



## Research Misconduct Policy

### 1. Policy Statement

The University conducts research of the highest standard. It is committed to ensuring that all research is carried out with the utmost rigour and integrity. Research misconduct is an uncommon but potentially important threat to rigour and integrity. This policy aims to ensure that any allegation of research misconduct is handled fairly and in line with the UK Research Integrity Office's '[Procedure for the Investigation of Misconduct in Research](#)'.

### 2. Scope

This policy and procedure will be used to investigate alleged misconduct by current and former employees of the University or by others who conduct research on University premises, or use University facilities, resources or funding for their research.

Allegations relating to the research undertaken by University students will be investigated using the Academic Misconduct Investigation Procedure.

This policy and procedure will also be used to investigate any allegation of research misconduct which is initially raised through the [University's Whistleblowing policy](#)<sup>1</sup>.

### 3. Definition of Research Misconduct

Research misconduct includes:

- **fabrication**: making up results or other outputs (e.g. artefacts) and presenting them as if they were real
- **falsification**: manipulating research processes or changing or omitting data without good cause
- **plagiarism**: using other people's material without giving proper credit

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<sup>1</sup> Code of Practice on Reporting Malpractice and Raising Concerns under the Public Interest Disclosure Legislation

- **misrepresentation:** for example, misrepresentation of data, of interests, of qualifications or experience, or of involvement, such as inappropriate claims to authorship or attribution of work
- **breach of duty of care:** breach of confidentiality such as disclosing the identity of individuals or groups involved in research without their consent; improper conduct in peer review such as failing to disclose conflicts of interest; or not observing legal and ethical requirements or obligations of care
- **failure to meet ethical, legal and professional obligations:** for example, failure to declare competing interests; misrepresentation of involvement or authorship; misrepresentation of interests; breach of confidentiality; lack of informed consent; misuse of personal data; and abuse of research subjects or materials
- **improper dealing with allegations of misconduct:** failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistleblowers.

The full definition of research misconduct is available within the [UKRI Policy on the Governance of Good Research Practice](#) (Section 2). Allegations of misconduct in research can cover acts of omission as well as acts of commission, i.e. things an individual may have failed to do as well as things they may have done.

## 4. Principles

### 4.1 Allegations of research misconduct will be:

- handled with sensitivity and confidentiality
- investigated fairly, thoroughly and in a timely manner
- investigated using the UKRIO Procedure for the Investigation of Misconduct in Research

### 4.2 Employees have the right to be accompanied to formal meetings by a trade union representative or workplace colleague

### 4.3 Complainants or respondents have the right to highlight, and have considered, any conflict of interest they perceive to exist on the part of anyone involved in the investigation process

4.4 Employees who make allegations of research misconduct in the reasonable belief that misconduct may have occurred will be supported and will not be subject to any detriment

4.5 Anyone accused of research misconduct is entitled to the presumption of innocence

4.6 The identity of those involved and information on the allegation will not be released to third parties until the University is obliged to do so.

## **5. Reporting Allegations of Research Misconduct**

Anyone who has concerns regarding the rigour and integrity of the research carried out at the University should report these to a Named Person (see Appendix I).

Should concerns be raised by other means, for example through the University's Whistleblowing policy<sup>2</sup>, the recipient of these concerns will report these to the appropriate Named Person.

## **6. Procedure for Investigating Allegations of Research Misconduct**

Allegations of research misconduct will be handled in line with the UK Research Integrity Office's '[Procedure for the Investigation of Misconduct in Research](#)'. To support the use of this procedure, a glossary of UKRIO terms and their University equivalent is available at Appendices I and II. A flow chart detailing the procedural steps in University terms can be found in Appendix IV. A high level summary is provided below.

