

# Procedure for the Investigation of Research Misconduct

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## 1. Introduction

- 1.1 The procedures adopted by University of Staffordshire to investigate complaints of research misconduct draw on the principles initially set out in the UK Research Integrity Office's Procedure for the Investigation of Misconduct in Research (2008). It aligns with external standard and guidelines, including the [Concordat to Support Research Integrity \(2019\)](#), and best practice outlined by UKRIO.
- 1.2 This procedure outlines the standards and expectations that ensure that investigations of allegations of research misconduct are transparent, timely, robust, and fair. The definition of research, and research misconduct, is outlined in sections 2 and 7 of the [Code of Conduct for Research and Research Integrity](#). This procedure should be instigated in all cases of alleged research misconduct being made, or if reasonable grounds for suspecting potential research misconduct are discovered.
- 1.3 Researchers should also refer to the flow chart in the appendix.

## 2 Applicability and scope

- 2.1 The procedure for the investigation of research misconduct applies to anyone conducting research under the auspices of University of Staffordshire ([as defined in section 2 of the Code of Conduct](#)) and applies to all disciplines of research.
- 2.2 Allegations relating to research undertaken by undergraduate or taught postgraduate students will be investigated following the academic conduct procedure.
- 2.3 Allegations relating to research undertaken by a member of staff (irrespective of if they are also registered as a student), visiting and honorary titleholders, or postgraduate research students (defined as those studying on a course classified as a research degree, and including PhD, MPhil, Professional Doctorate, and PhD by publication) will be investigated following this research misconduct procedure.
- 2.4 This procedure allows for investigation, regardless of the contractual status of the individual(s) in question and may extend to individuals who have left the university.
- 2.5 Allegations of potential collusion, copying, submission of commissioned or procured work or dishonest use of data by a research student(s), should normally follow the academic conduct procedure.
- 2.6 Allegations of misconduct by a member of staff which does not meet the definition of research, will follow HR procedures (such as disciplinary procedures), and/ or procedures as outlined in contractual arrangements as appropriate.
- 2.7 Anyone, internal or external to the university, may raise a complaint about the conduct of research at University of Staffordshire. The identity of the Complainant will be kept confidential through the investigation, and after its conclusion.
- 2.8 The university has named points of contact for confidential whistle blowers or anyone wishing to raise concerns about research being conducted under the auspices of the university. The details of these contacts are kept up-to-date, and can be accessed on the [externally facing website](#).
- 2.9 The university will support their researchers in providing appropriate information when they are required to make reports to professional and/or statutory bodies as part of a research misconduct investigation.

### 3 Reporting concerns about the conduct of research

- 3.1 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 concern or suspicion. Allegations of misconduct made in good faith will be investigated in accordance with this Procedure, and there will be no detriment to anyone bringing a concern.
- 3.2 Failure by a member of staff to report research misconduct may constitute the withholding of information and may, potentially, invoke relevant misconduct or disciplinary procedures.
- 3.3 If an individual is unsure whether a suspected incident constitutes misconduct, they should discuss this informally with the named contact points on the external facing website.

### 4 Initiating a research misconduct investigation

- 4.1 Anyone who believes that an act of research misconduct has taken place or is taking place, should notify, in writing, the Deputy Vice Chancellor, and explain the nature of the allegation and the person or persons against whom the allegation of research misconduct has been made. Investigations into research misconduct may also raise this in writing, through the confidential whistle-blower route. The contact for the confidential whistle-blower will be kept up to date on the [externally facing website](#).
- 4.2 In the event that Deputy Vice Chancellor is the focus of a concern, then the Vice Chancellor will be informed of the concerns, and a member of Executive will be nominated by the Vice Chancellor to investigate the concerns in accordance with this procedure. The Chair of the Board will be notified that such an investigation is underway. The outcome of the investigation will be shared with the Board of Governors for information.
- 4.3 In the event that the Vice Chancellor is a focus of concern, the Chair of the Board of Governors and the Clerk to the Board of Governors will be informed. The Chair and the Clerk will consider the focus of the concerns and agree an appropriate person to undertake an investigation in accordance with this procedure. This person may be internal or external to the university. The outcome of the investigation will be shared with the Board of Governors for information.

