Research Misconduct

Policy and Procedure

1. Introduction

Royal Holloway expects all members of staff and students of the College and other persons authorised to undertake research in the College or using College facilities to observe the highest standards of professional behaviour in conducting research. Royal Holloway is committed to ensuring that all research is carried out with the utmost rigour and integrity.

 Allegations of misconduct in research are rare but the College takes them very seriously. This policy and procedure aims to provide a transparent process, so that, if there are allegations of research misconduct, College management can take a fair and reasonable course of action to resolve issues and aid improvement.

2. Scope

This policy is to be used to investigate cases of alleged research misconduct by staff and students, and any other individuals engaged in research or other scholarly activities at the College, or in connection with it. This policy does not apply to examination or assessment offences (including plagiarism) which are covered by the academic misconduct regulations.

It is also not intended to replace or override any of the College's established procedures relating to disciplinary matters. Allegations investigated under this policy will proceed under the College's Disciplinary Policy with respect to staff, or alternatively, through student disciplinary processes.

If any points of principles, procedures or interpretation are raised between the Research Misconduct Policy and the Disciplinary Policy, the Disciplinary Policy has precedence.

Principles

- Wherever possible, issues should be resolved informally and swiftly through normal management processes, without recourse to formal procedures. A meeting may be convened between a manager and employee to consider minor issues. The expectation is that such issues will be addressed as part of normal management discussions, and that a representative from Human Resources, a trade union representative or workplace colleague will not be present, unless their presence is mutually agreed as beneficial.

- At every stage in the procedure, the employee will be advised of the nature of the allegations against them and will be given the opportunity to put their case before a decision is made.
At all formal stages of the disciplinary procedure, the employee will have the right to be accompanied by a trade union representative or work colleague of their choice. A representative or companion should not be someone who may have a conflict of interest or who may prejudice the hearing. The representative or companion will have the opportunity to address the hearing, but they are not permitted to answer questions on the employee’s behalf.

No manager or head of department will be responsible for investigating disciplinary allegations that they have instigated or sit on a panel to consider such allegations.

A disciplinary investigation will be undertaken before any formal disciplinary panel is convened.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct. Reference can be made to the definitions of gross misconduct in the main Disciplinary Policy, which includes 'serious breaches of code of research ethics', and the deliberate falsification or misrepresentation of research procedures and results.

Employees have the right of appeal against any disciplinary sanction.

All stages of this procedure will be treated as confidential.

Any employees found to be making malicious or vexatious allegations will be subject to disciplinary proceedings.

This policy and procedure will be applied without any distinction as to sex or gender reassignment, age, sexual orientation, marriage or civil partnership status, race, ethnic or national origin, disability, religion or belief, political belief, membership of or activities as part of a trade union, or pregnancy and maternity.

All those involved with the process will be expected to demonstrate professional conduct and mutual respect to others at all times.

The Human Resources Department provide advice and support throughout all stages of the College’s formal disciplinary policy. They do not form part of the decision-making process except in instances where this is expressly set out in this policy.

3. Definition of Misconduct in Research

In discussing misconduct in research, which might be investigated using this procedure, the following may serve as useful terms by way of guidance. Research misconduct in this context means:

- Fabrication, falsification, plagiarism, or deception in proposing, carrying out or reporting results of research;
- Deliberate, dangerous or negligent deviations from accepted practice in carrying out research;
- Failure to follow agreed protocol if this failure results in unreasonable risk or harm to humans, other sentient beings or the environment;
- Facilitating of misconduct in research by collusion in, or concealment of, such actions by others.
Research misconduct includes any plan or conspiracy or attempt to do any of the above.

For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission. The policy and procedure set out in this statement may also be used to investigate and deal with allegations relating to misappropriation or misuse of research funds and equipment. The College Financial Regulations and Financial Policies will take precedence over this policy.

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.

Misconduct in this context does not include honest error or honest differences in interpretation or judgement in evaluating research methods or results, or misconduct (including gross misconduct) unrelated to the research process.

