University of the West of England

Procedure for the Investigation of Misconduct (Staff)

Approved: Version 1.1 (February 2016)

Summary

The Procedure applies to all UWE staff, but not to students.

1. The purpose of the Procedure is to investigate whether research misconduct has taken place. Research Misconduct is defined as:
   - Fabrication
   - Falsification
   - Plagiarism
   - Misrepresentation
   - Failure to meet ethical, legal and professional obligations
   - Mismanagement or inadequate preservation of data and/or primary materials
   - Breach of duty of care
   - Improper dealing with allegations of misconduct

   [These definitions are set out in more detail below].

2. An allegation of research misconduct should be made in writing to the Research Governance Manager. The Research Governance Team will support the 'Responsible Person' (currently the Pro Vice-Chancellor Research and Business Engagement) in managing the procedure.

3. The procedure has three stages, as illustrated by the Flow Diagram below:

   - **Preliminary Steps Stage**
     This stage is led by the Responsible Person. The purpose of this stage is to decide whether the alleged misconduct falls within the remit of this procedure. This is the stage at which: any urgent action will be taken, to avoid harm to anyone involved in the research; legal or regulatory authorities are informed where necessary and, others, such as funders or secondary employers who must be informed are informed. At this stage a decision may be made to suspend or terminate the investigation under this procedure if other procedures, such as legal or regulatory procedures, or the University's Procedures for investigating Matters of Conduct (Conduct Procedures), are deemed to take precedence.

     Once it has been determined that the Allegation should be investigated under this procedure, the Respondent will be informed that an allegation of

research misconduct has been made against them. The Responsible Person will, in confidence, inform key others, and obtain necessary information from them relating to the Respondent and their research. Risk to individuals or evidence will be evaluated and appropriate security measures taken. This may include securing evidence, or the suspension of individuals. In taking any such actions, it will be made clear that there is a presumption of innocence. If the Responsible Person considers there is sufficient evidence of research misconduct to warrant further investigation, the allegation will pass to the Screening Stage and the Responsible Person will appoint one or more Screening Stage Investigators.

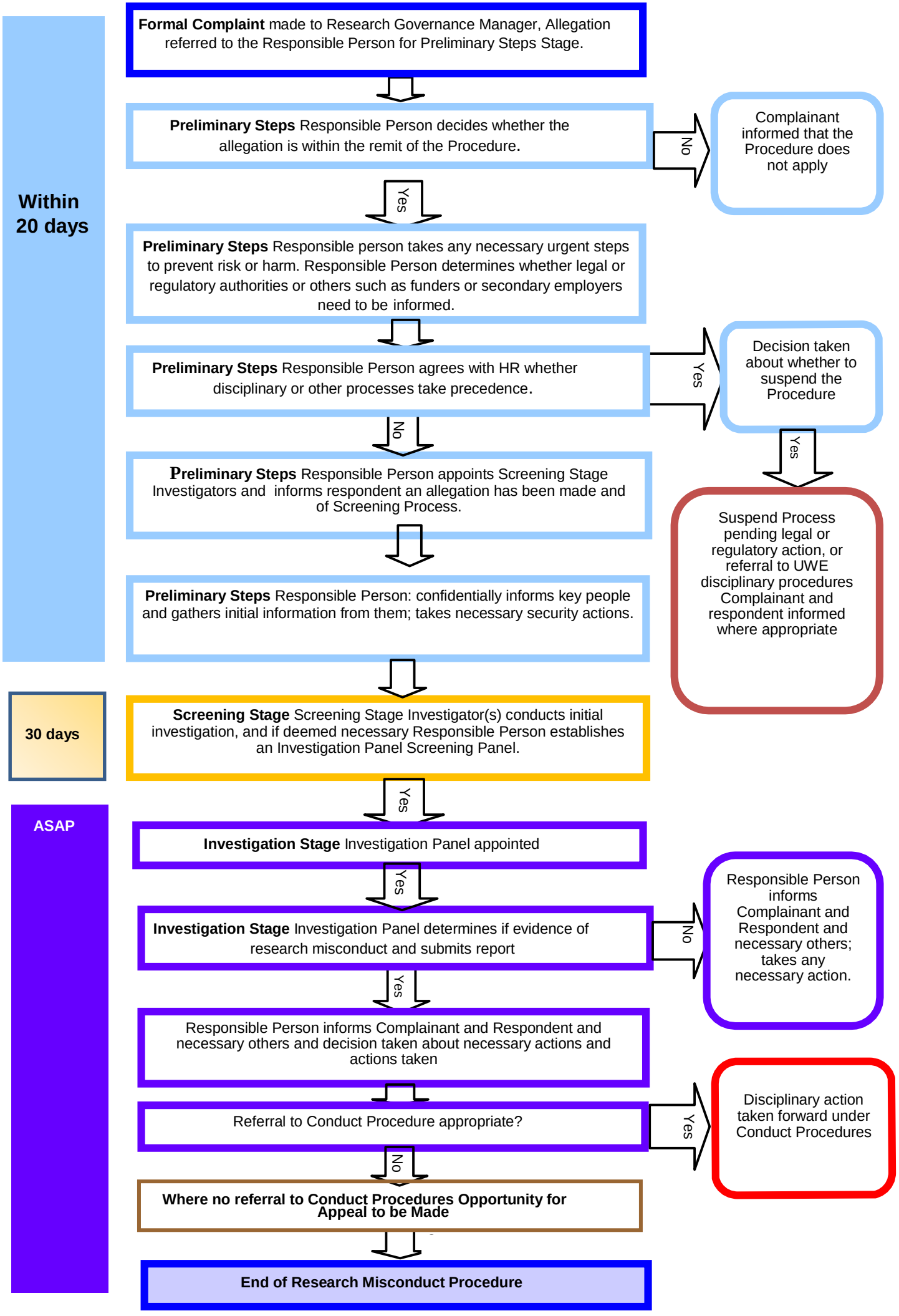
- **Screening Stage**
  The Screening Stage is intended to determine whether the allegations are sufficiently serious and have sufficient substance to justify a Formal Investigation. Where the allegations cannot be discounted at the Preliminary Steps Stage, the Responsible Person will appoint one or more individuals of appropriate seniority and with appropriate expertise to act as Screening Stage Investigators.

