**UNIVERSITY OF WOLVERHAMPTON**

**PROCEDURES FOR DEALING WITH ALLEGATIONS OF MISCONDUCT IN RESEARCH (STAFF)**

**Introduction**

The University of Wolverhampton is committed to maintaining the highest standards of ethics and integrity in its research and is committed to ensuring that all researchers should be able to pursue their work in an atmosphere free of prejudice and harassment.

All researchers at the University are expected to conduct research in accordance with the core elements of research integrity, namely honesty in all aspects of research, rigour in line with prevailing disciplinary standards and norms, transparency and open communication, and care and respect for all participants in and subjects of research.

The University takes seriously any allegation of research misconduct and will implement this procedure to deal with such allegations in line with the principles of the Concordat to Support Research Integrity and guidance issued by the UK Research Integrity Office. These procedures outline the action to be taken when an allegation of misconduct in academic research is brought against any present or past member of staff of the University, including visiting academics, in respect of research undertaken while employed by or at the University.

The University will be responsible for monitoring all research and investigating any alleged misconduct. Any investigation will be carried out promptly, independently and fairly.

The UK Research Councils require all Higher Education Institutions to demonstrate that there are agreed principles and procedures in place to deal with allegations of misconduct in research. These procedures are expected to conform to the general guidelines issued in 1998 by the Director General of the Research Councils and the Chief Executives of the UK Research Councils.

The purpose of this procedure is to:

* Provide procedural guidance to be followed where there is an allegation of misconduct in research.
* This procedure operates alongside other policies and procedures, both in terms of outlining the University expectations relating to research governance and conduct.
	+ [Research Policies, Procedures and Guidelines](https://www.wlv.ac.uk/research/research-policies-procedures--guidelines/)
	+ [Concordat to Support Research Integrity](https://www.wlv.ac.uk/research/research-policies-procedures--guidelines/concordat-to-support-research-integrity/)
	+ [Disciplinary Policy & Procedure](https://www.wlv.ac.uk/staff/services/humanresources/policiesandprocedures/staff-disciplinary/)
	+ [Student Disciplinary Regulations](https://www.wlv.ac.uk/media/wlv/pdf/Student-Disciplinary-Procedure..pdf)

**Scope**

This procedure applies to all individuals undertaking research for the University, irrespective of whether the current place of work is within or outside the University premises, and will include:

* a member of staff;
* an independent contractor or consultant;
* a person with visiting or emeritus status; and
* a member of staff on an honorary contract

The procedures are only applicable in regard of misconduct which is alleged to have occurred during the time that they have been employed. The procedures do not apply to persons who are employed by other organisations, even if those individuals were engaged in collaborative research with staff of the University. The University does not have powers to investigate former employees or students who are now employed elsewhere.

**Principles**

The following principles guide the procedures outlined below:

* **Predictable** – Each individual complaint is handed in a consistent, orderly, fair and just manner
* **Transparent** – The University Ethical Principles and the Procedures for dealing with allegations of misconduct in research (staff) are made available to staff. Allegations and responses are made known to the parties, and decisions are explained and documented.
* **Professional and Impartial** –Each case is handled on the basis of good will and with a belief that there is no malicious intent on the part of anyone involved. All parties are treated equally and impartially.
* **Democratic** – Both parties have voice, an opportunity to be heard. The process includes checks and balances.
* **Confidential** – The process is confidential; but, within the process all individuals involved, their complaints, and responses are known to each other.
* **Efficient** – A commitment is made to resolve issues swiftly, allowing proper time for quality deliberation.
* **Educative** – The process is intended to be educative with regard to ethics and positive professional practice for all parties involved.

This procedure is intended to identify whether research misconduct has occurred and if so, the seriousness of the misconduct. Procedures for resulting disciplinary action are covered by the Disciplinary Policy & Procedure.

The procedures relating to discipline of students for misconduct in the prosecution of research are set out in the Student Disciplinary Regulations.