### 5 Initial investigation stage

- 5.1 On receipt of a research misconduct complaint, the Deputy Vice Chancellor will arrange for the person raising the complaint (hereafter the Complainant) to receive written acknowledgement of receipt of their complaint within five working days.
- 5.2 If the allegation is raised via the confidential whistle-blower route, the confidential contact should inform, in writing, the Deputy Vice Chancellor, and the procedure below should be followed. It is not for the whistle-blower contact to make a judgement on whether the allegation constitutes research misconduct, or of its merits.
- 5.3 On receipt of a complaint, the Deputy Vice Chancellor will take the following steps, which form the initial investigation stage. The purpose of the initial investigation is to determine whether the allegations are within the scope of the investigation of research misconduct procedure; and to determine the appropriate course of action.
- 5.4 It is aimed that the initial investigation stage will be completed within 20 working days of the receipt of the allegation.
- 5.5 The Deputy Vice Chancellor:
  - Consider the written allegation(s) with a view to determining whether any immediate

action is necessary to prevent further harm or risk to staff, students, participants, or other persons.

- Determine whether the alleged misconduct falls under the definition of research misconduct. Complaints judged by the Deputy Vice Chancellor to fall outside of the definitions in the university's [Code of Conduct](#) will be investigated in accordance with the university's Disciplinary Procedure and/ or arrangements set out in contractual agreements.
- Arrange for the subject or subjects of the complaint (hereafter the Respondent(s)) to receive written notification of the allegation(s), together with a note explaining the process by which the complaint(s) will be investigated. The Respondent(s) will be requested to provide, within ten working days, an initial written response to the allegation(s).
- Where required, inform legal, regulatory, or professional bodies as appropriate. If appropriate, the Deputy Vice Chancellor can seek the advice or views of external experts.
- Contact relevant members of the university's Research Innovation and Impact Services (RIIS) to identify if there are any specific funder requirements regarding the investigation of the allegation of research misconduct.
- Contact a relevant member of RIIS with expertise in research integrity and governance for operational and procedural support in the investigation.

5.6 In securing the above information the Deputy Vice Chancellor may further act to ensure that an allegation or allegations can be properly investigated.

## 6 Screening Panel (if required)

- 6.1 If required, the Deputy Vice Chancellor may convene a Screening Panel as part of the initial investigation stage. While this may often not be required, it may be valuable where an allegation is deemed to be complex or contentious; the field of research is new, specialised, or has been the subject of debate in the academic, scientific, or medical communities; or has been the subject of public debate and concern.
- 6.2 Where a Screening Panel is deemed necessary, it is recommended that the Panel consists of three individuals who have appropriate expertise to evaluate the issues and who do not have conflicts of interest in the case. In convening the Panel, a balance of gender, and wherever possible, other protected characteristics should be considered. The Panel may include a member from outside the university. All meetings will be supported by a suitable member of RIIS.
- 6.3 The Screening Panel, if convened, should limit its scope to determining whether there is sufficient evidence of research misconduct to warrant a formal investigation. The purpose of the Screening Panel is not to reach a final conclusion as to whether misconduct occurred. The confidentiality of the identity of both the Complainant and the Respondent will be maintained by the Panel at all times.
- 6.4 The Screening Panel, if convened, will submit a short report, and make a recommendation to the Deputy Vice Chancellor from the possible outcomes listed in paragraph 7.1, below. If the investigation proceeds to a formal stage, the report of the Screening Panel will be used in the investigation. The report will be disclosed to the Complainant and the Respondent, but its content can only be amended to correct factual inaccuracies.

## 7 Outcome of an initial investigation

- 7.1 The results of an initial investigation can take the following form:
- a) The allegation was unfounded or did not meet the definition of research misconduct as described in the [Code of Conduct](#). If the complaint was judged to be malicious, the university will treat this very seriously, and may consider disciplinary action against the Complainant under the university's Disciplinary Procedure (see section 8 below).
  - b) The allegation had some substance but was capable of being resolved without further investigation and/ or via informal action (see section 9 below) for minor lapses of research conduct. Under this outcome, the Deputy Vice Chancellor could invoke the university's Disciplinary Procedure.
  - c) The allegation merited a full formal investigation (see section 10, below).
- 7.2 The Complainant and Respondent(s) will be notified in writing of the outcome of the initial investigation.

## 8 Malicious allegations, and protections of reputations

- 8.1 The university will act with no detriment to whistle-blowers who have made allegations of misconduct in good faith, or in the public interest. Their identity will be kept confidential, and

they be offered the university's full support, regardless of the outcome of the initial or full investigation. If required, the university will take reasonable steps to safeguard their reputation.

