

Procedure for investigating and resolving allegations of research misconduct¹

1. Introduction

- 1.1 King's College London is committed to maintaining the highest standards of integrity and probity in the conduct of research, by both its staff and students. To that end, the College has developed a framework setting out its expectations and requirements regarding good practice in research to ensure that research and the dissemination of the results of research are conducted properly. This can be found at www.kcl.ac.uk/research-integrity.
- 1.2 An allegation of research misconduct is serious and potentially defamatory, and could lead to disciplinary and legal proceedings. The College has therefore put in place the *Procedure* given below to ensure the exercise of due diligence in making initial inquiries as to the substance and provenance of an allegation.
- 1.3 This *Procedure* has been reviewed in light of the publication of the UK Research Integrity Office's Model Procedure for the Investigation of Misconduct in Research and is compatible with the principles contained therein.
- 1.4 The *Procedure* is intended to fulfil the College's commitment to the [Concordat to Support Research Integrity](#) to have a robust, transparent and fair process for dealing with allegations of research misconduct, as well as meeting the requirements of national and international funding bodies and other organisations. These include, but are not limited to, UK Research and Innovation (UKRI) and the UK Research Integrity Office (UKRIO).
- 1.5 Where an allegation of research misconduct is raised under the College's [Policy on information disclosure \(whistleblowing\)](#), at the point of consideration by (paragraph 4.1) or upon the decision of the designated person (paragraph 6.1) of the associated procedure, the designated person will refer the allegation of research misconduct to be dealt with under the research misconduct *Procedure*.

2. Scope

- 2.1 This *Procedure* sets out special provisions for the investigation of allegations of misconduct in research. It recognises the complex circumstances in which such investigations are likely to be conducted and seeks to discharge the College's obligations in a fair and sensitive manner.
- 2.2 The *Procedure* will be carried out in accordance with principles of fairness, confidentiality, integrity, prevention of detriment, and balance, as defined in Annex 1 of this document.
- 2.3 The *Procedure* is applicable to any person engaged in research under the auspices of the College, either solely or in conjunction with others in the College or in other organisations (commercial or educational) or in conjunction with one or more agencies, and includes, but is not limited to, students and staff of the College. For the purposes of this *Procedure* research is defined as 'a process of investigation leading to new insights, effectively shared [...] It includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship; the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved

¹ This Procedure is approved by the Academic Board under delegated authority from the Council in accordance with Article 8 of the Charter and Ordinance B.8.2.1.5.

insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction'.²

- 2.4 This *Procedure* applies to research undertaken by all individuals, (whether employed or otherwise engaged in research on a full- or part-time basis) carrying out this research for the College. Such individuals include all College employees or former employees, irrespective of whether their current place of work is within or outside College premises, and all visiting researchers of the College, irrespective of whether they are employed by the College, including persons with honorary positions, conducting research within, on behalf of or in association with the College. After investigation into alleged misconduct by any individual who is not an employee of the College, the Principal will determine the nature of any further action to be taken in relation to the misconduct. This *Procedure* does not apply to research carried out by current members of the College where the research was conducted under the auspices of another institution (see paragraph 8.3).
- 2.5 This *Procedure* shall also apply to allegations of research misconduct in respect of research conducted on NHS premises or otherwise under the auspices of the NHS or involving patients, patient related material, data or facilities, where an individual (as described at paragraph 2.4 above) holds an honorary NHS contract or carries out duties in respect of NHS activities. The relevant NHS authority will be informed of any allegations of research misconduct and consulted as to the way forward. The assistance of the NHS shall be sought in pursuing the investigation; this will include facilitating the disclosure of documents (including patient records) or other materials as may be reasonably required.
- 2.6 This *Procedure* applies to all researchers. For the avoidance of doubt, 'researchers' are defined in accordance with UKRIO's Code of Practice for Research (2009) as any individual who conducts research, including (but not limited to): as an employee; as an independent contractor or consultant; as a research student; as a visiting or emeritus member of staff; or as a member of staff on a joint clinical or honorary contract. This *Procedure* applies to research carried out by students leading to an award governed by the College's *Academic Regulations for Research Degree Programmes*, and does not cover research undertaken by undergraduate or postgraduate taught students.
- 2.7 This Procedure is neither a disciplinary nor a legal process, and must not be considered as such.
- 2.8 In the case of current College employees, following a preliminary investigation under this Procedure it may be appropriate to refer the matter to be investigated under an appropriate College disciplinary procedure. The reported outcome of either a preliminary investigation or the report of a formal Inquiry Panel will be used in determining any further action (if necessary) by the College, including invoking any relevant disciplinary procedure at any stage. The report(s) may be used in evidence at any formal disciplinary hearing and may be released in reporting the matter to any appropriate external body.
- 3. Definition of research misconduct and breaches of good practice**
- 3.1 Behaviours or actions that fall short of the accepted standards of ethics, research and scholarship required to ensure that the integrity of research is upheld will be considered as

² Taken from 'Annexe A: Definitions', *The Concordat to Support Research Integrity* (2019) which adopts the definition used in the Research Excellence Framework.

breaches of good practice. Such breaches have the potential to cause harm to people and the environment, waste resources, undermine the research record, and damage the credibility of research. Any breaches that are determined as serious or major may be characterised as research misconduct. Breaches of good research practice and research misconduct include, but are not limited to³:

- Fabrication: the making up of results, other outputs or aspects of research, including documentation or participant consent, and presenting them as if they were real
- Falsification: the inappropriate manipulation and/or selection of research processes, materials, equipment, data, imagery and/or consents
- Plagiarism: the use of other people's ideas, intellectual property or work (written or otherwise) without due acknowledgment or permission
- Misrepresentation of:
 - data, for example by suppressing relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data
 - involvement, such as through inappropriate claims to authorship or attribution of work, or the denial of authorship/attribution to others who have made an appropriate contribution to work
 - interests, to include the failure to declare competing interests of researchers or funders of a study
 - qualification, experience and/or credentials
 - publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication
- Failure to meet legal, ethical or professional obligations, for example:
 - not observing legal, ethical or other requirements for human research participants, animal subjects, or human organs or tissue used in research, or for the protection of the environment
 - breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain informed consent
 - misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality
 - improper conduct in peer review of research proposals, results or 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 the purposes of peer review.
- Improper dealing with allegations of research misconduct: the failure to address possible infringements, such as attempts to cover up misconduct and reprisals against whistle-blowers, or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding. Improper dealing with allegations of research misconduct includes the inappropriate censoring of parties through the use of legal instruments, such as non-disclosure agreements.

It is to be accepted that honest errors and difference in, for example, research methodology or interpretations do not constitute research misconduct.

- 3.2 For the avoidance of doubt, breaches of good practice or misconduct in research include acts of omission as well as acts of commission. In addition, the standards by which allegations of misconduct in research should be judged should be those prevailing in the

³ These definitions are taken from the *Concordat to Support Research Integrity* (2019).

country in question (where it is not the UK) as well as in the UK and at the date that the behaviour under investigation took place.

3.3 The basis for reaching a conclusion that an individual is responsible for misconduct in research relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct of any aspect of a research project. Where allegations concern an intentional and/or reckless departure from accepted procedures in the conduct of research that may not fall directly within the terms detailed above, a judgement should be made as to whether the matter should be investigated using the *Procedure*.

3.4 For research students, any investigation shall apply the definition of plagiarism as set out in the College statement '[Academic Honesty and Integrity](#)'.

3.5 Accepted procedures include but are not limited to the following:

- gaining informed consent where required;
- gaining formal approval from relevant organisations where required;
- any protocols for research contained in any formal approval that has been given for the research;
- any protocols for research as defined in contracts or agreements with funding bodies and sponsors;
- any protocols approved by the Medicines and Healthcare products Regulatory Authority (MHRA) for a trial of medicinal products;
- any protocols for research set out in the guidelines of the employing institution and other relevant partner organisations;
- any protocols for research set out in the guidelines of appropriate recognised professional, academic, scientific, governmental, national and international bodies
- any procedures that are aimed at avoiding unreasonable risk or harm to humans, animals or the environment;
- good practice for the proper preservation and management of primary data, artefacts and materials.
- any existing guidance on good practice on research.

3.5 Accepted procedures do not include:

- un-consented to/unapproved variations of the above;
- any procedures that would encourage, or would lead to, breaches in the law.

3.6 As well as complying with accepted procedures, researchers must comply with any legislation or governance requirements that apply to the conduct of their research.

4. Responsible Officer

4.1 The Senior Vice President (Operations) is the designated Responsible Officer with regard to the *Procedure* and shall have overall responsibility for ensuring the integrity of any proceedings under this *Procedure*, and shall determine the procedure to be followed in cases of doubt. They may, however, depute to senior member/s of the Research Integrity Office some or all of the responsibilities ascribed to the Responsible Officer in this *Procedure*. The Responsible Officer, or deputy, may at any stage seek legal advice on any aspect of the proceedings.

4.2 The Responsible Officer may also seek independent advice to assist with the decision as to

the course of action to be followed in any case. This includes the decision to move straight to disciplinary proceedings and/or to recommend that one or more of the individuals involved be given special paid leave pending determination of the allegation. In the case of research students, a decision will be made at as early a stage as possible if an interruption to study is required or if alternative arrangements for supervision should be made. Any such advice may be sought from senior officers, senior members of academic staff, in particular the Vice President (Research), other members of the College, or persons external to the College, where deemed necessary by the Responsible Officer.

- 4.3 The Responsible Officer shall ensure that appropriate support and information on the process and its operation is provided in an impartial way to the initiator(s) and respondent(s).
- 4.4 The Responsible Officer shall, at any stage of the process, either on their own initiative or in response to a request from members of an initial investigation or a formal inquiry panel, have the power to impound, seize or request the surrender of any files, papers, notebooks or records of any nature or form, whether in electronic or hard copy format, or any laptop or equipment which may contain evidence which is essential to the proper functioning of the *Procedure*. The Responsible Officer will only take such actions in situations where there is a clear risk to individuals or that evidence might be destroyed and only after careful consideration of those risks and consequences. The reason(s) for taking any such actions will be recorded in writing and communicated to all relevant parties. The Responsible Officer shall be responsible for the safe-keeping of such records or equipment during the course of the *Procedure* and shall make them available on agreed terms to those involved in the *Procedure*, whether members of preliminary or formal panels, the initiator or respondent or their respective representatives.
- 4.5 Individuals tasked with initial (or any) investigations are under an obligation to ensure that their enquiries are sufficiently full as to allow them to reach well-founded conclusions on the matters they are considering, and that they pursue their enquiries fairly. They are also under an obligation to inform the Responsible Officer at the outset of any conflict of interest that they might have in the case which might disqualify them from acting.
- 4.6 The Responsible Officer shall nominate an alternate to carry out their duties for cases in which the Responsible Officer is unable to act, for example through absence or conflict of interest.