These procedures will be subject to review by the University Research Committee every 4 years.

**Definitions of misconduct in research**

In the context of these procedures, misconduct is taken to mean:

1. **Fabrication**: This includes the creation of false data or other aspects of research, including documentation and participant consent.
2. **Falsification**: This includes the inappropriate manipulation and/or selection of data, imagery and/or consents.
3. **Plagiarism**: This includes the general misappropriation or use of others’ ideas, intellectual property or work (written or otherwise), without acknowledgement or permission.
4. **Misrepresentation**: Including:
	1. Misrepresentation of data, for example suppression of relevant findings and/or data, or knowingly, recklessly or by gross negligence, presenting a flawed interpretation of data;
	2. Undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication;
	3. Misrepresentation of interests, including failure to declare material interests either of the researcher or of the funders of the research;
	4. Misrepresentation of qualifications and/or experience, including claiming or implying qualifications or experience which are not held;
	5. Misrepresentation of involvement, such as inappropriate claims to authorship and/or attribution of work where there has been no significant contribution, or the denial of authorship where an author has made a significant contribution.
5. **Mismanagement or inadequate preservation of data &/or primary materials**: Including failure to:
	1. keep clear and accurate records of the research procedures followed and the results obtained, including interim results;
	2. hold records securely in paper or electronic form;
	3. make relevant primary data and research evidence accessible to others for reasonable periods after completion of the research;
	4. manage data according to the research funder’s data policy and all relevant legislation;
	5. wherever possible, deposit data permanently within a national collection.
6. **Breach of duty of care**, which involves deliberately, recklessly or by gross negligence:
	1. disclosing improperly the identity of individuals or groups involved in research without their consent, or other breach of confidentiality
	2. placing any of those involved in research in danger, whether as Respondents, participants or associated individuals, without their prior consent, and without appropriate safeguards even with consent; this includes reputational danger where that can be anticipated;
	3. not taking all reasonable care to ensure that the risks and dangers, the broad objectives and the sponsors of the research are known to participants or their legal representatives, to ensure appropriate informed consent is obtained properly, explicitly and transparently;
	4. not observing legal and reasonable ethical requirements or obligations of care for animal subjects, human organs or tissue used in research, or protection of the environment;
	5. improper conduct in peer review of research proposals or results (including 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 peer review purposes.

Other terms used in the procedure are:

**Respondent** - the person accused of misconduct

**Complainant** - the person(s) making the allegation (may include external organisations e.g. journal editors).

Where allegations of misconduct are made by an individual or body external to the University, that individual or body will be made aware of the University’s procedures and of the University’s expectation that they will participate in the procedures and comply with their requirements.

Where allegations are made anonymously the University will endeavor to investigate these. However, it may be more difficult to effectively investigate and address the concerns raised without an individual to contact for supporting evidence.

**Safeguards**

An allegation of misconduct in this context is potentially defamatory and, therefore, actionable in law. For the protection of the Respondent and the Complainant, these Procedures must be conducted in strict confidentiality and disclosed only to those identified as having a role in the Procedures.

A presumption of innocence is maintained until the investigation process is complete and complainants who have made allegations in good faith, whether substantiated or not, will be protected.

**Reporting allegations of misconduct in research**

If an individual is unsure whether a suspected incident constitutes misconduct they may have confidential discussions about concerns with the Director of Human Resources or Dean of Research and seek advice about appropriate procedures to report allegations.

Formal allegations of misconduct should be reported via the two stage process outlined below.

**Formal Misconduct Procedures**

The process in its entirety will be concluded within **3 months** of the date of the initial allegation.