## **7. Procedure – High Level Summary**

- **Initial Steps:** The "Named Person" (see Appendix I) receives the allegation of research misconduct, addresses any immediate risks, informs key senior management of the allegation and informs the person (the Respondent) of the allegation and next steps.
- **Screening Panel:** the Named Person determines if allegations are mistaken, frivolous, vexatious and/or malicious; if this is not the case, the Named Person appoints panel members to determine whether there is evidence of misconduct in research; where contractually required, informs third parties, e.g. research councils, of the allegation

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<sup>2</sup> Code of Practice on Reporting Malpractice and Raising Concerns under the Public Interest Disclosure Legislation

without disclosing the respondent's identity. The Screening Panel interviews complainant and respondent and informs Named Person whether there is evidence of misconduct in research and whether they recommend proceeding to Formal Investigation. The Named Person updates all relevant parties of the outcome of the Screening process, including, where contractually required, third parties such as funding bodies.

- **Formal Investigation:** The Named Person, taking advice from their Head of HR, appoints a Panel, made up of at least two senior members of University staff and one external member to investigate the allegation. The allegation is fully investigated, which will include interviews with Complainant, Respondent and other relevant parties. The Named Person updates all relevant parties of the Panel's conclusions, which, for an existing member of staff, could result in a Disciplinary Hearing.
- **Disciplinary Hearing:** If there is a case to answer then a Disciplinary Hearing will be arranged, chaired by a senior manager, usually the Head of School of the Respondent, in line with the University's disciplinary procedure.

## **8. Cross-Institutional Research**

Should an allegation of misconduct involve individuals from institutions other than the University of Edinburgh, the Named Person will contact their counterpart(s) at the other institution(s) to agree:

- whether one institution will be nominated as the lead institution to investigate the allegation, or whether each institution will investigate separately, and
- how each institution will be involved in the process (for example, by providing panel members).

## **9. Reporting to Third Parties**

Where contractually required, third parties such as Research Councils, must be informed of allegations of research misconduct at the start of the Screening Stage of the UKRIO procedure, and updated at all subsequent stages. (See Appendix III for more information on Research Council reporting requirements.) Following investigation, where an allegation of research misconduct has been upheld, the Named Person will inform all relevant third

parties (for example, editors of journals in which the respondent has published articles in order to correct the research record).

#### **10. Policy History and Review**

Approval Date: May 2018

Approved By: CJCNC

Year of Next Review: 2020

## Glossary of Terms: Roles and Responsibilities

UKRIO Procedure	University of Edinburgh Equivalent
<b>Named Person</b>	<b>CAHSS - Associate Dean (Research Ethics)</b> <b>CSE - Chair of the CSE Ethics &amp; Integrity Committee</b> <b>MVM - College Dean of Research</b>
<p>The Named Person should be an individual within the organisation with significant knowledge and experience of research and have responsibility for:</p> <ul style="list-style-type: none"> <li>a) Receiving any allegations of misconduct in research</li> <li>b) Initiating and supervising the procedure for investigating allegations of misconduct in research</li> <li>c) Contacting their counterpart(s) at other institution(s) if the allegation involves individuals from other institutions to agree whether one institution will be nominated as the lead institution to investigate the allegation, or whether each institution will investigate separately. They will also agree how each institution will be involved in the process (for example, providing observers or panel members).</li> <li>d) Reporting alleged cases of research misconduct to third parties, such as Research Councils, where required at the start of the Screening Stage, and updating them at all subsequent stages</li> <li>e) Maintaining the information record during the investigation and subsequently reporting on the investigation and outcomes with internal contacts and relevant third parties, as appropriate</li> <li>f) Taking decisions at key stages of the procedure</li> </ul>	
<b>Nominated Alternate to Named Person</b>	<b>CAHSS – Dean of Research</b> <b>CSE – Deputy Chair of the College Research and Integrity Committee</b> <b>MVM – Director of Research, Roslin</b>
<p>The nominated alternate will receive allegations of misconduct in research and initiate and supervise the procedure for investigating them in the absence of the Named Person.</p>	