4. Roles and Responsibilities

**Senior Vice-Principal**
- To ensure a full investigation in which all parties have the opportunity to provide evidence as applicable
- To act in an impartial manner ensuring a full and fair investigation and that a fair and reasonable decision is made on whether to proceed
- To act in a professional and empathetic manner providing all those involved in the process with respect and consideration, and the opportunity to respond and answer concerns
- To review and assess the investigation and if applicable to direct that further investigation is needed to allow for a full assessment of the case
- To undertake all duties in a timely manner ensuring decisions are fed back to Human Resources and the relevant individual as soon as possible
- To disclose if there is a conflict of interest
- To provide findings to the disciplinary panel under the Disciplinary Policy where applicable
- To ensure that full and accurate records of the evidence/process are taken and that outcomes are generated and kept in accordance with the requirements of Data Protection legislation

**Head of Department / Line Manager**
- To ensure that all individuals are made aware of any allegations that are made against them
- To address issues through informal processes where appropriate
- To provide individuals with support and advice reminding them of College support services where applicable
- To act in a professional and empathetic manner providing all those involved in the process with respect and consideration
- To disclose if there is a conflict of interest
- To ensure full and accurate records of the evidence/process are taken and that outcomes are generated and kept in accordance with the requirements of Data Protection legislation

**Supervisor / Director of PGR Education**
- To provide advice and support to students as applicable
• To act in a professional and empathetic manner providing all those involved in the process with respect and consideration

**Investigation Panel Members and Chair**
• To act in an impartial manner ensuring a fair and reasonable decision is made based on all the evidence presented.
• To ensure all parties will be provided with an opportunity to present relevant information and to respond.
• To ensure that a decision will be reached and communicated to the subject of the investigation in accordance with the defined timescales stated below.
• To disclose if there is a conflict of interest
• To provide findings to the disciplinary panel where applicable under the Disciplinary Policy
• To act in a professional and empathetic manner providing all those involved in the process with respect and consideration

**Empathetic of School**
• To ensure managers have the training and skills to manage staff effectively addressing issues promptly when they arise
• To provide support and advice as required to direct reports and to put in place mechanisms to ensure training happens within the School
• To act in a professional and empathetic manner providing all those involved in the process with respect and consideration

**Employee / Student**
• To engage with the process trying to resolve issues informally where applicable
• To provide all information to an investigator to allow for a full assessment of a case to be made in a timely manner
• To act in a professional and empathetic manner providing all those involved in the process with respect and consideration

**Human Resources**
• To provide advice and support to managers and employees/workers as applicable
• To provide support and advice to panels
• To ensure production of paperwork in accordance with timescales set out in this document
• To ensure that panels are constituted in accordance with the requirements of this policy
• To oversee completion of the process in accordance with the principles of this policy
• To act in a professional and empathetic manner providing all those involved in the process with respect and consideration

5. **Reporting Concerns about Misconduct in Research**

**Informal Resolution**

Individuals are encouraged, in the first instance, to attempt to address matters of research misconduct informally either with the person(s) concerned or the appropriate Head of Department, or line manager. The Head of Department/line manager should seek to initiate an informal resolution process, in liaison with Senior Vice-Principal (Research) and Human Resources e.g., via agreed mediation or a facilitated meeting. This approach may be relevant where the issue appears to be basic or minor or where there appears to be a potential misunderstanding or dispute between individuals.
In the event that any individual is not satisfied with the outcome of an informal approach, then the matter should be addressed formally.

A record of any informal concerns raised, and outcomes should be made and retained by the relevant Head of Department/Line Manager (copied to the Senior Vice-Principal (Research) for information and monitoring purposes).

A Head of Department/Line Manager should immediately forward all allegations that they deem to be serious or gross misconduct to the Senior Vice-Principal (Research), as informal resolution would not be appropriate in such cases.

**Formal Allegation**

A formal allegation should be submitted in writing to the Senior Vice-Principal (Research), providing full written details regarding the allegation, including confirmation of the individual(s) against whom the allegation is being made (referred to as the Respondent) and the exact nature of the complaint with any and all evidence available to them. The Senior Vice-Principal will in turn acknowledge receipt, usually within three working days.