**Stage 1: Initial screening**

1. The Complainant makes an allegation of misconduct, in confidence, in writing to the Dean of the Faculty. (If the Dean is the Respondent of the allegation, the Dean of Research will substitute). The Dean will examine the allegation.
2. There is an initial screening to assess if the allegation is deemed to fall within the scope of these Procedures. The Dean of Faculty may seek confidential legal or other expert advice. The Dean of Faculty must inform the Complainant that either:
	1. the allegation falls within the Procedures and warrants initial screening, or
	2. the allegation has been dismissed as either outside the scope of the Procedures or unwarranted.
3. If i), the Dean of Faculty shall undertake an initial screening by informing the Respondent of the nature of the allegation and inviting a response within a specified timeframe, while maintaining the anonymity of the Complainant. The Respondent shall confirm receipt and provide a response in writing.
4. The Dean of Faculty shall then inform the Complainant and the Respondent of the initial screening decision which may be either:
	1. that the allegation is dismissed, or
	2. that the Respondent’s response is not satisfactory and the allegation will be considered under Stage 2 of the Procedures.
5. If ii), the Dean of Faculty will then collate the evidentiary documentation and material from the Complainant and Respondent and shall inform the Dean of Research. If the Dean of Research has carried out the initial screening, the matter shall be referred to the Vice-Chancellor.

Where it is deemed appropriate the Dean will discuss the matter with the individual’s line manager.

In the event that the Dean of Research is the respondent, the allegation should be made in writing to the Director of Human Resources who will complete the Stage 1 procedures as outlined above.

In circumstances where an allegation relates to research misconduct which may place others at risk, the Dean of Research will notify the Director of Human Resources of the issue, who will advise the Vice Chancellor if there are grounds for suspension of the employee concerned. The Vice Chancellor will ensure removal of the risk or, if necessary, suspend the respondent on full pay pending the outcome of the investigation.

**Stage 2: Determining whether there is evidence of research misconduct**

The purpose of this stage is to determine whether there is *prima facie* evidence of misconduct in research by gathering information and determining whether an allegation or apparent instance of misconduct warrants formal investigation via the Disciplinary process.

Given the quasi-judicial nature of this stage and the human resource implications, both the University Secretary and the Director of Human Resources should be informed in confidence.

In serious cases the question of suspension may need to be addressed, but this should only arise where the presence of an individual is likely to hinder an investigation or where it would be difficult to perform their duties while this stage of an investigation is being conducted.

1. The Dean of Research shall establish a panel of three members, with the necessary expertise to examine the evidence, interview witnesses and conduct the investigation. The members should have no conflict of interest and the Dean of Research will act as chair. (If the Dean of Research is the respondent then the University Secretary will substitute.)
2. The Dean of Research shall notify the respondent of the composition of the panel and of the right to object in writing to the inclusion of any of the members.
3. Where an objection is received, the Dean of Research may replace the member if the objection is upheld. No further objection is possible.
4. Prior to the convening of the panel the respondent shall be invited to explain any apparent inconsistencies or irregularities in a written response. This process shall maintain the anonymity of the Complainant and the Respondent.
5. The evidence to be considered will normally include documentation including, but not limited to, relevant research data materials, proposals, publication, correspondence, and memoranda.
6. The panel shall then interview witnesses and provide both the Respondent and the Complainant with an opportunity for a meeting in confidence. All employees who are the subject of this procedure will have the statutory right to be accompanied at any formal meetings held under this procedure by a trade union representative or work colleague. The panel will liaise with the individual and the trade union representative or workplace colleague to agree dates for a meeting within a reasonable period of time.
7. The panel should conclude its investigation with the production of a final report which will:
	* Summarise the conduct of the investigation
	* State the outcome of the investigation, giving reasons for its decision and recording any differing views
	* Make recommendations in relation to any matters relating to any other misconduct identified during the investigations
	* Address any procedural matters that the investigation has brought to light within the university and/or any partner organisations or funding bodies
8. The panel shall then make a final recommendation to the Dean of Research. The Dean of Research may determine that:
	1. There is insufficient evidence to uphold the allegation of misconduct and the procedures are complete, or
	2. There is no evidence that misconduct has occurred, but serious methodological errors have been identified, or
	3. Evidence to support the allegation of misconduct has been confirmed
9. In the case of i), steps should be taken to protect the reputation of the Respondent. A clear statement should be made to any individuals who will have been aware of the allegations and need to know the outcome.
10. If ii), these allegations may include those which have substance, but due to lack of intent to deceive, or relatively minor nature, are more appropriately addressed through education/training or through some other non-disciplinary approach without the need for formal investigation. The Dean of Research should ensure that immediate action is taken to rectify the errors. It may be appropriate to inform the University Research Ethics Committee.
11. In the case of iii), the Dean of Research and the Dean of Faculty, with advice from the Director of Human Resources, will consider the appropriate action to be taken. This may include, *inter alia,* informing any grant awarding body, the editors of any relevant journals, relevant statutory or regulatory bodies. If the Respondent was registered for a research degree, action may be required to terminate the registration or rescind the qualification. Disciplinary action may be considered.
12. In all cases, the Dean of Research should ensure that the Respondent, the Complainant and the Dean of the faculty concerned are provided with a copy of the report which must maintain the anonymity of the Complainant.
13. If the panel judges that the allegations are malicious, the Dean of Research shall refer the matter to the Dean of Faculty for disciplinary action, usually through the formal disciplinary procedure.

