

Policy on misconduct in research

Original draft version: July 2017

Contents	
0. General policy information	Page 2
0.1 Principles	Page 2
0.2 Definition of research misconduct	Page 3
0.3 Scope	Page 4
0.4 Procedure	Page 5
1. Initial assessment	Page 8
1.1 Preliminary action	Page 8
1.2 Initial assessment by the Named Person	Page 10
2. Screening Panel	Page 12
2.1 Appointment of the Screening Panel	Page 12
2.2 Investigation by the Screening Panel	Page 13
2.3 Recommendation of the Screening Panel	Page 13
3. Formal investigation	Page 15
3.1 Appointment of the Investigation Panel	Page 15
3.2 Investigation by the Investigation Panel	Page 16
3.3 Recommendation of the Investigation Panel	Page 17
4. Appeal	Page 19
4.1 Appeal Process	Page 20
Appendices	Page 22
Appendix 1: Glossary of terms	Page 22
Appendix 2: Policies and Guidance	Page 23

0. General policy information

0.1 Policy principles

The University is committed to maintaining the highest standards of ethics and integrity in its research, and places ethics and integrity at the heart of its decision making. As a component of this commitment, the University requires that all research projects undertaken under the auspices of the University observe a commitment to good research conduct.

This policy aims to ensure that any allegations or discoveries of potential research misconduct are subject to a timely and thorough investigation, which is fair to all parties, and provides transparency to members of the public who can take confidence that our research practices meet the highest standards.

The University takes all allegations or discoveries of potential misconduct in research very seriously, and requires that they are investigated fully and in accordance with this procedure.

Misconduct can include a broad range of behaviour and activity, from minor infraction to deliberate deception. Each case will be reviewed on an individual basis and the action taken will be proportionate to the level of severity.

Any investigation under this Policy will be conducted as confidentially as is reasonably practicable, provided that this does not compromise the investigation.

All investigations will be conducted sensitively, and under a presumption of innocence.

All parties involved in investigations into potential research misconduct will have access to advice from the UK Research Integrity Office and other sources of guidance, such as those outlined in *Appendix 2*.

0.2 Definition of research misconduct

Misconduct in research may result from one, or a combination, of the following:

- Reckless, negligent, or deliberate deviation from accepted good practice in carrying out research, including:
 - failure to acquire the required favourable opinion from the appropriate Ethics Committee for research;
 - failure to follow any protocols contained in the ethical approval that has been given for the research;
 - failure to meet any legal requirements as set down in legislation;
 - failure to follow any protocols set out in the guidelines of appropriate recognised professional, academic, scientific and governmental bodies;
 - failure to follow any procedures that avoid unreasonable risk or harm to humans, animals or the environment;
 - failure to meet the requirements of a relevant University Policy;
 - failure to obtain appropriate permission to conduct research;
 - unethical behaviour in the conduct of research;
 - failure to disclose conflicts of interest;
- Fabrication;
- Falsification, including:
 - publication of data known or reasonably believed to be false or misleading;
- Plagiarism;
- Misrepresentation of data and/or interests and or involvement;
- Deception in proposing, carrying out or reporting results of research;
- Mismanagement or inadequate preservation of data and/or primary materials;
- Fraud, including the invention of data or the misuse of research funds, equipment or premises;
- Failure to give appropriate recognition to others involved in research activity;
- Facilitating misconduct in research by collusion in, or concealment of, such actions by others, including:
 - any plan, conspiracy or attempt to commit research-related misconduct, or any incitement to do so;
- Failure of a member of staff or student to report an incident which has given rise to a reasonable suspicion of research misconduct

Misconduct in research will not normally include honest and reasonable error; or honest and reasonable differences of interpretation or judgement in the collection, evaluation or reporting of research results. However, misconduct in research can include acts of omission, as well as acts of commission.

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, including failure to follow relevant policies.

Freedom of speech

The University recognises and is fully committed to meeting its responsibilities to secure and promote academic freedom and free speech, within the law. The University's [Code of Practice Regarding Freedom of Speech](#) sets out the University's commitments and values in this area. In line with [guidance from the Office for Students](#), cases relating to free speech matters (whether they involve staff or students) will be subject to a preliminary assessment by an appropriate senior officer(s) to assess whether further investigation is warranted.

