

Misconduct in research
– investigation
procedure

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Definitions

UKRIO	UK Research Integrity Office
Alternate Named Person (ANP)	The alternate is normally the Pro Vice-Chancellor (Research and Innovation) and will fulfil the NP role where the NP is not available or where it is not appropriate for the NP to act in this capacity eg where the allegations are in any way linked to the NP or there is the potential for a conflict of interest for the NP.
Complainant	The person or persons making allegations of research misconduct against one or more Respondents.
Days	Within this Procedure, 'days' means 'working days' and excludes weekends, Bank Holidays and other days on which the university is closed.
Named Person (NP)	<p>The Named Person is the Deputy Vice Chancellor and is the person nominated by the university to:</p> <ul style="list-style-type: none"> • receive any allegations of research misconduct; • initiate and supervise the procedure where appropriate; • maintain a record and preserve documentation relating to an investigation; • take decisions and necessary actions at key stages of the procedure. <p>Checklists are provided at Appendix A and Appendix B.</p> <p>The NP may wish to consult with UKRIO confidentially regarding allegations of research misconduct to seek further advice and guidance.</p>
Respondent	The person or persons against whom the allegation of research misconduct is made. They might be a present or past employee of the university, a PGR student or any individual conducting research under the auspices of the university.

- 4.4 It is hoped that individuals will feel able to raise concerns openly under this policy. However, if a Complainant wishes to raise a concern confidentially, every effort will be made to protect the identity of the Complainant, and subject to section 6 "Confidentiality", only to disclose their identity to those involved in investigating any allegations where it is necessary to do so. If it is necessary for anyone investigating to know the Complainant's identity, this should be discussed with the Complainant beforehand. See [Confidentiality](#) and [Support and protection for Complainants and Respondents](#).
- 4.5 The university does not encourage anonymous complaints. Proper investigation may be more difficult or impossible if the university cannot obtain further information from the Complainant. It is also more difficult to establish whether any allegations are credible if the person raising them is not identified. Where anonymous complaints are raised, nothing in this clause limits the university from taking such action in response to those complaints as it considers appropriate.

5 Support and protection for Complainants and Respondents

- 5.1 It is understandable that Complainants are sometimes worried about possible repercussions. The university aims to encourage openness and will support individuals who raise genuine concerns under this procedure, even if they turn out to be mistaken.
- 5.2 Complainants must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes any action that is taken against a Complainant or Respondent that is not justified on the basis of the complaint or the investigation process.

- 5.7 Complainants and Respondents who are DMU employees are able to access the confidential Employee Assistance Programme free of charge (details available on the intranet).

6 Confidentiality

- 6.1 Confidentiality is an important part of this procedure. Details of the investigation and the names of the Complainant and the Respondent must only be disclosed on a 'need to know' basis provided this does not compromise either the investigation or any issue related to the safety of participants involved in research. Any disclosure to a third party should be made on this basis and the third party must understand and respect the confidentiality of any information disclosed.
- 6.2 The university will aim to keep the Complainant informed of the progress of the investigation and its likely timescale. However, the need for confidentiality may prevent the university giving Complainants specific details of the investigation whilst it is ongoing. Complainants should treat any information they receive about the investigation as confidential.
- 6.3 The Respondent will be made aware of the concerns raised and, unless there are compelling reasons why the Complainant or any witnesses need to remain anonymous, Tw 0.26

- 7.2 The NP should acknowledge receipt of the complaint by letter to the Complainant seeking any further information as required and advising them of the procedure that will be followed.
- 7.3 If the complaint does not relate to research misconduct it will be for the NP to decide, in consultation, where appropriate with any relevant individuals eg Research, Business and Innovation, People and Organisational Development, Faculty Heads of Research and Innovation, whether this or another university procedure will be followed or whether the concerns can be resolved informally eg where the complaint is the result of a misunderstanding between individuals (see section 8).

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Finance as appropriate that allegations of research misconduct have been received and that they will be investigated. They should be provided in confidence with the following information:

- The identity of the Respondent;
- The identity of the Complainant;
- Details of all sources of internal and external funding;
- Details of all internal and external collaborators for the research in question; and
- Other details that the NP considers appropriate.

- 7.12 On completion of the preliminary consideration stage, the NP will normally invite the Respondent to a meeting to inform them that allegations of research misconduct have been made and the processes to be followed (if any). A representative from POD may be in attendance if required and the Respondent may be accompanied by a trade union representative or a work colleague if they wish. If the allegations are made against more than one Respondent, the NP should inform each individual separately and should not where possible divulge the identity of any other Respondent.
- 7.13 If the screening stage is being initiated, the Respondent will be informed of the allegations in writing at the meeting, together with a copy of the procedure. The NP should outline the procedure to be followed and the opportunities the Respondent will have to respond.
- 7.14 Precautionary suspension of the Respondent (with pay) or alternative precautionary action short of full suspension may be considered at this stage in consultation with HR eg where

8 Informal resolution

Situations that are not considered to be serious in nature might be resolved informally, without the requirement for a formal investigation. The NP may seek advice from UKRIO regarding whether such informal mechanisms might be appropriate in any particular case.