- **Investigation Stage**
  If it is determined at the Screening Stage that the complaint warrants a formal investigation, the Responsible Person will take immediate steps to set up a Formal Investigation Panel. The role of the Investigation Panel is to consider all the relevant evidence and conclude whether the allegations of misconduct in research are upheld in full, in part, or not upheld, and will make recommendations accordingly. The Responsible Person will then decide what action is to be taken, in the light of those findings and recommendations (see Annex 6 of the Procedure). This may include a decision made together with the Director of Human Resources as to whether to refer the matter to the Conduct Procedures. This will normally conclude the investigations under this procedure, unless the Respondent chooses to appeal.

4. Appeal

An appeal may only be made under these procedures by the Respondent following the Investigation Stage, within 14 days of receiving the Final Investigation Report, where the case does not proceed to be considered by the University's Conduct Procedures. Where a referral is made to the Conduct Procedures, any appeal will need to be made under the auspices of those procedures.

Research Misconduct Procedures Flow Diagram



1. Definitions of Research Misconduct

For the purposes of this procedure, research misconduct includes the following:

- **Fabrication,** including:
  - deliberately making up research results/data, including documentation and participant consent, and presenting them as if they were real.
- **Falsification,** including:
  - manipulating research processes or changing or omitting data, imagery or consents without good cause, such that the research is not appropriately represented in the research record;
- **Plagiarism,** including:
  - the deliberate presentation of using other people's ideas, intellectual property or other material (written or otherwise) without giving proper credit or acknowledgement.
- **Misrepresentation,** including:
  - misrepresentation of data;
  - deliberately, recklessly or negligently presenting a flawed interpretation of data; undisclosed duplication of publication;
  - misrepresentation of interests, including failure to declare material interests either of the researcher or of the funders of the research;
  - misrepresentation of qualifications and/or experience, including claiming or implying qualifications or experience which are not held;
  - 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;
  - intentional deception in research proposals;
  - intentional misquotation or misrepresentation of other authors.

- **Failure to meet ethical, legal and professional obligations**, **including**:
  - failure to obtain, keep clear and accurate records of, and comply with the terms of, appropriate permissions to conduct research, including ethical approval;
  - failure to comply with legal and regulatory requirements;
  - misuse of personal data;
  - failure to follow accepted research procedures where appropriate to do so;
  - failure to follow established protocols without good reason, and appropriate permissions, if this failure results in unreasonable risk or harm to research participants, animals or the environment;
  - attempting, planning or conspiring to be involved in research misconduct or inciting others to be involved in research misconduct.
- **Mismanagement or inadequate preservation of data and/or primary materials, including failure to:**
  - Adequately and appropriately maintain the security of research data;
  - keep clear and accurate records of the research procedures followed and results obtained including interim results;
  - hold records securely in paper or electronic form in line with the University's policies and guidance;
  - make relevant primary data and research evidence appropriately accessible to others for reasonable periods after the completion of the research. Data should be managed according to the University's and the research funder's data policy, for periods as dictated by the University, or by legal, regulatory or professional standards;
  - deposit data in line with the University's open access to research data policy.
- **Breach of duty of care,** whether deliberately, recklessly or by gross negligence, including:
  - breach of confidentiality, including disclosing improperly the identity of individuals or groups involved in research without their consent, or other breach of confidentiality;

- placing any of those involved in research in danger, whether as subjects, participants or associated individuals, without their prior consent, and without appropriate safeguards even with consent; this includes reputational danger where that can be anticipated;
- 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;
- not observing legal and reasonable ethical requirements or obligations of care for animal subjects, animal by-products, human organs or tissue used in research, or for the protection of the environment;
- 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;
- facilitating of research misconduct by collusion in, or concealment of, such actions by others;
- intentional, unauthorised use, disclosure or removal of, or damage to, research-related property of another, including apparatus, materials, writings, data, hardware or software or any other substances or devices used in or produced by the conduct of research.

- **Fraud**
  - Fraud in this context includes misuse of research funds or research equipment.
- **Improper dealing by those in positions of responsibility with allegations of misconduct including**:
  - failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistle-blowers;
  - failing to deal appropriately with malicious allegations which should be handled formally as breaches of good conduct;
  - failing to report suspected research misconduct through the proper channels.

This list is not intended to be exhaustive. Honest errors and differences in, for example, research methodology and interpretations are not examples of research misconduct. Misconduct can include failure to act/omissions as well as (deliberate) actions.