0.3 Scope

This Policy applies to University staff, students, and anyone involved in research under the auspices of the institution. Research should be interpreted broadly to include all investigation undertaken in order to acquire knowledge and understanding, whether funded or unfunded.

This Policy allows for the investigation regardless of the contractual status of the individual(s) in question, and extends to individuals who have left the University.

Those entitled to bring complaints about research are not restricted to being a member of staff - present or past - of the University.

Third parties

Where it is appropriate to do so, the University may notify and liaise with a third party in relation to any investigation under this Policy; and may devolve responsibility for any investigation, in part or whole, of misconduct to a third party body - such as a partner organisation, a regulatory or funding council, or a professional body.

Misconduct involving clinical staff

For allegations or discoveries of potential misconduct against clinical staff, this policy should be read in conjunction with the 'Joint Protocol for the handling of allegations of research misconduct against clinical academic staff' listed in *Appendix 2*.

Relevant student policies

For allegations or discoveries of potential plagiarism, collusion, copying, submission of commissioned or procured work or dishonest use of data by a taught programme student, please see the procedures set out in Appendix L (Academic Integrity Policy) of the Code of Practice on Assessment.

For allegations or discoveries of potential plagiarism, collusion, copying, submission of commissioned or procured work or dishonest use of data by a research programme student, please see the procedures set out in Appendix 4 (PGR Policy on Plagiarism and Dishonest Use of Data) of the Postgraduate Code of Practice.

0.4 Procedure

The procedure outlined in this Policy will be instigated if an allegation of misconduct in research - referred to in this document as a "complaint" - is raised; or if reasonable grounds for suspecting potential research misconduct are discovered.

Once initiated, the Policy should normally progress to the natural end-point irrespective of:

- the Complainant withdrawing the complaint at any stage;
- the Respondent admitting, or having admitted, the alleged misconduct, in full or in part; or,
- the Respondent or the Complainant resigning, or having already resigned, their post.

This Policy is designed to be followed in its entirety prior to any use of the University's standard disciplinary processes.

Reporting allegations of misconduct in research

All members of the University have a responsibility to report any incidents of research misconduct, whether this has been witnessed, or for which there are reasonable grounds for suspicion. Allegations of misconduct made in good faith will be investigated in accordance with this Policy.

Concerns can be raised via, or with the assistance of, an intermediary such as a Line Manager, Tutor or Supervisor, Head of School, Trade Union representative, Guild advice service representative, or colleague. Further information can be found in the 'Public Interest Disclosure (Whistleblowing) Policy' listed in *Appendix 2*.

Failure by a member of staff or student to report research misconduct may constitute the withholding of information and may, in some circumstances, invoke relevant misconduct or disciplinary procedures.

If an individual is unsure whether a suspected incident constitutes misconduct they should discuss this informally with the Chair of the University's Research Governance Committee (integrity@liverpool.ac.uk) - hereafter the "**Named Person**".

Allegations of misconduct in research should be submitted to the Named Person via integrity@liverpool.ac.uk, and be accompanied by any supporting evidence that is available.

Allegations which are in any way linked to the Named Person or which raise the potential for a conflict of interest for the Named Person will be immediately referred to the Associate Pro-Vice-Chancellor for Research and Impact, Faculty of Health and Life Sciences, as the Named Person's alternate who will then implement the procedure.

The Named Person, or their alternate, will be supported throughout the procedure by the Research Ethics and Integrity team (integrity@liverpool.ac.uk), through whom all communication and documentation should be passed; and who will be responsible for maintaining a record of the investigation. The Human Resources department and the Student Administration and Support department will offer advice and support on staff and student processes respectively throughout the procedure.

Anonymous complaints and discoveries of potential research misconduct

In situations where the Complainant is anonymous; or where there are grounds for suspecting potential research misconduct but there is no specific Complainant, the procedure may be initiated at the University's discretion. In such situations, the Named Person, on behalf of the University, will act as the party bringing the concerns forward.

Witnesses

The University reserves the right to conceal the identity of any witnesses or Complainant if it deems it necessary and appropriate to do so, in which case witness statements may be anonymised. The University recognises that witness statements will only be anonymised in exceptional circumstances and that such statements may weaken the case if further action is taken against the Respondent. Witnesses will be made aware that should the case proceed to a hearing, their statement will be divulged to the Respondent. Where the case does not proceed to a hearing, witness statements will be kept confidential, although their content may be referred to within the investigatory report.