Head of Organisation	The Principal
<p>The Head of Organisation will be informed by the Named Person in confidence when an allegation of research misconduct is received. They will be given:</p> <ul style="list-style-type: none"> <li>- the identity of the Respondent</li> <li>- the identity of the Complainant</li> <li>- details of all sources of internal and external funding</li> <li>- details of all internal and external collaborators for the research in question; and</li> <li>- other details that the Named Person considers appropriate</li> </ul> <p>They will also be informed if the allegation proceeds to a Formal Investigation, and of the outcome.</p>	
Head of Research/Head of Finance	Director of Research Support Office
<p>The roles of Head of Research and Head of Finance will be informed by the Named Person in confidence when an allegation of research misconduct is received. They will be given:</p> <ul style="list-style-type: none"> <li>- the identity of the Respondent;</li> <li>- the identity of the Complainant;</li> <li>- details of all sources of internal and external funding;</li> <li>- details of all internal and external collaborators for the research in question; and</li> <li>- other details that the Named Person considers appropriate</li> </ul> <p>The Named Person should then, in conjunction with the nominated individuals in Personnel and Finance/ Research Grants Office, investigate the contractual status of the Respondent and the contractual details specific to the research project(s) related to the allegations.</p> <p>They will also be informed if the allegation proceeds to a Formal Investigation, and of the outcome.</p>	
Head of Personnel	College Head of HR
<p>The Head of Personnel will be informed by the Named Person in confidence when an allegation of research misconduct is received. They will be given:</p> <ul style="list-style-type: none"> <li>- the identity of the Respondent;</li> <li>- the identity of the Complainant;</li> <li>- details of all sources of internal and external funding;</li> <li>- details of all internal and external collaborators for the research in question; and</li> <li>- other details that the Named Person considers appropriate</li> </ul>	

The Named Person should then, in conjunction with the nominated individuals in Personnel and Finance/ Research Grants Office, investigate the contractual status of the Respondent and the contractual details specific to the research project(s) related to the allegations.

The Head of Personnel will also be informed if the allegation proceeds to a Formal Investigation, and of the outcome. Note: within UoE, the Head of HR will nominate an HR Advisor to attend formal meetings and provide advice on procedural matters.

If all or any part of the allegations are upheld, the Named Person, the Head of Personnel and at least one other member of senior staff should then decide whether the matter should be referred to the Organisation's disciplinary process or for other formal actions.

**Representative of Personnel department in attendance  
at meetings**

**HR Advisor**



## Appendix II

### Membership of Panels

UKRIO Procedure	University of Edinburgh Equivalent
<b>Screening Panel</b> - determines whether there is evidence of misconduct in research	
<ul style="list-style-type: none"> <li>– At least 3 senior members of staff selected by the Named Person from those who have previously indicated their willingness to serve on such a panel.</li> <li>– The panel members will elect a Chair.</li> </ul>	At least three senior members of staff selected by the Named Person, one of whom will be asked to chair
<p>In selecting the Panel members, the Named Person should consider:</p> <ul style="list-style-type: none"> <li>- the subject matter of the allegations, including whether it would be advantageous for members of the Panel to possess any specialised knowledge or investigative skill;</li> <li>- any conflicts of interest that might arise;</li> <li>- any links with any of the persons involved (Respondents or Complainants);</li> <li>- any personal connections with the subject matter of the allegations; and</li> <li>- any connections with the work through, for example, groups established to review proposals for research or ethics committees.</li> </ul> <p>It is desirable (especially for cases against senior staff or controversial cases) but not essential that one or more members be selected from outside the Organisation. For joint clinical/honorary contracts, it would be advantageous to have a member of staff from the other employing organisation(s).</p>	
<p><b>Formal Investigation Panel</b> - considers the allegations of misconduct in research and reaches a conclusion about those allegations. The standard of proof used by the Investigation Panel is that of “on the balance of probabilities”. Investigation panels will be set up in line with the UKRIO procedure detailed below.</p>	
<ul style="list-style-type: none"> <li>– at least 3, and always an uneven number of, senior members of staff selected by the Named Person on the advice of the College Head of HR</li> <li>– panel members must be approved by Head of Organisation (i.e. the Principal) or a nominated deputy (at UoE, this deputy will be the College Head of HR)</li> <li>– one member of the Panel will be appointed as the Chair</li> <li>– at least one member of the panel will be selected from outside the organisation</li> </ul>	

