


Managing Research Misconduct Investigations: Tips and Ideas

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Introduction

Managing research misconduct investigations can be difficult and challenging, especially for those new to their role or based in an organisation that does not receive many cases.

Learning from experience of managing investigations, this guidance presents tips and ideas to help the process run more smoothly and reassure both the complainant and respondent.

Matters can be complex but if the details and operation of the misconduct procedure are all in place and good practice in managing investigations is followed, the personnel running these investigations will be supported to make good judgements, ensure the matter is dealt with effectively and can in turn be less difficult for all concerned.

The following areas are covered:

- a.** Time management and clear communication;
- b.** Managing meetings convened under research misconduct procedures;
- c.** Record keeping;
- d.** Fitness to practice;
- e.** Investigating historic allegations.

Time management and clear communication in research misconduct matters

As noted in UKRIO's [Procedure for the Investigation of Research Misconduct](#), it is important for the integrity of an investigation that it is 'conducted expeditiously although without compromising the fairness and thoroughness of the process' (paragraph 193). For this reason, research misconduct procedures often include indicative timescales.

Procedures normally involve several stages and processes, which can drift if not carefully managed. Whilst timescales are important to help keep an investigation on track, they should not dictate how the investigation is run, and if it is necessary for the integrity of the investigation for the timescales to be breached, then that is more important than keeping to time.

Investigations can be delayed for several reasons including challenges relating to the identification and availability of panel members, the workload of the Research Integrity Officer or Named Person, the timeliness or lack of responses from the respondent or complainant, and illness and holidays.

It is, however, important for the integrity of the overall process that investigations are completed in as timely a fashion as possible. UKRIO receives enquiries from complainants and respondents who find that an investigation has 'gone into a black hole' where they have not received any communication for some time; this can impact on their confidence in the process, and regular communication with the protagonists will help retain faith in the procedure and outcome.

There is no straightforward solution to this, but a few suggestions include:

- **Provide realistic deadlines.** When writing to respondents and complaints to request an action, provide a realistic deadline and stick to it. Then you may write to them when the deadline has expired to say that you are proceeding to the next stage if you have not heard back. However, be reasonable – if people get in touch to request an extension, view these requests reasonably, whilst noting that it can sometimes be a delaying tactic and an action that does not show good faith. For example, it is possible for investigations to be delayed due to late or no response from a respondent to requests for information, but also then for that respondent to report the institution to the Office for Students for taking too long.
- **Give timely, clear, and factual responses.** It can be tempting with a difficult protagonist to delay responding – for example, if you know they will come back to you immediately and sometimes send several long emails. It helps to keep communications clear, factual, objective, and unemotional. Do not provide more information than is needed, as this can also result in further drawn-out correspondence. Plan your communications and draft them carefully. Be firm, clear and reasonable, without being too legalistic and formal.

- **Set diary dates and reminders of relevant deadlines for the procedure.** Seeing when a period of activity is coming up will help you to plan your work and set aside time as necessary.
- **If there are any delays, communicate the reasons why.** Lack of or slow communication is a source of frustration for complainants or respondents and can dent their confidence in the institutional ability to respond to allegations competently. It is better to contact them to say, for example, that it is taking a while to source a suitable external panel member, as they will appreciate that you are doing your best to manage the process properly.
- **Stick to the procedure.** Do not be tempted to rush or skip stages. Whilst that might move things on, in the long run it will take longer as it will leave more scope for appeals.
- **Don't struggle in silence.** If you have a heavy workload and do not think you have time to manage an investigation, do raise it with your line manager and Named Person, so that solutions can be explored.
- **Consider time management training.** Even if you are quite organised and manage your time well, it can be worth taking some time to consider your current behaviours and whether you need to manage your time more effectively or try out different methods. These examples may be of interest:
 - <https://timewellscheduled.com/5-core-principles-of-time-management-and-productivity/>
 - <https://oahumanresources.com/four-principles-effective-time-management/>

Managing meetings convened under the research misconduct procedure

Meetings convened under research misconduct procedure are sometimes difficult, but these few tips may help them run more smoothly.

Crucial to running an effective research misconduct procedure is that all parties involved have the opportunity to input appropriately. As noted in the model procedure, we recommend that both the complainant and the respondent are given the opportunity to feed into the evidence and decision at both initial and full investigation stage. This will help ensure the appropriate outcome and should improve confidence in the process.

UKRIO regularly receives enquiries from both complainants and respondents saying that they have not had the opportunity to put their views and evidence across. Complainants can feel ignored once they have raised a matter, with no further

opportunity to elaborate, and respondents can feel there is a juggernaut process threatening to mow them down and ruin their career without any opportunity for them to genuinely provide input.

It is crucial for a fair and impartial investigation to occur, that both sides have had sufficient opportunity to be heard and that the outcome is an objective view based on the information received from all parties and on independent evidence if available. It can also be easy to get carried away if one side is particularly plausible but it is vital to be thoroughly objective.

It helps to be empathetic and remember that people, especially complainants and respondents, may be nervous and stressed and that this can manifest itself in different ways – aggression, non-responsiveness, or refusal to cooperate (though these can also be deflection signs that there is something to hide). People are more likely to collaborate and have trust in the process if they are treated with empathy and dignity. This will mean a more effective investigation will be carried out and is crucial to the integrity of the process.