Discovery of new evidence

Should any evidence of potential misconduct be brought to light during the course of the investigation that suggests:

- further, distinct instances of misconduct in research by the Respondent(s) that are unconnected to the allegations under investigation; or
- potential misconduct in research by another person or persons

Then these new allegations of potential misconduct in research will be submitted to the Named Person, along with all supporting evidence. The Named Person will determine whether they should be addressed as part of the same investigation or whether a new investigation should be instigated.

Responsibilities

All parties will work to ensure prompt progression of the procedure.

All parties are expected to cooperate in the review of allegations and the conduct of screening panels and formal investigations. Individuals have an obligation to answer reasonable questions and to provide relevant evidence promptly.

The University will take disciplinary action against individual(s) found to be attempting to influence, victimise, or intimidate any parties in the investigation.

Definitions

Definitions of the key terms within the policy can be found within the Glossary in *Appendix 1*.

Acknowledgement

The University would like to acknowledge and thank the UK Research Integrity Office and Research Councils UK for their guidance documents on misconduct in research, on which this Policy has been based, and for their input into the drafting of this Policy.

Stage 1: Initial assessment

The purpose of the initial assessment is to determine whether the allegations or discovery fall within the Policy on misconduct in research; and to determine the appropriate course of action.

Timescale

The Initial Assessment should normally be completed within ten working days from receipt of the allegation and the necessary accompanying evidence.

1.1 Preliminary action

Acknowledgement of receipt of the allegations will be sent to the Complainant, along with notification of the procedure that will be followed.

Allegations involving potential risk or harm

The Named Person will review the nature of the allegation or discovery and, where they 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 - then the Named Person will take immediate appropriate action to ensure that any such potential risk, actual danger or illegal activity is prevented or eliminated.

Allegations involving potential illegal activity

The nature of the allegations may mean that it is necessary to notify legal or regulatory authorities, such as in situations where an activity is potentially or actually illegal and/or there is a danger to persons, animals and/or the environment. In such situations, the Named Person will take immediate action to notify the relevant legal or regulatory authority. As a consequence of such notification, the University may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Policy.

Securing relevant information and evidence

The Named Person will ensure that all relevant information and evidence are secured, so that any investigation conducted under this Policy can have access to them. This may include, but is not limited to:

- securing all relevant records, materials and locations associated with the work;
- liaising with the Human Resources Department and the relevant Line Manager(s), or the Student Administration and Support department to:
 - request the temporary suspension of the Respondent;
 - request the temporary barring of the Respondent from part, or all, of the premises of the Organisation and any of the sites of any partner organisation(s); and/or
 - request a temporary restriction be placed on the Respondent requiring him/her not to have contact with some or all of the staff of the Organisation and those of any partner organisation(s).

Determining the appropriate investigatory body

The Named Person will investigate the contractual status of the Respondent and the contractual details specific to the research project(s) related to the allegations. If the University is not the Respondent's primary employer, the Respondent having only an honorary or secondary contract with them, the Named Person will contact the Respondent's primary employer and inform them of the allegations.

Notifying the University Academic Leadership

Notification of the allegation should be sent to the University's Pro-Vice-Chancellor for Research and Impact, the Relevant Executive Pro-Vice-Chancellor, and the relevant Head of Department/School/Institute.

Notifying the Respondent(s)

The Named Person will inform the Respondent that allegations or a discovery of potential misconduct in research has been made. The Respondent will be informed in a confidential meeting with the Named Person and a member of the Research Ethics and Integrity team. The Respondent may be accompanied to this meeting by a colleague, or a trade union representative. If the Respondent is a student, a representative from the Student Administration and Support department or the Guild advice service may be present.

The purpose of this meeting is to notify the Respondent formally that allegations or a discovery of potential misconduct in research has been made against him/her. If the allegations are made against more than one Respondent, the Named Person will inform each individual separately and not divulge the identity of any other Respondent(s).

A written summary of the allegations will be given to the Respondent at the meeting, together with a copy of the Procedure to be used to investigate the allegations. The Named Person will outline the Procedure to be used and the opportunities the Respondent will have to respond. The Named Person will also offer a timetable for the Procedure.

Notifying relevant third parties

The Named Person will determine whether the research project to which the allegations relate includes obligations that require the University to notify any relevant third parties.