- 8.2 However, the university takes allegations of research misconduct considered to be frivolous, vexatious and/or malicious allegations very seriously and will protect individuals against such allegations. The university will take appropriate steps to sustain the reputation of the Respondent and the relevant research project(s).

## 9 Informal action

- 9.1 In undertaking the initial investigation stage, the Deputy Vice Chancellor may determine that the allegation represented a minor lapse of research conduct, which is most appropriately addressed through training or guidance than a formal investigation. If this is the case, the matter can be dealt with informally and this approach is encouraged where appropriate. However, the individual must be clearly advised, verbally, and confirmed in writing, that such conduct is inappropriate and must not re-occur. Standards of acceptable conduct and any expected improvement will be clearly set out.
- 9.2 Informal action will not normally form the basis of subsequent formal disciplinary action. However, failure to meet the standards or objectives issued during the informal process may lead to the instigation of the relevant Disciplinary procedure.
- 9.3 If the individual declines, does not complete, or adequately comply with any guidance offered or training required, the relevant Disciplinary Procedure may be instigated, in conjunction with HR. If the Respondent is an honorary or visiting titleholder, this may be considered grounds to terminate their honorary title at the discretion of the Chair of the Professorial Conferment Committee.
- 9.4 If the research misconduct occurred knowingly or deliberately, this informal route will not be an acceptable outcome of the initial investigation phase.

## 10 Full investigation stage

- 10.1 If the outcome of the initial investigation is that the allegations raised and the evidence available are sufficiently serious, or have sufficient substance, a full and formal investigation will be conducted.
- 10.2 The purpose of the full 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.
- 10.3 The full investigation will be conducted as quickly as practicable without compromising the integrity of the investigation. The investigation will normally be completed within thirty working days following the appointment of the Investigation Panel.
- 10.4 A full investigation requires the allegation(s) to be examined by a Panel chaired by the Deputy Vice Chancellor.
- 10.5 In convening the Investigation Panel, the Deputy Vice Chancellor will satisfy themselves that:
- any person involved in investigating allegations has the appropriate knowledge, expertise, skills, and experience to evaluate the issues, and relevant knowledge of investigating procedures

- those on the Panel have not been involved in the investigation at an earlier stage (including on a Screening Panel);
  - the investigation is independent and avoids any potential conflicts of interest
  - the investigation is well documented and occurs over a reasonable timeframe
- 10.6 In addition to the Deputy Vice Chancellor, the Panel will consist of the following
- Chief Operating Officer or nominee, normally a senior member of HR
  - A Dean of School (preferably not drawn from the same School as the Complainant or Respondent)
  - A member of the university's Professoriate (preferably not drawn from the same School as the Complainant or Respondent).
  - Secretariat and operational support from RIIS
  - Where appropriate, an independent external member
- 10.7 Members of the Investigation Panel will declare any potential conflicts of interest, including those that arise during the course of the investigation.
- 10.8 The Panel will have access to records and files relating to the allegation including the report of the Screening Panel, where one was convened. The Panel will be informed, in confidence, of the identity of both the Complainant and the Respondent. Panel members will interview the Complainant and Respondent and other members of the university (or, where relevant, external to the university) who may be in a position to assist the Panel with their investigation. All meetings and evidence requests will be supported and recorded by the secretariat support from RIIS. In considering whether the allegation constitutes research misconduct, the Panel should refer to the definitions outlined in section 7 of the [Code of Conduct for Research](#). The confidentiality of the identity of both the Complainant and the Respondent will be maintained by the Panel at all times.
- 10.9 The Complainant and the Respondent, and any other witnesses called by the Investigating Panel, will have the right to be accompanied to any interview by a workplace colleague, or a trade union representative.
- 10.10 Each individual will have an opportunity to comment on the written notes of the meeting to ensure factual accuracy. Any disagreements will be noted.
- 10.11 The Panel will oversee the preparation of a report recording the investigation and the conclusion reached by the Panel. The report will be disclosed to the Complainant and the Respondent, but its content can only be amended to correct factual inaccuracies.
- 10.12 The report will:
- include a summary of the conduct of the investigation;
  - state whether the allegations of misconduct in research have been upheld in whole, in part, or not upheld, giving the reasons for its decision
  - make recommendations in relation to any matters relating to any other misconduct identified during the investigation;
  - addresses any procedural matters that the investigation has brought to light.
- 10.13 At the conclusion of their investigation, the Panel should reach one of the following outcomes:
- a) The allegation(s) was upheld in full;
  - b) The allegation(s) was upheld in part;
  - c) The allegation(s) was not upheld.