When arranging meetings, it can help to bear the following in mind:

- **Be very clear what the meeting is about.** For example, what are the specifics of the allegations and what are you seeking evidence on?
- **Give sufficient notice for when the meeting will take place.** If people drop out at the last minute, rearrange, but do not do it more than once as this can be a delaying tactic. Make it clear that the second meeting is the chance to provide input and if they do not participate, the procedure will continue (unless it is very clear they are not obfuscating).
- **Remain focused and impartial.** Keep any meeting focussed and business-like, not overly formal, but also not casual. As noted in the resources below: *‘it shouldn’t become a debate, discussion or argument and it’s important to be as impartial as possible.’* ([Keeping HR simple](#)). Likewise, the Rubin-Tomlinson guidance below recommends: *“Refrain[ing] from saying anything that may come across as antagonizing to the parties involved. When in doubt, remain “warmly neutral.”*
- **Set an appropriate length of time for the meeting.** Inordinately long meetings do not tend to meet their objectives effectively.
- **Take notes and record actions.** It is important to be clear who is doing this and how they will be shared and agreed subsequently. Also be clear whether recording is acceptable or not. This is particularly important for 1:1 meetings to ensure there is an agreed action that cannot easily be retracted subsequently. Please see the section on record keeping for further advice in this area.
- **Follow procedure in terms of allowing people to be accompanied to meetings.** Meetings can work better if they are balanced in terms of

attendance from each 'side'. However, it is also important that attendees do not feel intimidated and matters do not become overly legalistic.

- **Ensure the meeting environment is appropriate.** If the meeting is in person, try to make sure the surroundings are congenial, i.e., quiet and undisturbed, with water available or else notify people to bring their own.
- **Be clear about the meeting purpose and outcomes.** At the start, ensure that introductions are made, so that all parties know who is present and why they are there. At the end, be very clear on the agreed outcomes and next steps.

Formal meetings

Institutions will have established different practices for formal meetings convened under the research misconduct procedure.

As noted in the discussion point at paragraph 103 of the [Model Procedure](#), UKRIO does not recommend the use of 'court room' style meetings with both the respondent and complainant in the room with the panel. These can be complex to manage and can become adversarial and stressful for all concerned. It is also arguably not the best way to get to the truth – research misconduct procedures are not legal procedures, and the respondent is not on trial.

In our view, it is better to meet with each party separately. However, if that is the way it is managed in your institution, be very careful how it is implemented, how the questioning is managed, how you ensure the well-being and representation of all parties, and what the anticipated outcome is.

Further guidance and information

A lot of information is available on running good investigations and hearings. The resources listed below is worth perusing. They mostly relate to disciplinary processes and workplace investigation, but many of the principles apply, even though research misconduct procedures are emphatically **not disciplinary procedures**.

Keeping HR Simple – [Guide to chairing a disciplinary hearing](#)

Acas – [Disciplinary and Grievance procedures](#)

Rubin Tomlinson – [Workplace investigations](#)

HRology – [the four values of workplace investigations](#)

'The importance of building trust in a workplace investigation can't be underestimated. To get the parties to trust and respect me, I have to demonstrate competence and confidence, act fairly and neutrally, and share information transparently, to the extent possible. And lastly, in order to build trust and relationships during a workplace investigation, it's important that I treat people as people

(not just as a process) and that means leading with kindness, compassion and empathy.'

*'In our workplace investigation training sessions, we often talk about the four pillars of the investigation process: **fairness, thoroughness, timeliness, and confidentiality.**'*

Record keeping in research misconduct allegations

Good record keeping is crucial to a well-run research misconduct procedure. It helps ensure that all parties involved have their input recorded and taken account of and helps panels and the Named Person form good judgements based on the information and evidence available.

There is a great deal of information available on the principles of good record management. The following principles are taken from the website of [National Records of Scotland](#):

The guiding principle of records management is to ensure that information is available when and where it is needed, in an organised and efficient manner, and in a well-maintained environment. Organisations must ensure that their records are:

- **Authentic:** *It must be possible to prove that records are what they purport to be and who created them, by keeping a record of their management through time.*
- **Accurate:** *Records must accurately reflect the transactions that they document.*
- **Accessible:** *Records must be readily available when needed.*
- **Complete:** *Records must be sufficient in content, context and structure to reconstruct the relevant activities and transactions that they document.*
- **Comprehensive:** *Records must document the complete range of an organisation's business.*
- **Compliant:** *Records must comply with any record keeping requirements resulting from legislation, audit rules and other relevant regulations.*
- **Effective:** *Records must be maintained for specific purposes and the information contained in them must meet those purposes. Records will be identified and linked to the business process to which they are related.*

- **Secure:** Records must be securely maintained to prevent unauthorised access, alteration, damage or removal. They must be stored in a secure environment, the degree of security reflecting the sensitivity and importance of the contents. Where records are migrated across changes in technology, the evidence preserved must remain authentic and accurate.