Where an investigation is about someone funded by or engaged with UKRI (including as a supervisor for an UKRI postgraduate student or engaged with peer review activities), even if it is about work not connected with a grant from a UK Research Council, the case must be reported to the relevant Council at this stage, and the Councils reserve the right to take appropriate action, after consultation with the University, about any duties being performed for UKRI.

Procedures for any resulting disciplinary action are covered by the Disciplinary Policy & Procedure.

**Outcomes**

The outcome of the investigation will be reported to the University Research Committee maintaining the anonymity of the individuals concerned.

As per the terms of the Concordat to Support Research Integrity the University is required to publish an Annual Research Integrity Statement outlining the number of formal investigations of allegations of misconduct in research staff or research students.

Any Respondent who is found not to have committed research misconduct will be supported and appropriate steps taken to restore their reputation and that of any research project if applicable.

**Appeal**

Any appeal regarding the findings of the investigation shall be made to the Vice-Chancellor whose decision is final. Such an appeal must be in writing and within ten working days of the respondent being provided with the panel’s report.

**Abortive termination of procedures at any stage**

If procedures are terminated at any stage (for example, by the resignation of an individual) without conclusion that the complaints should be dismissed, the University will consider the seriousness of allegations outstanding, the strength of evidence supporting the allegations, and the implications for the future career of the individual.

Where serious concerns remain that misconduct may have occurred which have not been resolved, the individual complained against should be advised of this and be asked to see the investigation or hearing through to conclusion.

Where they do not agree to this, they should be advised that the details of the outstanding case may (without prejudice) be passed to any future employer or ‘bona fide’ enquirer about their career at the University, and may also be passed to any appropriate regulatory or professional supervisory body.

**References**

These procedures have been informed by the recommendations of:

* [Concordat to Support Research Integrity](https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2012/the-concordat-to-support-research-integrity.pdf)
* [EPSRC Good Practice in Scientific and Engineering Research](https://epsrc.ukri.org/funding/applicationprocess/basics/goodpractice/)
* [MRC Policy and Procedure for Inquiry into Allegations of Scientific Misconduct](https://mrc.ukri.org/documents/pdf/mrc-policy-on-research-misconduct/)
* [UK Research Integrity Office (UKRIO) Code of Practice for Research](http://ukrio.org/publications/code-of-practice-for-research/)
* [UK Research Integrity Office (UKRIO) Procedure for the Investigation of Misconduct in Research](http://ukrio.org/wp-content/uploads/UKRIO-Procedure-for-the-Investigation-of-Misconduct-in-Research.pdf)

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