Organisation.
258. **Designated person:** the Organisation should determine who will carry out and/or oversee the informal resolution, what resources will be made available to support them, and to whom they will give updates on the progress of the informal resolution (e.g. *“The Departmental Head will liaise with the Research Integrity Officer to arrange awareness-raising activities on plagiarism, including discipline-specific information, within their department. The Research Integrity Officer will provide materials for these activities and, if possible, a speaker for an awareness-raising event.”*).
259. For some informal measures, support made be needed from outside the Organisation and the Research Integrity Officer should assist the designated person as necessary.
260. **Duration:** the duration of informal measures should be set out at the onset, including a proposed start date, and communicated to all involved parties (e.g. *“The process of mentoring for the Complainant will last for three months and then there will be a review by the line manager, with the mentoring extended for an additional three months if necessary”*). The designated person should make the Named Person aware via the Research Integrity Officer if there is a significant delay in starting or completing the informal measures.
261. **Delivery:** Given their nature, informal measures can be vulnerable to delays and/or a lack of engagement from involved persons, whether an individual (e.g. Complainant and/or Respondent) or groups (e.g. a research team or a department within the Organisation). The aim is the delivery of the informal measures as defined (see above) and progress should be measured, in a light-touch way, against their agreed nature and scope (e.g. *“We are undertaking the agreed course of mediation between the Complainant and Respondent to repair their working relationship. At the end of the mediation, they and their line managers will explore whether the Complainant and Respondent now both feel comfortable working together in the future or if they will no longer work in partnership.”*).
262. Care must be taken to ensure that agreed actions are delivered by the Organisation and the designated person must be given support by the Named Person, the Research Integrity Officer and/or others, as needed.
263. **Documentation:** the informal nature of these measures does not mean that no records should be kept. Brief notes should be kept on: the nature and scope of the informal measures; who has responsibility for their delivery; the proposed and actual duration of the measures; and their delivery and associated outcome(s).
264. When informal measures are concluded, involved parties (e.g. Complainant and/or Respondent; Named Person and/or Research Integrity Officer; line managers/ supervisors; Human Resources or Student Services) should be informed in writing, summarising the delivery and outcome(s) of the informal measures and any next steps (e.g. *“The Respondent has now completed the six-month period of additional supervision of their research. They have outlined in writing key lessons learned during this period [see attached] and the additional supervision will now cease. The Respondent has been reminded that they can seek advice from their supervisor, their line manager and the Research Integrity Officer on issues of consent and data management in the future.”*).

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265. If communications with external persons or organisations are required, this would normally be carried out by the Research Integrity Officer on behalf of the Organisation.
266. Records should be retained in line with the provisions given earlier in this Procedure (see [paragraphs XX](#)), normally by the Research Integrity Officer.
267. The Organisation should determine if records should also be retained by others within the Organisation (e.g. line managers; Human Resources or Student Services).
268. **Discussion:** the conclusion of informal measures is an opportunity for review and learning, whether in relation to the persons involved; wider groups of researchers and/or professional services staff; or for the systems and practices as a whole. The Research Integrity Officer, working with others as necessary, can generate learning points for dissemination to appropriate members of the Organisation, supported by anonymised summary information, to safeguard and enhance good research practice within the institution.

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- Education via our guidance publications on research practice, training activities and comprehensive events programme.
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