

PROCEDURE FOR INVESTIGATING ALLEGED RESEARCH MISCONDUCT

**FOR POSTGRADUATE RESEARCH STUDENTS UNDERTAKING
RESEARCH MASTERS (MPhil), DOCTORATES AND PROFESSIONAL
DOCTORATES**

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1. INTRODUCTION

- 1.1 The integrity of academic research is extremely important to the University. Misconduct in research damages the integrity of research and can bring both the student and the University into disrepute and, in extreme circumstances, can cause harm to those involved in research. This Procedure has been established to provide a procedural framework for investigating and dealing with allegations of misconduct in research concerning research conducted under the auspices of the University.
- 1.2 Staff responsible for students conducting research (Directors of Study and Supervisors) have a duty to ensure that those new to research and the University receive appropriate training in ethical, legal and other conventions concerning the conduct of research.
- 1.3 This Procedure applies to all students undertaking a research degree (postgraduate students) at the University and includes visiting research students and graduates of the University and sets out a framework for the investigation and resolution of allegations of research misconduct.
- 1.4 Where a student is undertaking a Nottingham Trent University Research Degree at another institution, those students do not have the right to approach the University until all local procedures have been exhausted. The University's role, following exhaustion of the local procedures, will be to review an appeal which should be submitted at stage 5 of this Procedure which will include a review, by the University, to ensure that the other institution has followed its own procedures.
- 1.5 Research misconduct is taken to include, in particular, but is not limited to:

(i)	piracy, defined as the deliberate exploitation of ideas from others without proper acknowledgement;
(ii)	plagiarism, defined as representation of another person's thoughts, words, artefacts or software, or any combination of these, as though they were the researcher's own;
(iii)	fraud, defined as deliberate deception (which may include the invention or fabrication of data) or other misuse of research funds or research equipment;
(iv)	deliberately attempting to deceive when making a research proposal;
(v)	failure to obtain appropriate permission to conduct research with ethical implications;
(vi)	failure to follow protocols contained in ethical consent, and unethical behaviour in the conduct of research;
(vii)	failure to meet relevant legal requirements or to follow any protocols set out in the guidelines of appropriate recognised professional, academic, scientific and governmental bodies;
(viii)	unauthorised use of information acquired confidentially;
(ix)	failure to follow any procedures or health and safety protocols that avoid unreasonable risk or harm to humans, animals or the environment;
(x)	the misuse of research findings in a way that may result in harm to individuals, populations, animals or the environment;
(xi)	failure to declare a conflict of interest which may significantly compromise, or appear to significantly compromise, the research integrity of the individual concerned and the accuracy of any research findings;

(xii)	inciting others to commit research misconduct;
(xiii)	failure to declare (where known) that an external collaborative partner has been found to have committed research misconduct in the past or is currently being investigated following an allegation of research misconduct;
(xiv)	facilitating misconduct in research by collusion in, or concealment of, such action;
(xv)	submitting an accusation of research misconduct based on vexatious or malicious motives;
(xvi)	Misrepresentation, defined as a deliberate attempt to misrepresent falsely or unfairly the ideas or work of others, whether or not for personal gain or enhancement.