5. Confidentiality

- 5.1 The matter will be treated in a confidential manner by those involved (see also Annex 1). In particular, those responsible for initial investigations into any allegation and any subsequently appointed Inquiry Panel, the Responsible Officer and anyone from whom they seek advice shall take all reasonable measures (including the use, wherever appropriate, of a non-disclosure agreement) to ensure that neither the identity of the initiator nor the identity of the respondent is made known to any third party except:
 - a) as may be necessary for the purpose of carrying out a full and fair investigation; or
 - b) in the course of any action following an initial investigation, e.g. where the matter is referred under any disciplinary procedure, or following a formal inquiry; or
 - c) in the course of action taken against an individual who is found to have made a malicious or mischievous allegation.

- 5.2 Similarly, the initiator, the respondent, any witness or other parties to a case should not make any statements about the case – whether orally or in writing – to any third party while the allegation in question is being determined. However, the Responsible Officer shall be authorised to take such action where they determine that it is reasonably necessary, particularly if disclosure is required by law or is otherwise in the public interest, by express contractual requirement, or where the matter is already in the public domain.
- 5.3 Any necessary disclosure to a third party of the identity of the initiator or the respondent shall, wherever possible, be accompanied by an express request that they undertake to keep confidential the information so disclosed.
- 5.4 It must be recognised also that in the course of investigation and resolution of the matter, more people than those immediately involved may be affected.
- 5.5 Every effort will be made to ensure that an individual making an allegation of research misconduct in good faith is not victimised for having made the allegation. However, action may be taken against anyone who is found to have made a malicious or mischievous allegation.
- 5.6 Every reasonable and proportionate effort will be made to ensure that the respondent shall not suffer any loss of reputation or other loss pending resolution of the matter.

6. General provisions

- 6.1 The respondent may be accompanied or represented at any meeting convened under this *Procedure* by a colleague, friend or recognised union or professional association representative and will be informed of that right in any correspondence with them. Legal representation may be permitted at the discretion of the Responsible Officer.
- 6.2 Records (written and/or audio) will be made at all formal meetings convened under the *Procedure* to facilitate the drafting of a report. These will be destroyed once the report has been produced and accepted by both initiator(s) and respondent(s). The reports will constitute the formal written record of any investigation and will be kept for at least six years after the investigation is completed.
- 6.3 All correspondence concerning proceedings under these regulations will be sent to the respondent at the most recent address notified to the College. In addition, correspondence may be sent to a King's College London email address or to any personal email address notified by the respondent to the College. If the respondent is no longer a member of the College, the College will make reasonable efforts to identify a current email address, maintaining the confidentiality of the respondent at all times.
- 6.4 None of the proceedings outlined in these regulations will be invalidated or postponed by reason of the lack of response or non-attendance of the respondent, provided that reasonable notice for response or attendance is given.
- 6.5 Where timeframes have been noted, these are indicative only and may be subject to change. The Research Integrity Office commits to providing appropriate notifications to the initiator and/or respondent in instances of delays to the carrying out of this Procedure.

7. Invoking the *Procedure*

- 7.1 The individual making the allegation should, in the first instance, where appropriate, attempt to address the issue with either the individual concerned or the appropriate Head of Department or Division. As a minimum, allegations should be notified to the Head of Department/Division, unless the person complained about is the Head of Department/Division, in which case it should be notified to the Responsible Officer. In the event that the initiator of the allegation is not satisfied with the outcome of an informal approach, or if such an approach is considered to be inappropriate, a formal complaint is then made in accordance with paragraph 7.2 below.
- 7.2 The initiator of an allegation of misconduct in research, who need not be a member of the College, should notify the Responsible Officer (via research-integrity@kcl.ac.uk) of their intention to make an allegation of research misconduct. The Research Integrity Office will acknowledge receipt of the email and forward a copy of the *Proforma to report allegation(s) of research misconduct* to the initiator on behalf of the Responsible Officer within three working days. The initiator must complete the Proforma, once received, and provide all evidence to support their allegation(s). It is the responsibility of the initiator of the allegation to ensure that only information pertinent to the allegation of research misconduct is provided.
- 7.3 Individuals wishing to make an allegation will be asked to put their name to their allegations. Anonymous allegations will be considered, taking into account the substance, detail and seriousness of the allegation(s), only at the discretion of the College. If an initiator chooses to remain anonymous to the College, they accept that they will waive any rights to be involved further in the process, for example they will not be sent a copy of the report produced from any initial or formal investigation. In such cases of anonymous reporting, the initiator will be advised once the matter has been closed and no further information will be provided.
- 7.4 The College may choose to investigate matters of concern under this procedure that are not formally raised by an initiator with it but which are highlighted via other means, for example via the Research Ethics Office as identified by the *Policy for Research Conducted without Ethical Approval*.
- 7.5 Allegations will be investigated under this *Procedure* irrespective of such developments as:
- the initiator of the allegation withdrawing the allegation at any stage; or
 - the respondent or the initiator resigning, or having already resigned, their post.

Once initiated, the *Procedure* will continue to its natural endpoint regardless of any of the above taking place. If, in the course of an investigation, the respondent admits to the alleged misconduct, the Responsible Officer or deputy will determine whether the investigation needs to proceed or if the admission concludes the investigation.

8. Screening of allegation and preliminary steps

- 8.1 Upon formal receipt of allegations of misconduct in research via a completed Proforma, the Research Integrity Office will acknowledge receipt of the allegation(s) by return to the initiator within three working days.
- 8.2 The contractual status of the respondent will be checked to ascertain whether they fall under the definition of those individuals covered by the *Procedure*, as stated in paragraphs 2.3 – 2.6 above.

8.3 The Research Integrity Office will review the nature of the allegations by referring to the definition of misconduct in research and breaches of good practice detailed in paragraphs 3.1 and 3.2 above. Where the allegations are outside the scope of research misconduct or breaches of good practice as defined above or the respondent does not meet the requirements as set out in paragraphs 2.3-2.6, the Responsible Officer will communicate to the initiator in writing:

- the reasons why the allegations could not be investigated using the *Procedure*; and
- which process for dealing with complaints might be appropriate for handling the allegations (if any); and
- to whom the allegations should be reported.