1.2 Initial Assessment by the Named Person

The Named Person will review the nature of the allegations by referring to the definition of misconduct in research detailed in section 0.2 of this Policy. Where the allegations are outside the definition, the Named Person will write to the Complainant to communicate:

- a) the reasons why the allegations cannot be investigated using this Procedure;
- b) which process might be appropriate for handling the allegations (if any);
- c) and to whom the allegations should be reported.

Mediation and arbitration

Situations arise that might present as misconduct, but are not considered serious in nature. In such situations, it may be possible to mediate or resolve such differences at the individual or local level and this route will be considered and explored where appropriate, before the formal steps are undertaken. Where appropriate, opportunities to resolve matters through mediation will be considered. Options for internal and/or external arbitration and/or dispute resolution will also be explored. In such situations, formal steps will only be taken forward if the informal route is considered to be inappropriate due to the serious nature of the allegations, or where mediation and/or arbitration has been refused or proved unsuccessful.

Addressing concerns through competency, education, and training mechanisms

The Named Person may determine that the allegations have some substance, but due to their relatively minor nature, the matter can be recommended as best addressed through the University's capability, education and training mechanisms, or other non-disciplinary processes, rather than through the Panel and Investigation stages of this Procedure.

The investigation using the Procedure would then conclude at this point. The Named Person will make recommendations to the relevant Pro-Vice-Chancellors, who will take steps to establish a programme of training or supervision in conjunction with the Respondent, Human Resources, and his/her Line Manager; or, if the Respondent is a student, the Student Administration and Support department and the relevant Supervisor.

Outcome of the Initial Assessment

If the allegations or discovery fall within the definition of misconduct, the Named Person will determine whether the allegations or discovery of potential misconduct in research:

- can be dealt with through mediation or arbitration;
- have some substance but due to their relatively minor nature, should be addressed through education and training or other non-disciplinary approaches, rather than through the next stages of the Procedure;
- warrant progression to the Screening Panel stage;
- are sufficiently serious to warrant progression directly to the Formal Investigation stage

All relevant parties will be notified of the outcome of the Initial Assessment.

Stage 2: Screening Panel

The purpose of the Screening Panel is to determine whether there is sufficient evidence of misconduct in research by gathering information and determining whether an allegation or apparent instance of misconduct warrants a Formal Investigation.

Timescale

The Screening Panel should aim to complete its work within thirty working days of being convened.

2.1 Appointment of a Screening Panel

The Named Person will recommend to the relevant Pro-Vice-Chancellors that they appoint a Screening Panel consisting of three individuals who do not have conflicts of interest in the case and have appropriate expertise to evaluate the issues. One of the individuals will be asked to Chair the Panel.

The Panel may include a member from outside the University.

Members of the Screening Panel will declare any potential conflicts of interest, including those that arise during the course of the investigation.

Notification requirements

The Named Person will notify both the Respondent and the Complainant of the establishment and composition of the Screening Panel in writing as soon as reasonably practicable.

The Respondent will be given a copy of the allegations and a summary of the available evidence; and will be afforded the opportunity to respond to the allegations in writing.

Objections to the composition of the Screening Panel

The parties will have five working days to submit an objection to the persons appointed to the Panel.

If any party submits a written objection to any of the persons appointed to the Panel, the Named Person will consult with the relevant Pro-Vice-Chancellors, who may decide to replace the challenged person with a qualified substitute.

If the decision is taken not to replace the challenged person(s), the reasons will be notified to the relevant party in writing.

2.2 Investigation by the Screening Panel

The Screening Panel will meet to review the allegation and supporting evidence.

All meetings will be supported by the Research Ethics and Integrity team who will provide the Screening Panel with a copy of the available evidence and will record details of the meeting. Representatives from the Human Resources and/or Student Administration and Support will be invited to attend the meetings to offer advice on the staff and student processes respectively.

The purpose of the Screening is not to reach a final conclusion as to whether misconduct occurred or who was responsible. The Screening Panel should specifically limit its scope to that of evaluating the facts only to determine whether there is sufficient evidence of misconduct in research to warrant a formal investigation.

In order to make its judgement, the Screening Panel may request additional information as necessary. The Panel may invite the parties to clarify any matters that the Screening Panel considers necessary and relevant

It may be necessary for the Screening Panel to interview the Respondent, the Complainant and other staff or witnesses who might provide relevant information to assist the Panel.