2. GENERAL PRINCIPLES

2.1 Fairness

- 2.1.1 Misconduct in research is a serious matter and any investigation into alleged misconduct in research must be carried out objectively and with due sensitivity. Investigations into allegations will be undertaken as expeditiously as possible.
- 2.1.2 Where the Respondent is under investigation by a regulatory body for research and/or other appropriate organisation (such as the police) regarding an offence which is also deemed by the University to be in breach of this Procedure, this will not preclude the University from taking action under this Procedure in respect of the same matter if it is thought appropriate or necessary to do so. Where it is deemed, by the University, appropriate to undertake an investigation under this Procedure, this Procedure shall be followed with additional liaison with the regulatory body or other appropriate organisation.
- 2.1.3 The Respondent will be given the full details of any allegation(s) in writing and shall be provided with reasonable opportunity to respond to such allegation(s) and to provide evidence in his/her defence.
- 2.1.4 Any party to this Procedure may seek advice and assistance from any person of his/her choosing and may be accompanied when interviewed at any stage of the Procedure. Where the Respondent and/or Complainant are students, they are strongly advised to contact the Student Union Advice Centre which can offer free and confidential advice and which is independent of the University.
- 2.1.5 The principle of no-detriment shall apply to the investigation into allegations. Neither the Complainant nor the Respondent should suffer solely as a result of the allegations having been made. However, appropriate action will be taken against any person against whom an allegation of research misconduct has been upheld in accordance with this Procedure. In addition, action may be taken against any Complainant who is found to have made a malicious or reckless allegation.

2.2 Confidentiality

- 2.2.1 As far as practicable, the investigation of any allegation shall be carried out in accordance with the principle of confidentiality in order to protect the Complainant, the Respondent and others involved in the Procedure. The principle of confidentiality will be maintained provided that this does not compromise the full and fair investigation of an allegation of research misconduct, any requirements of health and safety or any issue related to the safety of the participants in any research.

- 2.2.2 The identity of the Respondent and the Complainant will not be made known to any third party unless:
- it is deemed necessary for the purpose of carrying out a full and fair investigation;
 - it is deemed, by the University, that the allegation is so serious that relevant legal or regulatory bodies should be informed so as to prevent risk or harm to staff, participants or other persons involved in the research;
 - in the event that the University is required to declare such details according to the terms of a contract or research grant; or
 - at the discretion of the Research Misconduct Panel.
- 2.2.3 Whilst allegations are being investigated under this Procedure, the Respondent, Complainant, witnesses or any other persons involved in this Procedure will not make any statements about the allegations to any third party unless formally sanctioned by the University.
- 2.3 Integrity and Balance
- 2.3.1 The University will ensure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised.
- 2.3.2 In the interests of openness and transparency the University shall be entitled to invite external persons to participate/assist in any Screening or Formal Investigation conducted under this Procedure.
- 2.3.3 The Screening stage of the Procedure is intended to determine whether allegations are mistaken, frivolous, vexatious and/or malicious. Only allegations judged to be sufficiently serious and of sufficient substance will proceed to Formal Investigation.
- 2.3.4 Formal Investigation will establish, on the balance of probabilities (the likelihood that the misconduct did or did not take place following the review of the evidence put forward), the truth of any allegation.

3. THE PROCEDURE

3.1 THE ALLEGATION

- 3.1.1 It is important to report alleged or suspected misconduct in research as it can have wide-ranging and damaging consequences, harming the integrity of research, bringing both the individuals and the University into disrepute and, in extreme circumstances, causing harm to those involved in research. Those making an allegation will not be penalised, provided that it is done without malice and in good faith, reasonably believing it to be true.
- 3.1.2 Where a Complainant wishes to make an allegation of misconduct in research, they should do so, in the first instance, in writing, providing as much detail and supporting evidence as possible, to the Dean of the School. Where an allegation is received by the Dean of School and he/she believes that they have a conflict of interest with regard to the allegation, he/she will refer the allegation to the Associate Dean of Research for the School and notify the Complainant accordingly.
- 3.1.3 Allegations which are anonymous will only be considered at the discretion of the Dean of School taking into account the seriousness of the concerns, the credibility of concerns and the likelihood of confirming the concerns from alternative and credible sources.
- 3.1.4 Where the Dean of School is the Complainant or the Respondent or it is believed that the Dean of School is personally associated with the work to which an allegation relates, the Complainant should make an allegation of misconduct in research in writing, providing as much detail and supporting evidence as possible, to the Associate Dean for Research for the School.
- 3.1.5 On receipt of an allegation the Dean of School shall make it clear to the Complainant that the Respondent will be informed that an allegation has been made and that the Complainant's identity will be disclosed to those carrying out the Screening and the Respondent. If the Complainant wishes their identity to remain anonymous to the Respondent at the initial Screening Stage, the Complainant will be informed that their identity will be disclosed to the Respondent as part of the Formal Investigation.
- 3.1.6 The Dean of School will write to the Respondent informing them that an allegation of research misconduct has been made against them and that the allegation is proceeding to the Screening Stage of this Procedure to establish whether or not there is a *prima facie* case for Formal Investigation. The Respondent is not required to provide any statement or defence at the Screening Stage but the persons carrying out the screening may, if they wish, contact the Respondent for further information.