When applied to operating research misconduct procedures, it is important to bear the following in mind:

- **Agree processes at the outset.** Agree with all parties at the outset of a meeting the process for recording or note-taking, and ensure that all parties are on board. If a meeting is to be recorded, this should be done centrally and provided afterwards.
- **Don't allow any note-taking to delay progress.** For example, you may wish to provide the notes, give a week for comments, then issue the notes and move on. The author of this document has seen this used as a delaying tactic in investigations, with comments back and forth to agree on the notes.
- **Take care with one-to-one meetings.** These should be limited to less formal, fact-finding meetings rather than formal meetings. Without careful management, it is possible for people to retract what they have said in a meeting with no additional witnesses.
- **Ensure any notes taken are objective.** Notes should be limited to facts and what is agreed, rather than stating opinion or feelings. They should be sufficient for the needs of the procedure and to enable good judgements to be made, and not excessive or overly bureaucratic.

As noted by the [Public Services Ombudsman for Wales](#): *'Making timely, complete and accurate records is central to good records management, but it is also important that records are ordered and accessible, and that they are **not excessive** or retained longer than is needed. Common sense must be exercised to ensure that **sensible, accurate, open and proportionate records** are maintained.'*

- **Only retain records for as long as necessary.** It may be tempting to retain records for longer than is strictly necessary. However, you should ensure that you are abiding by your institutional policies on record retention and deletion, and clear on the reasons why you might need to keep records any longer than specified. However, when records are deleted, you should consider retaining basic information on the matter, what was investigated, the outcome and action taken. For various reasons, interest can be sparked in an investigation long after it took place, and it will be helpful if a basic record as set out above.

Fitness to practise in regulated professions and research misconduct outcomes

Where an investigation is upheld into the behaviour of a respondent who is also a member of a regulated profession such as medicine, dentistry or nursing, consideration will need to be given to whether they need to be referred for investigation under fitness to practise regulations. This could also apply, rarely, to staff or research students who are studying for a degree in one of those professions or undertaking other means of entry to a registered profession.

At the time of considering the outcomes of an investigation, it will be necessary to consider whether a matter should be referred to a regulator (such as the General Medical Council) for investigation. In addition to research misconduct that has occurred in clinical settings, it would also be reasonable to consider referral if the respondent:

*'has behaved **dishonestly, fraudulently** or in a way designed to mislead or harm others...*

the doctor's behaviour was such that public confidence in doctors generally might be undermined if we did not take action.' ([The meaning of fitness to practice](#))

Whilst the threshold and rules on referral will vary, this will apply in all regulated professions such as Dentistry, Nursing, Pharmacy, Law, Education etc.

A full list of the regulated professions in the UK is available [here](#).

Investigating historic allegations

Many procedures state they will investigate allegations relating to events that took place a significant time ago at their discretion. Others have a cut off and will not investigate. UKRIO's advice is that each matter should be considered on its merits; please see the discussion box in paragraph 37 of the UKRIO [Model Procedure](#). This advice is also reproduced here for ease of reference:

Allegations may be raised relating to research that was carried out many years previously. The institution may consider imposing 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 a responsibility to respond appropriately when concerns are raised about research which has been conducted under their auspices. Imposing a time limit will have an impact on 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 at the time. 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.

Advice should be sought from the Research Integrity Officer, Student Services, Human Resources and Legal Services (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.

Challenges

Investigating matters that took place a considerable time in the past can be challenging. People will have moved on and it may be difficult to secure evidence if email correspondence and other records have been destroyed. Those raising the matter may be obsessive and dogmatic if they have held onto a grievance for a long time. That does not mean that it should not be investigated.

Sometimes these matters can be raised incidentally to an investigation already taking place, which can flag up that an entire body of work needs to be investigated. This can take considerable time and resources.

The point to bear in mind is the dual role of a research misconduct investigation – both establishing who did what *and* correcting the record of the research. There is no ‘statute of limitations’ on this and records may still need to be corrected even if a matter took place a long time ago. It may be more challenging, but that does not in itself mean that an attempt should not be made.

The UKRIO [Model Procedure](#) states:

‘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.’

This statement should not be taken too literally; it simply means that behaviours, attitudes and approaches to research integrity expected should be those that were in place at the time rather than from the current time.

We have included a few examples below:

- **Allegations prior to the late 1990s or early 2000s.** Institutions did not generally introduce research misconduct procedures until the late 1990s or early 2000s so it would not be reasonable to expect a person to have reported an allegation via a particular procedure prior to that point.
- **Data sharing and reproducibility.** Requirements on data sharing and reproducibility have also changed significantly in the last 20 years, so it is not reasonable to place the same expectations on those researching at the time as to what is expected now.
- **Historical attitudes and biases.** Like everyone, researchers are products of their environment, and research conducted will reflect attitudes and biases that were prevalent at the time the research was taking place. This should be considered. However, researchers were always expected to behave with honesty, integrity and rigour, and those principles should still be applied.

As with many aspects of managing a research misconduct matter, judgements will need to be made based on best practice and the information available.

Your feedback

We are very happy to receive comments on this note, or ideas for additional sections. Please email info@ukrio.org with any suggestions.

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