2.3 Recommendation of the Screening Panel

The Screening Panel will make a recommendation that the allegations of misconduct in research:

- are mistaken, frivolous, vexatious and/or malicious; or
- are sufficiently serious and have sufficient substance to justify a Formal Investigation.

Report of the Screening Panel

The Chair of the Screening Panel will make the draft findings available to the Named Person, who will forward them to the Respondent and the Complainant for comment on the factual accuracy of the report.

Only when the report includes errors of fact should the screening panel modify the report. Any comments submitted from either the Respondent or Complainant will be attached as an addendum to the report.

All relevant parties will be notified of the outcome of the Screening Panel.

Disagreements with the outcome of the Screening Panel

Where there are disagreements by third parties with the outcome of the Screening Panel, the Named Person will convene and Chair a group containing at least two other members of the Research Governance Committee, who will consider the dispute. A record of the disagreement and a recommendation from this group will be attached as an addendum to the report.

Mistaken, frivolous, vexatious, and/or malicious allegations

Those who have made allegations in good faith will not be penalised and will be offered the University's full support.

However, the University will protect individuals against frivolous, vexatious and/or malicious allegations of misconduct in research and will take appropriate action against any individual(s) responsible for such allegations.

Where the allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The University will then take such steps, as are appropriate in the light of seriousness of the allegations, to sustain the reputation of the Respondent and the relevant research project(s).

Recommending a Formal Investigation

Where the Screening Panel considers that the allegations are sufficiently serious and have sufficient substance to warrant recommending a Formal Investigation, the Named Person will consult with the relevant Pro-Vice-Chancellors who will take immediate steps to set up a Formal Investigation.

Stage 3: Formal Investigation

The purpose of the Formal Investigation is to examine and evaluate all the relevant facts to determine whether misconduct has been committed, and if so, the responsible person and the seriousness of the misconduct.

Timescale

The Formal Investigation will be conducted as quickly as practicable without compromising the integrity of the investigation. The investigation will normally be completed within sixty working days following the appointment of the Investigation Panel. The Pro-Vice-Chancellor for Research and Impact must authorise any extension of the sixty working day timescale.

3.1 Appointment of the Investigation Panel

The Investigation Panel will be appointed within 30 working days of the recommendation for a Formal Investigation.

Composition of the Investigation Panel

The Named Person will recommend to the relevant Pro-Vice-Chancellors that they appoint an Investigation Panel consisting of at least three persons who have not been involved in the investigation at an earlier stage and who have appropriate knowledge and experience to evaluate the scientific issues and relevant knowledge of investigating procedures. One of the individuals will be asked to Chair the Panel.

The Panel will normally include a member from outside the University.

Members of the Investigation Panel will declare any potential conflicts of interest, including those that arise during the course of the investigation.

The Named Person will define the subject matter of the investigation to the Investigation Panel and, where the Screening Panel stage has been completed, will attach a copy of the Screening report.

Notification requirements

The Named Person will notify the following individuals of the establishment and composition of the Investigation Panel: the Complainant; the Respondent; the relevant Head of Department/School/Institute; and any relevant third parties.

Objections to the composition of the Investigation Panel

The parties will have five working days to submit an objection to the persons appointed to the Panel.

If any party submits a written objection to any of the persons appointed to the Panel, the Named Person will consult with the relevant Pro-Vice-Chancellors, who may decide to replace the challenged person with a qualified substitute.

If the decision is taken not to replace the challenged person(s), the reasons will be notified to the relevant party in writing.

3.2 Investigation by the Panel

The Chair of the Investigation Panel will report the progress made by the Investigation Panel to the Named Person on a regular basis. The Named Person will also then provide appropriate information on the progress of the investigation to other relevant parties.

Collecting evidence and interviewing the Parties

The Investigation Panel will examine the evidence collected during the Screening Panel stage and investigate further as required. All meetings and evidence requests will be supported and recorded by the Research Ethics and Integrity team. Representatives from the Human Resources and/or Student Administration and Support will be invited to attend the meetings to offer advice on the staff and student processes respectively.

The Investigation Panel will interview the Respondent and Complainant, and other individuals who might have information regarding key aspects of the allegations. The Respondent may be accompanied to any interviews by a colleague, or a trade union representative. If the Respondent is a student, a representative from the Student Administration and Support department or the Guild advice service may be present.