3.2 STAGE ONE - SCREENING

- 3.2.1 Having written to the Respondent, the Dean of School will ask a Chair of CRDC from a different College (see below) to appoint and convene a panel (the "Screening Panel") who shall meet within 10 working days of the date of the Deans letter to the Respondent. The Screening Panel shall consist of:
- The Chair of the CRDC from a different College who will act as the Chair of the Screening Panel;

- Two members of University staff drawn from the College concerned but who are not involved in the research, but one of which should be an academic specialist (where appropriate) in the area within which the misconduct is alleged to have taken place. The Chair may choose to appoint an alternative member to the Screening Panel from outside the College.
- 3.2.2 The Screening Panel shall consider the evidence that has been made available to them (including the original allegation and any supporting evidence) and may, at their own discretion, consult additional experts in the relevant discipline subject or request any further evidence that they deem necessary (files, notebooks, other records). At this stage the Screening Panel may wish to speak to the Complainant and/or the Respondent to assist in their understanding of the allegation(s).
- 3.2.3 The Graduate School will provide suitable administrative and other support to assist the Screening Panel.
- 3.2.4 The purpose of the Screening Panel is to determine whether there is sufficient evidence of research misconduct to warrant a Formal Investigation into the allegation(s).
- 3.2.5 The Screening Panel will complete the Screening within 20 working days from the convening of the Screening Panel. Where the Screening Panel determines that a delay to the timescale is required the Complainant and the Respondent will be informed of this delay in writing and will be provided with an estimated revised date of completion.
- 3.2.6 At the conclusion of the Screening the Screening Panel will determine whether the allegation of misconduct in research:
- is unfounded because it is mistaken or is otherwise without substance and will be dismissed; or
 - is unfounded because it is frivolous, vexatious and/or malicious and will be dismissed (where this is the case, the Screening Panel will refer the matter to the Pro Vice-Chancellor Research who will consider any further steps required); or
 - warrants direct referral to another relevant University process or procedure or to an external organisation (this may be relevant where there are concerns relating to Fitness to Practice); or
 - has some substance but due to the lack of intent to deceive will be addressed through education and training or another non-disciplinary approach rather than through the next stage of this Procedure; or
 - is sufficiently serious and has sufficient substance to warrant a Formal Investigation of the allegation(s).
- 3.2.7 The Screening Panel will set out their findings in a report and the Chair of the Screening Panel will provide a copy of the Report containing the Screening Panel's finding to the Pro Vice-Chancellor Research, Dean of School, Respondent and Complainant. The Respondent and Complainant may provide comment on the factual accuracy of the report only where the report includes errors of fact. Such comments must be addressed to the Chair of the Screening Panel and received within 20 working days of the date of the Report. The Chair of the Screening Panel will judge the validity of such comments before making any required amendments to the report.

- 3.2.8 Where the Screening Panel concludes that an allegation has sufficient substance to warrant a Formal Investigation the Pro Vice-Chancellor Research will implement a Formal Investigation in accordance with Stage Two of this Procedure.