Where the matter is more appropriately dealt with by another institution, the Research Integrity Office may write to the investigating organisation to request that the College is notified of any outcome that may require action, for example in the notification of funding bodies.

Where the matter should be dealt with by another Russell Group institution, the College will endeavour to act in accordance with the [Statement of Cooperation in respect of cross-institutional research misconduct allegations](#).

8.4 Where the allegations fall under the definition of research misconduct or breaches of good practice, the Responsible Officer will communicate to the initiator in writing the following:

- formal acknowledgement of receipt of the allegation; and
- a categorisation of the allegations based on the definitions of research misconduct; and
- an outline of the process to be followed, including the next steps.

8.5 The respondent will be notified by the Responsible Officer that allegations of misconduct in research have been made which involve them. If the allegations are made against more than one respondent, the Responsible Officer will inform each party separately and not divulge the identity of any other respondent, where appropriate. The respondent will be provided with a written, anonymised summary of the allegations, together with a copy of the present *Procedure*. The respondent will be requested to submit a formal response to the allegations as presented in the summary along with any supporting evidence.

8.6 Where the allegations fall under the definition of research misconduct and breaches of good practice and the nature of the allegations are such that they concern situations that require immediate action to prevent further risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice), the Responsible Officer should take immediate appropriate action to ensure that any such potential or actual danger, illegal activity or risk is prevented or eliminated. It may be necessary to notify legal or regulatory authorities.

8.7 Allegations that fall under the definition of research misconduct and breaches of good practice, but which do not require notification to legal or regulatory bodies will proceed to the next stage of the *Procedure*. The Responsible Officer may inform, as necessary and at any stage in the investigation, any of the following of the allegation:

- the Director of Human Resources
- the Director of Research Grants & Contracts

- the Director of Business Assurance
 - the Director of Corporate Communications
- 8.8 The Responsible Officer or deputy will investigate whether the matter raised requires the College to undertake prescribed steps in the event of allegations of misconduct in research being made. Such an undertaking might be:
- specified by a funder organisation as part of their terms and conditions for receiving funding; or
 - a contract from a funding organisation; or
 - a partnership contract, agreement or Memorandum of Understanding; or
 - an agreement to sponsor the research.
- 8.9 The initiator and respondent shall each provide as early as possible all relevant information to the Research Integrity Office to allow all those involved in any investigation under the *Procedure* access to it.
- 8.10 The preliminary screening stage, to include all appropriate checks and notifications to the initiator(s) and/or respondent(s), should be completed within 28 working days after the acknowledgment has been made following the receipt of a completed Proforma, as per paragraph 8.1 above. In cases where completion of this stage may extend beyond the 28 working days, the Research Integrity Office will communicate this to interested parties.
- 9. Initial Investigation**
- 9.1 If it is determined, following completion of the preliminary steps outlined above, that the allegation should be investigated under this *Procedure* the Responsible Officer or deputy will nominate at least one (and not more than three) individuals to undertake an initial investigation. The individual(s) will normally be senior members of academic staff and may be from within or outside the Department/Division concerned and College depending on the circumstances of the case and at the discretion of the Responsible Officer.
- 9.2 Notification of the nominated panel members will ordinarily be made to the respondent and initiator within 21 working days of the conclusion of the preliminary screening stage. Both the respondent and initiator may raise with the Responsible Officer, via the Research Integrity Office, any concerns they may have about the individual(s) nominated to serve on the Initial Investigation Panel but neither party has a right of veto. In the event that concerns over a panel member are made, the Research Integrity Office will review the nature of the concerns and determine whether they may affect the integrity of the investigation. If the concerns are sufficiently serious, the Responsible Officer may seek to nominate an alternative panel member, otherwise the concerns will be noted at the outset of any panel meeting and recorded in the written report of the initial investigation. Once all panel members have been confirmed, the initiator and respondent will be notified within 14 working days of the date scheduled for the Initial Investigation Panel meeting. The date of this meeting will be wholly dependent on the availability of panel members, although every effort will be made to ensure the meeting takes place at as early a date as practicably possible.
- 9.3 The Panel/individual shall assess the summary of allegation(s) and the response to the same, along with any evidence provided by the initiator and/or the respondent. The Panel may request to review any additional information it requires to fulfil the requirements of an Initial Investigation, including interviewing both parties. The role of the Initial Investigation will

include clarification of the allegation(s) (where necessary), determination of whether the allegation is made in good faith, whether a *prima facie* case of research misconduct or breach of good practice (as defined above at paragraph 3.1) is established and its level of seriousness and a confidential panel review and discussion of the evidence provided.

9.4 Following review of the allegation(s) and response, the Panel shall submit a report to the Responsible Officer within 60 working days of the conclusion of their review (to include any follow-up meetings or further written clarifications), indicating (where relevant, for each allegation) whether they judge that:

- a) the allegation is sufficiently serious and there is sufficient evidence to merit further action by the College; or
- b) the allegation has substance but due to a lack of intent to deceive or due to its relatively minor nature should be addressed through education or training or otherwise is of a character that can be dealt with and remedied at departmental level (this does not preclude some form of disciplinary hearing/action under the relevant procedure), or otherwise. The Panel will indicate in this situation whether its finding constitutes misconduct in research or a breach of good practice; or
- c) the allegation is unfounded, either because it is mistaken or because it is judged to be malicious, reckless, frivolous, trivial, otherwise without substance, or there is insufficient evidence to support it.

