Research Misconduct Policy

1. Policy Statement

The University is responsible for ensuring that the research it supports is carried out legally, in the public interest and in accordance with best practice. This document sets out the principles and procedures for making, managing and investigating allegations of research misconduct.

This policy applies to anyone involved in research in the University, whether as an employee, student, research manager or in some other capacity, such as a visitor or external research collaborator.

All employees of the University and individuals permitted to work in the University have the responsibility to report any cases of suspected research misconduct. All those individuals undertaking research at the University are obliged to comply with this procedure.

2. Principles

- The University will take seriously all allegations of research misconduct relating to the work of any employee, student, or anyone else involved in research within the University.

- No detrimental action of any kind will be taken against any person making an allegation through this policy in good faith, in line with the University’s Whistleblowing Policy and Public Interest Disclosure Legislation.

- Any allegations made will be investigated thoroughly, and in accordance with the highest standards of integrity, accuracy and fairness.

- Investigations will be carried out in such a way as to safeguard the confidentiality of the interested parties.

- Bearing in mind the confidentiality of personal matters, the outcome of the investigation will be made known as quickly as possible to all parties with a legitimate interest in the case.

3. Definition of Research Misconduct

For the purposes of this policy, research misconduct includes (but is not restricted to) doing, planning or attempting to do any of the following:

- Fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting the results of research
• Deliberate, dangerous or negligent deviation from accepted practice or agreed protocols in carrying out research, and failure to avoid risk or harm to humans, animals used in research, and the environment where appropriate
• Facilitating misconduct in research or collusion in, or concealment of, such actions by others
• Intentional and unauthorised use, disclosure of, removal of or damage to research related property of another researcher, including:
  o Intellectual property
  o Writings
  o Data
  o Apparatus
  o Materials
  o Hardware
  o Software
  o Any other substances or devices used in or produced whilst conducting research
  o Infringement or data protection requirements or the confidentiality of research subjects
  o Misquoting or misappropriation of the work of others and, for example, the unethical use of material provided in a privileged way for review or assessment

For the avoidance of doubt, misconduct in research can include acts of omission as well as acts of commission.

It excludes genuine errors or differences in interpretation or judgement in evaluating research methods or results, or misconduct unrelated to research processes.

4. Procedure for Reporting Misconduct

Any individual who suspects research misconduct should report it to the Head of School with overall line management responsibility for the research concerned. Allegations should, wherever possible, be made in writing.

If the matter concerns the Head of School, or if there is a potential conflict of interest, the matter should be referred to the Head of College. If the complainant is uncertain how to proceed or who to make their allegation to, they can seek support from their manager or from an HR Advisor.

In the case of a person or organisation external to the University wishing to report allegations of research misconduct, they should report it to the University Secretary and the allegation will be referred on to the relevant Head of School or College.

The Head of School or College or their nominee (who must be suitably qualified and experienced) will, throughout this document, be referred to as the ‘Responsible Person’.

5. Initial Screening

The Responsible Person will make an initial assessment of the allegation, in consultation with an HR Advisor. They will consider the scope of the allegation and identify those individuals who may be implicated in the alleged misconduct. These individuals will be treated as ‘respondents’.
The initial screening of the allegations by the Responsible Person may require a meeting with the complainant, or the respondent(s) to ascertain simple factual information. However, this is not part of a formal investigation, and all parties should be reminded of this.

During this part of the process, the Responsible Person will consider whether the allegations are mistaken, frivolous, vexatious and / or malicious. They will then take one of the following actions:

- Dismiss the allegation if it is clearly frivolous or mistaken
- Arrange for the matter to be resolved informally if the misconduct is of a minor nature
- Arrange for the matter to be taken forward using the Disciplinary Procedure, if sufficient evidence is available such that no formal investigation is required, or
- Arrange for a formal investigation as outlined below

The outcome of this part of the process should be confirmed in writing to the complainant, and the respondent(s) if they are aware of the allegations at this stage.

6. Arrangements for Investigation

If the Responsible Person decides to proceed to a formal investigation under this procedure, they should take the following steps, in consultation with an HR Advisor:

6.1 Decide if the respondent(s) should be suspended during part or all of the investigation. This is likely to be appropriate where the investigation may be inhibited or there is a risk to other employees, students, University property, working relationships or the continuation of other research.

If suspension is considered necessary, it must be carried out in line with the University’s Disciplinary Policy, with the support of an HR Advisor. The continued need for suspension should be reviewed throughout its duration.

6.2 If the research concerned is funded by an external body, then the Responsible Person should ensure that the funding body’s requirements are met in terms of communication about allegations of research misconduct. For example, several research councils and charities have clauses stating that they should be notified of cases of suspected misconduct and kept informed of developments.

Where funding bodies wish to conduct their own investigation, it should be done in partnership with the University, and the University will retain its responsibilities as employer.