3.3 STAGE TWO - FORMAL INVESTIGATION

- 3.3.1 The Pro Vice-Chancellor Research shall appoint a University Research Misconduct Group (URMG). The purpose of the URMG is to review all the evidence collected during the Screening Panel's investigation following the original allegation(s) and investigate further as required.
- 3.3.2 The URMG shall consist of at least three impartial members of the University Research Degrees Committee (URDC) and will normally include:
- The Head of the Graduate School or appropriate senior member of University staff (who shall act as Chair);
 - A senior member of University staff normally from the College but not from the School to which the Respondent or Complainant to an allegation belong or in which the misconduct in research is alleged to have occurred, nor members of the previous Screening Panel; and
 - A further academic member of staff appointed from the URDC by the Pro Vice-Chancellor Research. Where appropriate, this member will be a specialist in the academic discipline in which the misconduct in research is alleged to have taken place.
- 3.3.3 The Pro Vice-Chancellor Research may choose to appoint a member from outside the University where it is deemed appropriate. Each member of the URMG will provide confirmation that their involvement in the URMG provides no conflict of interest. Where there is a conflict of interest, the Pro Vice-Chancellor Research will remove that member and appoint a new member.
- 3.3.4 The URMG will be appointed within 20 working days of the Screening Panel issuing its report to the Pro Vice-Chancellor Research.
- 3.3.5 The Chair of the URMG will be responsible for the conduct of the URMG under this Procedure. The URMG will determine its own procedure in the conduct of the investigation. In undertaking the Formal Investigation, the URMG is not required to work to a prescribed timetable but should conduct the Formal Investigation as quickly as possible without compromising the Principles set out in this Procedure. The Chair will report the progress made by the URMG to the Pro Vice-Chancellor Research on a monthly basis who will, in turn, provide appropriate information on the progress of the Formal Investigation to the Complainant and the Respondent.
- 3.3.6 The URMG must interview the Respondent and the Complainant as part of its investigation, both of whom shall have the right to be accompanied to such interviews by another person if they so wish. The Respondent and the Complainant will also be given the opportunity to provide written representations to the URMG. Such representations must be received by the URMG within 10 working days after attendance at that interview.
- 3.3.7 In the event that the Respondent and/or the Complainant fails, without good reason, to attend an investigatory interview requested by the URMG, the URMG shall be entitled to continue with and conclude the investigation.
- 3.3.8 The URMG shall be free to seek confidential advice from persons with relevant expertise both within the University and outside it.

- 3.3.9 Whilst the URMG will strive to avoid delay, the time required to complete the Formal Investigation will be influenced by a number of factors including the nature of the allegation of misconduct in research and the volume and nature of evidence to be gathered and reviewed.
- 3.3.10 The Graduate School will provide suitable administrative and other support to assist the URMG.
- 3.3.11 At the conclusion of the Formal Investigation, the URMG will conclude, giving the reasons for its decision and recording any differing views, whether the allegation of misconduct in research is:
- Upheld in full; or
 - Upheld in part; or
 - Not upheld and will be dismissed.
- 3.3.12 When concluding whether an allegation is upheld in full or in part or is not upheld, the standard of proof used is that of “on the balance of probabilities.”
- 3.3.13 Reasons for concluding that the allegation(s) is not upheld can include, but is not limited to:
- mistaken, frivolous, vexatious or malicious;
 - lack of intent to deceive or due to its relatively minor nature and will therefore be addressed through education and training or other non-disciplinary approach.
- 3.3.14 The URMG shall provide a draft Formal Investigation Report of its findings to the Pro Vice-Chancellor Research who will forward the Panel Report to the Respondent and the Complainant for comment on the factual accuracy of the report. Where the Report contains any error of fact or the comments provided by the Complainant or the Respondent are accepted by the URMG as having a material bearing on the facts the Report will be modified by the Chair of the URMG. The Chair will judge the validity of any comments received and seek the agreement of the URMG before making amendments to the Panel Report.
- 3.3.15 The URMG will then produce the final Panel Report which:
- Summarises the conduct of the investigation;
 - States whether the allegation(s) of misconduct in research has been upheld in whole or in part, giving the reasons for its decision and recording any differing views as well as its recommendations;
 - Makes recommendations in relation to any other misconduct identified during the investigation; and
 - Addresses any procedural matters that the investigation has brought to light within the University.
- 3.3.16 The URMG may also conclude and make recommendations that the allegation(s) should be referred to another relevant University process; whether any action will be required to correct the record of research; whether any external organisations should be informed of the findings of the Formal Investigation and whether any other matters should be investigated.
- 3.3.17 The Chair of the URMG will forward the final Panel Report, together with any documentation used in the Formal Investigation, to the Pro Vice-Chancellor