- at least 2 panel members will have experience in the area of research in which the alleged misconduct has taken place, although they should not be members of the School/Deanery concerned
- where allegations concern highly specialised areas of research, the panel should have one member with specialised knowledge of the field
- To ensure a fair investigation, an individual may not be a member of both the Screening Panel and the Investigation Panel, and, if they have been involved in either, they should not be part of the Disciplinary Panel.

**Note:** Research Councils reserve the right to seek observer status on formal investigations into allegations of research misconduct which involve the councils; this will be by exception, on a case-by-case basis. It is not anticipated that observers would attend full investigations or hearings, but may instead request access to papers and retain the option to be present at key discussions.

#### **Disciplinary Hearing**

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| <ul style="list-style-type: none"> <li>– If all or any part of the allegations are upheld, the Named Person, the Head of Personnel and at least one other member of senior staff should then decide whether the matter should be referred to the Organisation’s disciplinary process or for other formal actions.</li> <li>– To ensure a fair investigation, an individual may not be a member of both the Screening Panel and the Investigation Panel and, if he/she has been involved in either, he/she should not be part of the Disciplinary panel.</li> </ul> | <ul style="list-style-type: none"> <li>– The Named Person will advise the College Head of HR of the outcome of the investigation; if the investigation concludes that there is a case to answer, the Head of HR will agree with the relevant Head of School (or College if Head of School participated in the investigation or is the complainant) who will be appointed as the ‘Responsible Manager’ (i.e. who will Chair the Disciplinary Hearing) and the other Hearing Panel members.</li> <li>– Note: panel members cannot be the ‘Named Person’ or anyone involved in the investigation process.</li> </ul> |
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**Reporting Allegations of Research Misconduct to Research Councils**

**1. Screening Stage**

Research Councils require the University to report research misconduct at the start of the Screening Stage of the UKRIO procedure. The information to be reported by the Named Person is:

- the individual(s)' department
- whether the allegation concerns;
  - o research or training directly supported by a Research Council grant or grants and, if so, whether the grant(s) are current or historic
  - o research or training that is included in an application to one of the Research Councils, and is still being considered by the Council
  - o an applicant on any funding applications currently under consideration by any Research Councils
  - o a member of any Research Council advisory panel or body (including any peer review committee or pool)
- the nature of the allegation
- information on any action taken by the University to mitigate or manage risk.

**2. Formal Investigation Stage**

If, following the Screening Stage, the formal investigation process is triggered, the relevant Research Council(s) must be advised of this by the Named Person.

The respondent's identity should be disclosed in confidence, if:

- the respondent is a current grant holder or is being supported by a current grant; and/or
- the allegation concerns research undertaken during a period when the respondent was the Principal Investigator or Co-Investigator of, or otherwise supported by, a research council grant; and/or
- the respondent is currently serving or has served as a member of a research council advisory panel or body at any time since the date of the alleged misconduct.

### **3. Research Council Action**

Research Councils reserve the right to seek observer status on formal investigations into allegations of research misconduct which involve the councils; this will be by exception, on a case-by-case basis. It is not anticipated that observers would attend full investigations, but may instead request access to papers and retain the option to be present.

Research Councils have stated that they prefer not to take any action while investigations are under way. However, they reserve the right do so where the risk of not taking action exceeds the Research Council's acceptable tolerance limits.