Written notes will be made of the interviews. These are not meant to be verbatim, but will be an accurate reflection of the points discussed; will form the official record; and will be included as part of the Investigation Report. Each individual will have an opportunity to comment on the notes to ensure factual accuracy, but this should not delay the investigation process. Any disagreements will be noted.

Final report of the Investigation Panel

The Investigation Panel will produce a final report that:

- summarises the conduct of the investigation;
- states whether the allegations of misconduct in research have been upheld in whole, in part, or not upheld, giving the reasons for its decision and recording any differing views;
- makes recommendations in relation to any matters relating to any other misconduct identified during the investigation; and
- addresses any procedural matters that the investigation has brought to light within the University and relevant partner organisations and/or funding bodies.

The final report will state how the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings, and an accurate agreed summary of the views of any individual alleged to have engaged in misconduct.

3.3 Recommendation of the Investigation Panel

The Investigation Panel will review all the relevant evidence and conclude whether the allegations of misconduct in research are:

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

The standard of proof used by the Investigation Panel is that of “on the balance of probabilities”.

Report of the Investigation Panel

The Report will be sent to the Named Person who will forward it to the Respondent and the Complainant for comment on the factual accuracy of the report. Only when the report contains errors of fact and matters that have bearing on the facts as indicated by the Respondent and/or the Complainant, and accepted by the Investigation Panel, should the Chair modify the report.

The Named Person will inform the following individuals of the conclusion of the formal investigation report: the Complainant; the Respondent; the Pro-Vice-Chancellor for Research and Impact, the Relevant Executive Pro-Vice-Chancellor, the relevant Head of Department/School/Institute; and any relevant third parties. If the allegations of misconduct in research have been upheld, the Vice-Chancellor will be notified.

Where the final report contains recommendations and actions, the relevant Pro-Vice-Chancellors will be responsible for taking the recommendations forward, with the support of the Human Resources department and/or the Student Administration and Support department.

University disciplinary procedure

If all or any part of the allegations are upheld, the Pro-Vice-Chancellor for Research, the relevant Executive-Pro-Vice-Chancellor(s), and any representatives from Human Resources (for allegations involving University staff) or the Student Administration and Support department (for allegations involving University students) will decide whether the matter should be referred through the University's disciplinary processes or for other formal actions, and will be responsible for taking forward the recommendations with the Respondent(s).

Should the allegations proceed to the disciplinary process, the report of the Investigation Panel will form part of the evidence that the Disciplinary Panel receives, and the Chair of the Investigation Panel will usually present the case to the Disciplinary Panel. All the information collected and brought to light through the Procedure will be transferred to the disciplinary process.

A conclusion that the allegations are not upheld

Where allegations have not been upheld (in full or in part), the Named Person will take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Respondent and any relevant research project(s).

Stage 4: Appeals

The purpose of the Appeal stage is to consider and review an appeal submitted by the Complainant(s) or the Respondent(s) against the decision resulting from completion of the investigation into an allegation of misconduct in research.

The outcome of the Appeal Panel is final and the Complainant or Respondent has no further right of internal appeal against the decision resulting from completion of the investigation into an allegation of misconduct in research.

Appeals emanating from the disciplinary procedure will follow the relevant disciplinary procedure in operation at that time.

Timescale

The Appeal Panel should aim to complete its work within twenty working days of being convened.

Initiation

The Complainant or Respondent may appeal against the decision to substantiate the allegation of misconduct in research by writing to the Named Person within ten working days of receiving notification of the outcome of the investigation.

The letter should include a written statement stating clearly the basis for appeal.

Appointment of the Appeal Panel

The Named Person will recommend to the relevant Pro-Vice-Chancellors that they appoint an Appeal Panel consisting of three or more persons, none of whom were a member of the Screening or Investigation Panels. The Panel may include individuals external to the University.

Notification requirements

The Named Person will notify the Complainant or Respondent of the proposed Appeal Panel membership in writing as soon as reasonably practicable.

The Respondent will have five working days to submit an objection to the persons appointed to the Panel.

If the Complainant or Respondent submits a written objection to any of the persons appointed to the Panel, the Named Person will consult with the relevant Pro-Vice-Chancellors, who may decide to replace the challenged person with a qualified substitute.