Research and the URDC. At this stage the URMG will be disbanded. Members of the disbanded URMG will not make any comment on the allegation(s) or its investigation unless formally requested to do so by the University.

3.4 FINDINGS AND RECOMMENDATIONS

- 3.4.1 Where the URMG concludes that the allegation(s) of misconduct in research is upheld in full or in part, there may be a requirement to consider any action that needs to be taken. Recommendations of such action will form part of the Panel Report.
- 3.4.2 The URDC shall review the Panel Report and its findings and recommendations and make a decision on the implementation of the recommendations and report this decision to the Pro Vice-Chancellor Research and the Chair of the URMG. The URDC may, at any time, consult with appropriate colleagues or liaise with relevant Committees before making a decision on the course of action to be taken against the Respondent (if appropriate).
- 3.4.3 Within 10 working days of the URDC meeting, the Chair of the URDC shall notify the respondent in writing of the URDC's decision on the Recommendations from the Panel Report, together with a copy of the final Panel Report and details of the Appeal Process.
- 3.4.4 Respondents are advised that in cases where evidence of an allegation(s) of misconduct in research (as defined in clause 1.5 above) is upheld in full or in part, the University may, in some cases, be required to report the matter to relevant professional bodies.
- 3.4.5 Where the allegation(s) has not been upheld, the Pro Vice-Chancellor Research shall take such steps as may be necessary to preserve the good reputation of the Respondent. Where a case has received any publicity, the Respondent shall be offered the possibility of having an official statement released by the University to the press or other relevant parties (or both). Where the URMG find that the Complainant's allegation(s) was malicious or reckless and the Complainant is a member of staff, the Pro Vice-Chancellor Research may recommend action is initiated under the University's disciplinary process. Where the URMG find that the Complainant's allegation(s) was malicious or reckless and the Complainant is a student at the University, the Pro Vice-Chancellor Research may recommend action is initiated under the University's Student Code of Behaviour.
- 3.4.6 Where the URMG deem the allegation(s) to be malicious, vexatious or otherwise improperly motivated, they shall be at liberty to refer the matter for consideration under the relevant disciplinary process at the University. In so referring the matter, the Chair of the URMG shall provide information as necessary to facilitate that disciplinary process.

4. REPORTING, COMMUNICATION AND RECORD KEEPING

- 4.1 The Chairs of the Screening Panel and the URMG should assume responsibility for keeping accurate records of the activities, deliberations and reporting of their respective Panels and pass these to the Pro Vice-Chancellor Research for inclusion in an archive of the case upon completion of their Panel's work. This documentation will be kept for a period in line with the University's retention schedule.