- 10.14 The Panel will have responsibility for determining the action required by the university as a result of an allegation(s) being upheld in full or in part. Where the Respondent is registered as a postgraduate research student, an outcome of an investigation may include a recommendation that the student be removed from their award, where the allegations upheld are deemed especially serious. If the Respondent is an honorary or visiting titleholder, this may be considered grounds to terminate their honorary title at the discretion of the Chair of the Professorial Conferment Committee.
- 10.15 If the allegation of research misconduct is upheld, the Deputy Vice Chancellor will inform, in writing, the Complainant; the Respondent; the Director of Research, the relevant Dean of School, and any relevant third parties (such as partners or funding bodies).
- 10.16 The relevant Dean of School and/ or the Director of Research as most appropriate will be responsible for taking the recommendations of the final report forward, with the support of the Human Resources department.
- 10.17 Where research misconduct is upheld, either in full or in part, the Deputy Vice Chancellor will, where appropriate, take steps to ensure that a correction of the research record is requested and any action to is reported to regulatory and statutory bodies, research participants, funders or other professional bodies, as circumstances, contractual obligations and statutory requirements dictate.

## 11 University disciplinary procedure

- 11.1 If all, or part, of the allegations are upheld, the Deputy Vice Chancellor and representatives from Human Resources will decide whether the matter should be referred through the university's disciplinary processes and will be responsible for taking forward the recommendations with the Respondent(s).
- 11.2 Should the allegations proceed to the disciplinary process, the report of the Investigation Panel will form part of the evidence. All the information collected through the Research Misconduct Investigating Procedure will be transferred to the disciplinary process.

## 12 A conclusion that the allegations are not upheld

- 12.1 Where allegations have not been upheld (either in full or in part), the Deputy Vice Chancellor will take appropriate steps to safeguard the reputation of the exonerated Respondent and any relevant research project(s).

## 13 Appeals against the outcome of an investigation

- 13.1 The Complainant or Respondent may appeal against the decision of the Investigation Panel by writing to the Deputy Vice Chancellor within ten working days of receiving notification of the outcome of the investigation. The letter should include a written statement clearly stating the basis for appeal.
- 13.2 The Deputy Vice Chancellor will appoint an Appeal Panel consisting of three or more persons, none of whom were a member of the Screening or Investigation Panels. The Panel will be chaired by the Chief Operating Officer. The Panel may include individuals external to the university. The same considerations outlined in section 10.5 will apply in the convening of the Appeal Panel.



## 14 Appeal Panel process

### 14.1 The Appeal Panel will:

- determine whether the procedure was followed correctly;
- 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.

14.2 The Complainant or Respondent will be invited to attend a meeting to give evidence. The Complainant or Respondent may be accompanied to this meeting by a workplace colleague or trade union representative. If the Complainant is a student, a representative from Student Support, or the Student's Union may be present. This meeting will be supported and recorded by a member of the RIIS. The Complainant or Respondent may submit any relevant additional material in support of their appeal.

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

## 15 Appeal Panel Report

15.1 The Appeal Panel Report will state how the appeal was conducted, describe 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 Panel Report will be made available by the Chief Operating Officer to the Deputy Vice Chancellor and the Vice Chancellor.

15.2 The Vice Chancellor will decide, on the basis of the Appeal Panel 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 Panel Report.

15.3 Where the Respondent is a postgraduate research student, the outcome of the appeal panel will be issued as a Completion of Procedures (CoP) letter, supported by the university's Regulations and Compliance team.

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

15.5 Where the allegation relates to a member of staff, 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.

15.6 Where the allegation relates to a postgraduate research student, they have a right to make a complaint to the [Office of the Independent Adjudicator](#) (OIA) within one year of the decision.

## 16 Reporting

16.1 As well as the individuals listed in section 15, the outcome of any investigation of research misconduct will be reported by the Deputy Vice Chancellor to the next meeting of the Research and Innovation Committee.

16.2 An anonymised summary of all investigations undertaken in the previous academic year is presented to the Research and Innovation Committee, Academic Board, and the Board of Governors, via the annual statement on research integrity.

## 17 Review of Procedure for Investigation of Research Misconduct

- 17.1 The Research and Innovation Committee will oversee a review of the Procedure for Investigation of Research Misconduct every three years. The review ensured that the Procedure continues to remain fit for purpose and reflect sector best practice.

## Appendix: Flow chart of Research Misconduct Investigation Process