If the decision is taken not to replace the challenged person(s), the reasons will be notified to the Complainant or Respondent in writing.

4.1 Appeal Process

The Appeal Panel will:

- a) determine whether the procedure was followed correctly; and
- b) in cases where new evidence has been presented, review the evidence and determine whether the decision resulting from completion of the investigation into an allegation of misconduct in research was fair and reasonable in all the circumstances.

The Complainant or Respondent will be invited to attend a meeting to give oral evidence. The Complainant or Respondent may be accompanied to this meeting by a colleague or trade union representative. If the Complainant or Respondent is a student, a representative from the Student Administration and Support department or the Guild advice service may be present. This meeting will be supported and recorded by a member of the Research Ethics and Integrity team who has not been involved in the prior stages of the investigation.

The Complainant or Respondent may submit any relevant additional material in support of their appeal.

Appeal Panel report

The Appeal Report will state how the appeal was conducted, describe how and from whom further information was obtained relevant to the appeal, state the findings, and explain the basis for the findings.

A copy of the Appeal Report will be made available to the Named Person, who will forward the report to the Vice Chancellor.

The Vice Chancellor will decide, on the basis of the Appeal Report, whether to endorse, amend or overturn the conclusions of the investigation.

The Vice Chancellor will notify the Complainant or Respondent and all relevant parties in writing of the outcome of the Appeal Panel and will provide a copy of the Appeal Report and evidence considered by the Appeal Panel.

If the outcome of the appeal changes the original conclusions of the investigation, the Vice Chancellor will notify all relevant parties.

Appendices

Appendix 1 – Glossary of terms

Complainant

The Complainant is the person making allegations of misconduct in research against one or more Respondents. Where potential misconduct is discovered, as oppose to alleged, the University will act as the Complainant.

Good faith allegation

An allegation made in good faith occurs when an allegation of misconduct in research is made by a complainant who honestly believes that misconduct may have occurred. A complainant who recklessly disregards evidence that disproves an allegation has not made the allegation in good faith.

Investigation

Investigation means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred and, if so, the responsible person and the seriousness of the misconduct.

Named Person

The Named Person is the individual who is responsible for: receiving any allegations of misconduct in research; initiating and supervising the investigation; 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 investigation.

The Named Person is the Chair of the University's Research Governance Committee. The Named Person has a nominated alternate, the Executive Pro-Vice-Chancellor for Research and Impact, who will carry out the role in the absence of the Named Person, or in the case of any potential or actual conflict of interest

Relevant third parties

The term 'relevant third parties' includes – but is not limited to: professional bodies, research funders, regulatory authorities, and University governance committees.

Respondent

The Respondent is the person against whom allegations of misconduct in research have been made.

Appendix 2 – Policies and guidance on research misconduct

Relevant professional and learned society policies

- Economic and Social Research Council: Framework for Research Ethics, 2015
- European Science Foundation: Code of Conduct for Research Integrity, 2011
- Montreal Statement on Research Integrity in Cross-Boundary Collaborations, 2013
- RCUK: Policy and Guidelines on Governance of Good Research Conduct, 2013
- Singapore Statement on Research Integrity, 2010
- UK Research Integrity Office: Procedure for the Investigation of Misconduct in Research, 2008
- UK Research Integrity Office: Code of Practice for Research, 2009
- Universities UK: Concordat to Support Research Integrity, 2012

Relevant University policies

- Academic Integrity Policy
- Disciplinary Procedure
- Information Security Policy
- Joint protocol for the handling of allegations of research misconduct against clinical staff
- Policy on ethical approval for research involving human participants, tissues or personal data
- Policy on the Use and Storage of Human Material for Research Purposes
- Postgraduate Research Code of Practice
- Public Interest Disclosure (Whistleblowing) Policy
- Research Data Management Policy
- Sponsorship of Research Statement of Policy
- Statement Of Policy And Procedure On Disclosure Of Interest
- University Safety policy

Relevant legislation

- Animals (Scientific Procedures) Act 1986
- Data Protection Act 1998
- Human Tissue Act 2004
- Medicines for Human Use (Clinical Trials) Regulations 2004

Guidance documents

- Committee on Publication Ethics (COPE): Guidelines on Good Publication Practice, 2003
- Department of Health's Research Governance Framework for Health and Social Care, 2005
- World Medical Association: Declaration of Helsinki, 2013