9.5 Within three working days following its ratification by the Responsible Officer, the respondent and the initiator will be invited to comment on the factual accuracy of the report, providing their response within 14 working days. The Panel will consider the responses received (where received) and, if it considers that the report includes errors of fact, will modify the report, as necessary. The respondent and initiator are not permitted to request changes related to the findings of the Panel, unless these have been as a result of factual inaccuracy. If any significant issues are raised by either party, further information may be requested for review, and this may cause delay to the process. In such cases, this will be communicated to the initiator and the respondent.

9.6 Once the final version of the report has been ratified by the Responsible Officer (ordinarily within 28 working days following the receipt of a response to the factual accuracy check to allow for any considerations by the Panel), it will be issued to the initiator and respondent within three working days. The report will be accompanied by notification of any next steps, where applicable, and may include a request for further information from the respondent within 14 working days if the investigation is continuing to the next stage of the Procedure.

10. Outcome of the initial investigation

10.1 Following this initial assessment of the allegation, the Responsible Officer may (subject to paragraph 10.5) take one of the courses of action set out in paragraphs 10.2 to 10.4 below. In exceptional circumstances, for example where new information comes to light or where the matter is by its nature serious or has the potential to seriously affect the College's reputation, the Responsible Officer shall not be bound by the recommendation(s) of the investigators.

10.2 For individuals who are not members of the College staff or students:

- a) take no further action; or
- b) refer the matter to a School or Department; or

- c) order that further investigation be carried out; or
- d) appoint an Inquiry Panel in accordance with paragraphs 11.1 to 12.3 below to report on the case; or
- e) instigate another procedure or refer the matter to the substantive employer, if applicable; or
- f) refer the matter to an appropriate external regulatory, statutory, or professional or similar body.

10.3 For members of College staff

- a) take no further action; or
- b) refer the matter to a School or Department; or
- c) order that further investigation be carried out; or
- d) appoint an Inquiry Panel in accordance with paragraphs 11.1 to 12.3 below to report on the case; or
- e) proceed with a formal disciplinary hearing or instigate any other procedure, as appropriate.

10.4 For students of the College:

- a) take no further action; or
- b) refer the matter to a School or Department; or
- c) order that further investigation be carried out; or
- d) appoint an Inquiry Panel in accordance with paragraphs 11.1 to 12.3 below to report on the case; or
- e) proceed under the G27 Misconduct Regulations as determined by the Student Conduct and Appeals Office or instigate any other procedure, as appropriate.

10.5 If it is found that the allegation is without substance, the Responsible Officer will dismiss the matter and no further action will be taken in relation to the respondent.

10.6 If it is found that the allegation is malicious, reckless, frivolous or trivial, the Responsible Officer will refer the matter for consideration under the relevant disciplinary procedure in relation to the initiator if they are a member of the College. If the initiator is external to the College legal advice may be sought as to possible remedies.

10.7 For members of College staff and students and where the *Procedure* does not progress to a Formal Investigation, a summary of the findings will be reported within seven working days following the issuance of the report to the initiator and the respondent to the Executive Dean and Vice Dean of Research of the Faculty to which the respondent(s) belongs, along with any recommendations that should be taken forward by the Faculty. The report from the Initial Investigation will be made available upon request.

11. Formal investigation and Inquiry Panel

11.1 If the findings of the Initial Investigation determine that the matter should proceed to a Formal Investigation, the Responsible Officer will appoint members to an Inquiry Panel, notifying the respondent and initiator within 21 working days following the issuance of the final report. Within a further 14 working days from this point, the respondent and initiator will be notified of the panel meeting date.

11.2 The panel shall comprise at least three individuals. At least one member of the panel shall be

external to the College and at least two panel members shall be subject experts in the disciplinary field of the alleged research misconduct. One of the members shall be appointed to chair the panel. The Chair will ordinarily be a senior member of the College from outside the discipline of the alleged research misconduct. The Responsible Officer or deputy shall arrange any necessary support for the panel.

- 11.3 The Inquiry Panel shall be provided with precise Terms of Reference drawn up by the Responsible Officer and agreed by the Panel Chair. The Chair of the Panel will be responsible for the conduct of the proceedings during the inquiry and will ensure they are carried out in adherence with the Terms of Reference. The panel shall agree on the basis of the Terms of Reference and the information that it has been given, what process it will follow, what information it needs to make a decision and whom it wishes to interview and/or take statements from.
- 11.4 In cases with complex legal or evidential issues, the Responsible Officer shall reserve the right to appoint external legal counsel to chair the Panel and/or to provide legal assistance to the Panel, though the Procedure is not a legal process.
- 11.5 The Inquiry Panel has no disciplinary powers, though may make recommendations for any other proceedings to be instigated, to include disciplinary hearings.
- 11.6 The College shall determine whether it or the initiator shall make representations to the Panel in support of, or otherwise in connection with, the allegations. The College shall, in making this determination, take into account (but not be limited to) the following considerations: the nature and seriousness of the allegations; the risk to the College's reputation; whether the initiator is represented; and whether the respondent is represented.

12. Inquiry panel outcome

- 12.1 Following the conclusion of its investigation and inquiry, the Panel will produce a report within 60 working days of its findings on the basis of the relevant facts of the case, including whether or not the allegations are upheld. It will also provide a view as to whether an allegation of misconduct has been established and may make recommendations as to the further action necessary to rectify any misconduct it has found and to preserve the academic integrity and reputation of the College, for consideration by the appropriate College authorities. The standard of proof used by the Panel is that of 'on the balance of probabilities'.
- 12.2 Within three working days of ratification by the Responsible Officer, a copy of the report will be sent to the respondent who may submit proposals for the correction of facts to the Panel within 14 working days. Following consideration of any proposals for the correction of facts, the Panel will send the report of its findings to the Responsible Officer.
- 12.3 The Responsible Officer shall convey the substance of the Panel's findings to the initiator, the respondent and such other persons or bodies as they deem appropriate within 31 working days from the receipt of any response to the factual accuracy check.