5. APPEAL PROCEDURE

- 5.1 The Respondent has the right to appeal the findings of the URMG within 20 working days from the date of the letter received from the Chair of the URMG as described at point 3.4.3 above. Any appeal submitted by the Respondent must be done so on the following grounds only:
- (a) Where the Respondent has material information which was not previously available for consideration by the URMG;
 - (b) Where the Respondent believes that a material administrative or procedural error has occurred in the operation of this Procedure; or
 - (c) Where the Respondent believes that the recommended penalty is excessive and disproportionate.
- 5.2 The Respondent must submit an appeal in writing to the Pro Vice-Chancellor Research within the timescale set out at 5.1 above stating the grounds upon which the appeal is being made and detailing the reasons for the appeal.
- 5.3 If the appeal is being made on the ground that the Respondent has material information which was not previously available for consideration by the URMG, the Respondent must submit that material or evidence to the Pro Vice-Chancellor Research as part of the written appeal.
- 5.4 The Pro Vice-Chancellor Research shall consider whether the appeal has been made on one or more of the permitted ground and if so, whether the evidence or arguments put forward by the Respondent in support of their request for an appeal have sufficient merit to justify invoking the formal Appeal Procedure.
- 5.5 Where the Pro Vice-Chancellor Research decides that the appeal is not within any of the permitted grounds for an appeal or that the evidence or arguments put forward by the Respondent are not sufficient to justify invoking the formal Appeal Procedure, the Respondent shall be informed in writing that the appeal has been rejected on that basis and that the original Panel Report and Recommendations remain unchanged. Such a decision by the Pro Vice-Chancellor Research is final and there is no further right of appeal within the University's Procedures.
- 5.6 Where the Pro Vice-Chancellor Research decides that an appeal does satisfy one or more of the permitted grounds and justifies invoking the Appeal Procedure, the Pro Vice-Chancellor Research shall refer the matter to an Appeal University Research Misconduct Group (AURMG) for consideration.
- 5.7 The AURMG shall consist of at least three members who have had no involvement in either the Screening Panel or the Formal Investigation comprising:
- The Head of the Graduate School or alternative appropriate Senior member of University staff (who shall act as Chair);
 - A senior member of University staff normally from the College but not from the School of which the Respondent or Complainant to an allegation study or in which the misconduct in research is alleged to have occurred; and
 - A further academic member of staff appointed from the URDC by the Pro Vice-Chancellor Research. Where appropriate, this member will be a specialist in the academic discipline in which the misconduct in research is alleged to have taken place.
- 5.8 The Pro Vice-Chancellor Research may also choose to appoint an additional member from outside the University where it is deemed appropriate. Each

member of the URMG will provide confirmation that their involvement in the URMG provides no conflict of interest. Where a member informs the URMG that they have a conflict of interest, the Pro Vice-Chancellor Research will replace that member and appoint a new member.

- 5.9 The Graduate School will provide suitable administrative and other support to assist the AURMG.
- 5.10 The Respondent shall be given at least 10 working days written notice of the AURMG and shall be provided with a further copy of the Panel Report and recommendations resulting from that Panel Report.
- 5.11 If the Respondent is unable to attend the AURMG due to illness or other extenuating circumstances, he/she must inform the Chair as soon as possible.
- 5.12 The Chair of the AURMG will be responsible for the conduct of the AURMG under this Procedure. The AURMG will determine its own procedure in the conduct of the investigation. However, it must be noted that the AURMG is not required undertake a re-run of the Formal Investigation but a review of the Panel Report and resulting recommendation(s). The Chair shall have discretion to allow the introduction of new evidence during the AURMG.
- 5.13 The AURMG will produce an Appeal Report which shall set out the findings of the AURMG and any subsequent recommendations resulting from those findings. The Appeal Report shall be provided to the Pro Vice-Chancellor Research and the Chair of the URDC. The URDC shall consider the Appeal Report at either its next meeting or an extraordinary meeting (where appropriate) and inform the Respondent of their decision in writing within 10 working days of the date of that meeting (Completion of Procedures Letter).
- 5.14 The decision by the URDC (via the Appeal Panel) is final and there is no further right of appeal within the University's Procedures. The Completion of Procedures Letter issued at 5.13 above shall inform the Respondent that the University's procedures have been concluded and will be in a manner prescribed by the OIA.

6. RESPONSIBLE OFFICER

- 6.1 The Pro Vice-Chancellor Research is responsible for the implementation, development and review of this Procedure and any related procedures.