6.3 Consideration should be given as to whether any other collaborators need to be informed or consulted. The Responsible Person should always bear in mind the requirements of the Data Protection Act when considering what information to release, and should always remember that they need to protect the identity of the potentially innocent respondent(s) where possible.

6.4 If the alleged misconduct could constitute a criminal offence, then the police should be informed at the appropriate time. The Responsible Person should inform the Head of School and their Head of HR prior to notifying the police. If the police become involved in the matter, their advice should be sought as to whether to suspend the internal investigation while they carry out their own enquiries.
6.5 The Responsible Person should appoint an Investigation Team to gather and evaluate the facts in an expeditious manner. This team should consist of at least two people at an appropriately senior level, who have the relevant expertise in the appropriate field if necessary, and who are not (and have not been) directly involved in the specific piece of research which is subject to the investigation. In addition, the Responsible Manager must ensure that there could be no conflict of interest. Team members must be given a copy of this policy at the time they are appointed.

6.6 The Responsible Person should confirm to the respondent(s), (verbally and in writing) the following:

- The nature of the allegation
- The decision to carry out an investigation
- The likely duration of the investigation
- The members of the investigation team
- Sources of support, e.g. Staff Counselling
- The right to representation during the process, i.e. by Trade Union or workplace colleagues

The respondent(s) should also be given a copy of this policy.

7. The Formal Investigation

The remit of the investigation team is to establish, examine and evaluate all relevant facts to assess whether there is evidence that research misconduct has been committed, and if so, the nature of the misconduct.

The investigation will be carried out as quickly as possible so as not to prolong the matter.

The investigation team will interview the complainant, the respondent(s) and any other witnesses as they see fit, in addition to examining the relevant research records and materials where necessary. When arranging interviews, the investigation team will confirm to the interviewees their rights to representation where appropriate.

The investigation panel should arrange to interview the respondent(s) after all other witnesses. They should allow the respondent(s) to:

- Ask questions
- Present evidence in their defence
- Request further witness statements if necessary
- Raise points about any information given by any witness

A written record of each interview will be produced and the interviewee will be asked to sign to confirm its accuracy.

Once the investigation team have completed their interviews and examined any other records or materials as appropriate, they will prepare a report setting out the evidence, the accounts of the interviews and a summary of their findings.
8. Outcome of the Formal Investigation

The Investigation Team will submit their final report to the Responsible Person, who will determine what action to take, following consultation with an HR Advisor. Possible actions are as follows:

- Further investigations may be undertaken if evidence is unclear, or further evidence needs to be sought
- The matter may be dismissed, if there appears to be no case to answer
- The matter may be resolved informally through training or counselling if there only appears to be misconduct of a minor nature
- The matter may be taken forward under the appropriate stage of the University’s Disciplinary Procedure (further investigation in these circumstances may not be necessary).

In all cases the respondent should be informed of the decision taken both in person and in writing by the Responsible Person.

If the matter has been dismissed, the Responsible Person should take appropriate steps to preserve the good reputation of the respondent and protect the complainant from any victimisation. If, however, the allegation is found to have been vexatious or frivolous, then action may be initiated against the complainant under the relevant University policy (e.g. disciplinary or harassment), subject to the provisions of the University’s Whistleblowing policy.

9. Action following Final outcome

Once the matter has been resolved, the Responsible Person should inform those parties who have a legitimate interest in the matter. This could include the funding body, a relevant professional body, or the editor of journals in which articles have been published relating to the research in question.

Where an allegation has been upheld, the Responsible Person should check the conditions of the relevant funding body in relation to the specific funding for the research in question, and take any action as appropriate. This could involve returning funds or correcting research papers.

If the respondent(s) has obtained any qualification through proven misconduct, then the Responsible Person should consider making a recommendation to the University that the qualification is revoked.

10. Policy History and Review

This policy was approved by CJCNC on 30 September 2010 and takes effect from 1 April 2011. It replaces the following policies/documents: Procedure for Allegations of Research Misconduct (SAM 3:3) which will cease to apply from the same date.

This policy will be reviewed by December 2012.

11. Other literature
When involved in any cases involving Research Misconduct, it is advisable to become familiar with the University’s Disciplinary Policy and the Whistleblowing Policy.

This Research Misconduct policy follows the main procedural steps and guidance provided by the UK Research Integrity Office (UKRIO) in their document ‘Procedure for the Investigation of Misconduct in Research’ published in August 2008. Their document provides further detailed guidance and advice, and may be referred to throughout this process. It can be accessed through the following link:

http://www.ukrio.org/sites/ukrio2/the_programme_of_work/procedure.cfm

Alternative Format
If you require this document in an alternative format including in Word please contact CorporateHR@ed.ac.uk or telephone 0131 650 8127