13. Subsequent action

- 13.1 If the allegation is upheld the College may, in addition to any action recommended by the Panel, where appropriate:

- a) convey the Inquiry Panel's factual findings to any relevant employer, statutory, regulatory or professional body, any relevant grant-awarding body or any other public body with a relevant interest, and the editors of any journals which have published articles by the person against whom the allegation has been upheld; and/or
 - b) recommend to the relevant University the revoking of any degree or other qualification which had been obtained, in whole or in part, through proven misconduct in research.
- 13.2 If the allegation has been dismissed, the Responsible Officer shall take appropriate steps to preserve the good reputation of the respondent. If the case has received any adverse publicity the respondent shall be offered the possibility of having an official statement released by the College to the press or to other relevant parties, or both.
- 13.3 The Responsible Officer shall normally inform the Academic Board and the Council of the nature (so as to preserve confidentiality) of any allegation which has been the subject of a formal inquiry, and of the final outcome save that, if the allegation has been dismissed, the respondent shall have the option of deciding that no such report be made.
- 14. Appeal**
- 14.1 Any appeal made is considered outside scope of any investigation under this Procedure. The Inquiry Panel's decision is deemed final and is not suspended during an appeal. If an Appeal Panel later modifies or reverses any findings or recommendations of the Inquiry Panel, this information is appended to the Inquiry Panel's investigation report. Further information is available in the Guidance for Managing an Appeal Made Following the Conclusion of an Investigation into Allegations of Research Misconduct under the College's Procedure (available on request).
- 14.2 The respondent or the initiator may submit an appeal against the Inquiry Panel's decision and/or its recommendation(s). Any appeal shall be made in writing to the Vice President (Research) within 28 working days following notification by the Responsible Officer of the Inquiry Panel's decision. The written notice of appeal shall set out the grounds of appeal, and be accompanied, wherever possible, by supporting documentation.
- 14.3 An appeal will only be considered on one or more of the following grounds:
- a) procedural irregularity in the conduct of the case up to and before the submission of a formal appeal; or
 - b) fresh evidence becoming available which was not, and could not, have been made available to the Inquiry Panel; or
 - c) the recommendation is either excessive or inadequate in relation to the misconduct upheld.
- 14.4 Upon receipt of the written appeal, the Vice President (Research) shall assess the validity of the appeal on the grounds set out in 14.2 and notify the relevant party of their decision within 14 working days of receipt of the appeal. In line with the associated guidance document referred to in 14.1, the Vice President (Research) may seek response from any relevant party, to include the Research Integrity Office, the respondent(s), the initiator(s), or any of the Initial or Inquiry Panel members, to ensure the appeal has been made in good faith.

- 14.5 If the appeal is to be heard, an Appeal Panel will be appointed. If the appeal is to be rejected, reasons will be given. The decision of the Vice President (Research) at this stage is final.
- 14.6 If an Appeal Panel is to be convened, it shall have the following members to be appointed by the Vice President (Research):
- a) a Chair, who shall not be a member of the College (the Vice President (Research) reserves the right to appoint legal counsel to this role); and
 - b) two independent persons appointed by or with the approval of the Chair, at least one of whom shall be from outside the College and at least one of whom shall be an expert in, or have experience of, the disciplinary field in question.

The Appeal Panel shall be serviced by an administrator nominated by the Vice President (Research).

- 14.7 The hearing of the appeal should normally take place within 90 working days of notification to the relevant party that the appeal will be heard.
- 14.8 The Appeal Panel shall be provided with all papers from the original investigation, the Inquiry Panel's proceedings, and the notice of appeal and supporting documentation. The Appeal Panel shall determine its own procedure and timetable and shall have the power to convene to allow any parties to make representations. The Appeal Panel shall have the power to reverse or modify the decision(s) or recommendation(s) of the Inquiry Panel.
- 14.9 The decision of the Appeal Panel shall be final.

Updated by Academic Board
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Annex 1: Principles

1. Misconduct in research is a serious matter. Equally, the investigation of allegations of misconduct in research must be conducted in accordance with the highest standards of integrity, accuracy and fairness.
2. Those responsible for carrying out investigations of alleged misconduct in research should act with integrity and sensitivity at all times.
3. The following principles of fairness, confidentiality, integrity, prevention of detriment, and balance as defined below must inform the carrying out of this *Procedure* for the investigation of allegations of misconduct in research

Fairness

4. The investigation of any allegations of misconduct in research must be carried out fairly and in accordance with the statutory human rights of all parties involved.
5. Those responsible for carrying out this *Procedure* should do so with knowledge of:
 - the statutory obligations of the College and the rights of employees according to current law; and
 - any additional rights and obligations particular to the College and/or its employees – for example those bestowed by university statutes and ordinances.
6. Where anyone is formally accused of misconduct in research, that person must be given full details of the allegations in writing.
7. When someone is formally investigated for alleged misconduct in research, they must be given the opportunity to set out their case and respond to the allegations against them.
8. They must also be allowed to:
 - ask questions;
 - present information (evidence) in their defence;
 - adduce evidence of witnesses; and
 - raise points about any information given by any witness (regardless of who has called the witness in question).
9. The respondent, initiator and any witnesses involved in the *Procedure* may:
 - be accompanied by a fellow employee or trade union representative when they are required or invited to attend meetings relating to this *Procedure*; and
 - seek advice and assistance from anyone of their choosing.
10. To ensure a fair investigation, an individual may not be a member of both the Initial Panel and the Inquiry Panel and, if they have been involved in either, they should not be part of the College's disciplinary process.