9 Screening stage

- 9.1 The purpose of the screening stage is to determine whether there is prima facie evidence of research misconduct, to determine appropriate next steps and any actions required at that stage.
- 9.2 The NP will convene an initial screening panel comprising up to three individuals (one of whom will act as Chair) who will usually be senior academics with sufficient knowledge and experience of research, and with subject knowledge to conduct a preliminary evaluation of the available evidence. If there is insufficient specialist knowledge at DMU an external panel member may be used. In these instances, the NP must ensure the Chair is a DMU employee.
- 9.3 The Respondent will be invited to submit a written response to the complaint, to be received by the Chair of the panel normally within 10 days of the notification.
- 9.4 The panel will take any steps necessary to secure any evidence eg records and materials relevant to the allegations, if this has not already been done. The Respondent should be assured that this does not imply any assumption that they are guilty of any misconduct, but that it is necessary to ensure that the allegations are properly investigated.
- 9.5 Screening shall normally be completed within 30 days of the panel being convened.
- 9.6 The panel shall, in confidence:
 - 9.6.1 consider the evidence before them and invite the Complainant to clarify any matters that the panel considers necessary and relevant;
 - 9.6.2 consider the Respondent's response and seek further clarification if required.
- 9.7 The panel will make determinations to the NP based on the evidence considered during this stage as follows:
 - 9.7.1 There is no evidence that research misconduct has taken place and no further investigation is required because the allegations are mistaken, frivolous, vexatious and/or malicious; or
 - 9.7.2 There is no evidence that research misconduct has taken place but certain procedural matters have been brought to light within the university/partner organisations and/or funding bodies that need to be addressed; or
 - 9.7.3 There is some evidence of minor unintentional poor practice which could be addressed through non-disciplinary means, such as education and training, or via informal counselling. (See 9.9). No further investigation is required.
 - 9.7.4 Research misconduct may have been

9.7.5 There is evidence of other misconduct unrelated to the research that should be referred to the appropriate university procedure, if any; and/or

9.7.6 Any other recommendations or required actions that need to be taken in light of the issues raised.

9.8 The NP will consider the panel's findings and notify the Respondent in writing of the outcome of this stage and any further actions or steps to be taken, if any. This will include ensuring appropriate action(s) are taken to correct the Record of Research, where necessary, ~~including (e.g.)~~ (t)2 (h1h0(t) 0 Twd()Tj-0[is]Tc 0 Tw 2.44 0)T0 Tc 0 Tw 1.66 0 Tw 4.84

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10 Formal investigation and outcomes

- 10.1 If there is a need for formal investigation the NP will appoint a panel (normally within 30 days of the submission of the screening panel's report) comprising up to three individuals

then the investigation panel should submit these new allegations of misconduct in research to the NP in writing, along with all supporting evidence, for consideration under the initial steps of this procedure.

- 10.9 The NP will notify the Respondent in writing of the outcome of the formal investigation and any further actions or steps to be taken, if any. Where the allegations are upheld, the Respondent will normally be invited to a disciplinary hearing in accordance with the applicable disciplinary procedure.
- 10.10 The NP will take appropriate action(s) to correct the Record of Research, which may include: retraction/correction of articles in journals, and/or notifying research participants of any potential issues that may arise.
- 10.11 The NP will normally write to the Complainant, and any other relevant parties (on a 'need to know' basis).

Appendix A: Named Person's

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Appendix B: Named Person’s Checklist – Post-screening / Post-investigation stages

The Named Person (NP) will need to consider what action is required where an allegation of research misconduct is upheld following formal investigation, or where poor research practice has been discovered. The following checklist provides a prompt of the relevant considerations and actions that might be required.

Post-screening stage		Actions
Are any actions required as a result of the screening stage? See 9.8 - 9.11 for more information.	Yes/No :	
Post-investigation stage		Actions
Is the Respondent undertaking funded research?	Yes/No :	If Yes, the funder will be informed, who may withdraw funding and/or require repayment of funding.
Do regulatory bodies and/or other organisations involved in the research need to be informed?	Yes/No :	If Yes, the NP must do so in writing.

What wider effects has this research had and what actions are required as a result (including those recommended in the investigation panel’s report)?

Eg has it been published; did it involve human participants, animals, or the environment, etc.?

Has the Respondent's
researcher / personnel file
been updated?