Confidentiality

11. The procedure should be conducted as confidentially as is reasonably practicable. The confidential nature of the proceedings should be maintained provided this does not compromise either the investigation of the misconduct allegations, any requirements of health and safety, or any

issue related to the safety of participants in research.

12. The confidential nature of the proceedings is essential in order to protect the initiator, the respondent, and others involved in the procedure.
13. It is important that in the conduct of an investigation using this *Procedure* that the principles of confidentiality and fairness are applied with appropriate balance for both the respondent and the initiator, (see points 38 to 41 inclusive below).
14. The identity of the initiator or the respondent should not be made known to any third party unless:
 - it has been deemed necessary (by those conducting the investigation) in order to carry out the investigation; or
 - it is necessary as part of action taken against the respondent when (at the end of the procedure and the College's disciplinary/appeals processes) the allegations have been upheld; or
 - it is necessary as part of action taken against a person who has been found to have made malicious, vexatious or frivolous allegations; or
 - it is the stated policy of the employer, funder, or other national body that the identity of individuals proved through appropriate disciplinary and appeals processes to have committed misconduct in research should be made public.
15. Any disclosure to a third party of the identity of the initiator or respondent, or of any other details of the investigation, should be made on a confidential basis. The third party should understand this, and that they must respect the confidentiality of any information received.
16. The College and/or its staff may have contractual and/or legal obligations to inform third parties, such as funding bodies or collaborating organisation(s), of allegations of misconduct in research. In such cases, those responsible for carrying this *Procedure* out should ensure that any such obligations are fulfilled at the appropriate time through the correct mechanisms, always keeping in mind the legal rights of the employees involved in the allegations.
17. While the allegations are under investigation using this *Procedure* (and/or the College's disciplinary process), the initiator, the respondent, witnesses or any other persons involved in this *Procedure* should not make any statements about the allegations to any third parties, unless formally sanctioned by the College or otherwise required to by law.
18. Breaching confidentiality may lead to disciplinary action, unless covered by the Public Interest Disclosure Act and/or the College's own grievance or whistleblowing procedures.
19. In the event of any conflict between the principle of confidentiality and any of the other principles of this *Procedure*, those conducting the procedure should consider the principle of balance (see points 38 to 41 inclusive below).

Integrity

20. An investigation into allegations of misconduct in research using the processes of Initial or Formal Investigation of the procedure must be fair and comprehensive. The investigation should be conducted expediently although without compromise to the fairness and thoroughness of the process.

21. Anyone asked to take part in the processes as a panel member must make sure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised.
22. Similarly, those who give evidence to the investigation should do so honestly and objectively in accordance with the principles of the *Procedure* and should be provided with relevant sections of the *Procedure* before giving evidence.
23. All parties involved must inform the Responsible Officer immediately of any interests that they have which might constitute a conflict of interest in relation to any aspect of the allegation(s), the investigation, the area(s) of research in question, or any of the persons concerned. Where the Responsible Officer has any interest which might constitute a conflict, they should declare any such conflict(s) and refer the investigation to their alternate, who should decide if they should be excluded from involvement in the investigation, recording the reasons for the decision.
24. Detailed and confidential records should be maintained on all aspects, and during all stages, of the procedure. It is the responsibility of the Responsible Officer to see that such records are maintained and made available at all stages for any use of the College's disciplinary processes.
25. At the conclusion of the proceedings, all records should be retained by the College for at least six years.
26. To preserve the integrity of this *Procedure*, great care must be taken to ensure that all relevant information is transferred to those involved in the various stages of the procedure, such as between the Initial Panel and any Inquiry Panel and between the Inquiry Panel and any disciplinary process.
27. Those responsible for carrying out the *Procedure* should recognise that failure to transfer information could lead to the process being unfair to the respondent and/or the initiator. It could also lead to an appeal being made on the grounds of a failure to observe the *Procedure* or to the collapse of the investigation.

Prevention of detriment

28. In using this *Procedure*, and in any action taken as a result of using the *Procedure*, care must be taken to protect:
 - individuals against frivolous, vexatious and/or malicious allegations of misconduct in research; and
 - the position and reputation of those suspected of, or alleged to have engaged in, misconduct, when the allegations or suspicions are not confirmed; and
 - the position and reputation of those who make allegations of misconduct in research in good faith, i.e. in the reasonable belief and/or on the basis of supporting evidence that misconduct in research may have occurred.
29. The preliminary stages of the *Procedure* are intended to determine whether allegations are mistaken, frivolous, vexatious and/or malicious. Only allegations that are judged to be sufficiently serious and of sufficient substance will proceed to a Formal Investigation.
30. It is acknowledged that allegations may be made for what appear to be malicious reasons. The *Procedure* should still be used where the initiator makes a formal complaint, to establish whether the allegations are of sufficient substance to warrant investigation.

31. Anyone accused of misconduct in research is entitled to the presumption of innocence.
32. Formal Investigations should establish, on the balance of probabilities, the truth of any allegations.
33. Any formal steps taken to discipline or otherwise reprimand the respondent, or take steps which might undermine their good name or reputation (or that of any other party), must be taken through the College's disciplinary process which provides the respondent with the right of appeal. Only when allegations have been upheld through the College's disciplinary process and, where called upon, the appeals process, may it be appropriate to apply any sanctions to the respondent.
34. The College must take all reasonable steps to ensure that the respondent (or any other party) does not suffer because of unconfirmed or unproven allegations.
35. Involvement of the respondent in the *Procedure* should not prevent the respondent from being considered:
 - for promotion; or
 - the completion of probation; or
 - other steps related to their professional development.

The College may choose to suspend the implementation of any promotion, completion of probation or any similar step, for the period that allegations are investigated using the *Procedure*, rather than delay the actual consideration of such matters.

If the allegations are upheld at the end of the procedure, subject to the College's disciplinary process and/or appeals process, the College's normal rules with respect to steps related to professional development, such as those detailed above, should apply.

36. It should be made clear that any actions that might be taken by the Responsible Officer in response to the notification of allegations of misconduct in research are not to be regarded as a disciplinary action and do not in themselves indicate that the allegations are believed to be true by the College. The College and members of any Initial and Formal Inquiry Panels should take steps to make it clear to the respondent, initiator and any other involved parties that these actions are necessary to ensure that the allegations of misconduct in research can be properly investigated.
37. Appropriate action should be taken against:
 - respondents where the allegations of misconduct in research have been upheld in accordance with this *Procedure*; and
 - anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research.

Balance

38. Those responsible for carrying out this *Procedure* must be aware that there may be occasions when a balance has to be struck in the application of the principles. For example, it may, in certain circumstances prove to be impracticable to undertake a detailed screening of the allegations without releasing the initiator's identity to the respondent.

39. The Responsible Officer should be responsible for resolving any such conflicts between the principles, keeping in mind at all times that the primary goal of this *Procedure* is to determine the truth of the allegations. The Responsible Officer can seek guidance from UKRIO and other bodies, as well as seeking legal advice.
40. In addition, the Responsible Officer should be responsible for ensuring the integrity of this *Procedure* and any actions taken as a consequence of it. The Responsible Officer should decide the course of action to be taken in cases of doubt.
41. The Responsible Officer, or delegate, should keep a written record of all decisions taken throughout all the steps of the procedure. The Responsible Officer should liaise closely with the members of the Initial and Formal Investigation Panels to ensure that a proper record is maintained throughout the procedure.

Annex 2: Procedure Timelines

	Action	Estimated time to complete action	Estimated Timeframe for response to respondent	Comments
1.	Acknowledgement of receipt from RIO to notification of issue <i>without</i> completed proforma, and provision of proforma for completion.	10 minutes	3 working days	
2.	Response from RIO to notification of issue <i>with</i> completed proforma.	10 minutes	3 working days	
3.	Preliminary screening phase and notification of the outcome of the screening phase.	28 working days	Within 28 working days of Action 2.	The screening phase may involve consideration by an academic expert and this timeframe allows the RIO time to locate such an expert, provide them time to review and provide comments and seek sign off on this review from the Responsible Officer. Notification will be made if completion of this stage will go beyond the estimated timeframe.
This may be the end of the review if it is determined there is no case to answer or there is insufficient evidence. Or the review may continue to initial investigation if there are deemed to be sufficient grounds to proceed.				
4.	Notification of Initial Investigation Panel members.	21 working days	Within 21 working days of action 3.	If very unique expertise is required or if the allegation is active during busy term time or at a holiday period, it may take longer to confirm the panel. The respondent and initiator will be updated if there are any delays with this.
5.	Notification of panel meeting date.	14 working days	Within 14 working days of Action 4, provided no concerns about the panel composition have been raised by either party.	This timeframe will vary depending on panel members availability. The respondent will be updated if there are any delays with this.

6.	Drafting and ratification of report	60 working days	N/A	Due to the requirement to align diaries of panel members it may be up to three months before a mutually convenient date can be agreed and it will take the RIO a further two months to draft the report, have it ratified by all panel members and fully signed off by the Responsible Officer
7.	Issue of report to respondent and initiator for factual accuracy check.	3 working days	Within 5/6? months of action 5	Once the report has been ratified the RIO will prepare an instructional cover letter for the respondent which the Responsible Officer will sign off. The respondent will then be given 14 working days to complete a factual accuracy check.
8.	Consideration of any comments or issues raised through the factual accuracy check.	28 working days	N/A	If there are any significant issues raised these will have to be referred to the panel and may require the request for further information from any party.
9.	Issue of final report and notification of next steps (including notification to faculty)	3 working days	Within 31 working days of receipt of response to action 7.	Once the final report has been ratified the RIO will prepare an instructional cover letter for the respondent which the Responsible Officer will sign off. This may include a request for further information, within 14 working days, from the respondent if the investigation is continuing to the next stage.
The investigation may end here if it is determined that there is no case to be answered. Or the investigation may continue to full formal enquiry panel.				
10.	Notification of formal enquiry panel members.	21 working days	Within 21 working days of action 9.	If very unique expertise is required or if the allegation is active during busy term time or at a holiday period it may take longer to confirm the panel. The respondent and initiator will be updated if there are any delays with this.
11.	Notification of panel meeting date.	14 working days	Within 14 days of Action 10.	This timeframe will vary depending on panel members availability. The respondent will be updated if there are any delays with this.
12.	Drafting and ratification of report	60 working days	N/A	Due to the requirement to align diaries of panel members it may be up to three months before a mutually convenient date can be agreed and it will take

				the RIO a further two months to draft the report, have it ratified by all panel members and fully signed off by the Responsible Officer
13.	Issue of report to respondent for factual accuracy check.	3 working days	Within 5/6 [?] months of action 11.	Once the report has been ratified the RIO will prepare an instructional cover letter for the respondent which the Responsible Officer will sign off. The respondent will then be given 14 working days to complete a factual accuracy check.
14.	Consideration of any comments or issues raised through the factual accuracy check.	28 working days	N/A	If there are any significant issues raised these will have to be referred to the panel and may require the request for further information from any party.
15.	Issue of final report and notification of next steps (including notification to faculty)	3 working days	Within 31 working days of receipt of response to action 7.	Once the final report has been ratified the RIO will prepare an instructional cover letter for the respondent which the Responsible Officer will sign off.