If the Senior Vice Principal (Research) has co-authored published material with the Respondent or is an investigator on a research project in which the Respondent is the researcher, or is the supervisor, or has some other professional connection with the person’s research or other conflict of interest, the misconduct should be reported to one of the other Senior Vice-Principals who will take the matter forward.

Individuals who submit an allegation (referred to as the Complainant) are expected to put their name to any allegations they make. Allegations which are anonymous or where there is no specific complaint will only be considered at the discretion of the Senior Vice-Principal (SVP). They may be dismissed if, in the opinion of the Senior Vice-Principal, the Respondent would be hindered in such circumstances from answering the complaint or if the complaint does not proceed to formal processes.

Where an allegation of research misconduct has been formally raised, this procedure will progress to a conclusion irrespective of:

- The Complainant withdrawing the allegation at any stage,
- The Respondent admitting, or having admitted, the alleged misconduct, in full or in part; or
- The Respondent or Complainant resigning or having already resigned their post.

Under the formal processes, when an allegation proceeds to a Disciplinary Panel under the Disciplinary Policy and Procedure, that Panel will be the final judge on the appropriateness of the evidence presented. Anonymous complaints cannot normally be made. A Research Misconduct investigatory panel if appointed can refer a case based on substantive evidence discovered during the investigation to a Disciplinary Panel under the Disciplinary Policy, but not one that uses or includes the evidence of a complaint that continues to be anonymous.

**6. Preliminary Investigation Process**

As part of this process, the SVP should identify and advise relevant internal stakeholders of the allegations (including the Director of R&I of any initial action required), and will notify relevant external bodies (e.g., any relevant research funder) as required. The SVP will also inform the Respondent in writing of the allegation(s), disclosing all the evidence provided, and that it will be investigated under this procedure.
With the support of Human Resources, the SVP will meet separately with the Complainant, the Respondent or any others whom the SVP considers relevant to the investigations. At the discretion of the SVP, an Investigation Panel may be appointed to carry out the preliminary investigation (e.g. where the allegation is complex). In such cases, where the SVP considers that any such panel has insufficient expertise in the research area in question, the SVP will consider whether it is appropriate to appoint an external expert to the Investigation Panel. In either case, the Respondent may be accompanied by a trade union representative or a colleague.

At the discretion of the SVP an external expert may be requested to act as a specialist expert to the preliminary (and if relevant any subsequent formal) investigation. The role of any such a specialist expert is to provide information to the SVP or panel only, and such experts do not have any decision-making powers.

**Potential Outcomes:**

- Dismissal of the allegations as no case to answer e.g., on account of being mistaken or insufficiently substantiated, vexatious, malicious or frivolous. Where someone is found to be making frivolous, malicious or vexatious allegations, the SVP may recommend referral of the Complainant to a disciplinary procedure or other appropriate action.

- Arrange for the matter to be addressed through informal processes where there is some substance, but where there is a lack of intent to deceive, or the issue is of a relatively minor nature.

- Arrange for a formal investigation, where the SVP considers the allegations to be sufficiently serious and to have sufficient substance.

Prior to the SVP finalising a confidential report of their investigation, the Respondent and Complainant will have the opportunity to view the report and raise any concerns regarding its factual accuracy. This opportunity does not amount to a right of veto over the report. contents or conclusions.

This stage should normally be completed within 4-6 weeks of the receipt of the written allegation by the SVP.

7. **Confidentiality**

Allegations will be investigated in the strictest confidence. All those who are involved in the procedures for investigating an allegation, including witnesses, representatives and persons providing information, evidence and/or advice, have a duty to maintain strict confidentiality.

The identity of the Complainant 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;
- 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;
- it is necessary as part of action taken against a person who has been found to have made malicious, vexatious or frivolous allegations
- it is the stated policy of the employer/funder/other national body that the identity of individuals proved through appropriate disciplinary and appeals processes to have committed misconduct in research should be disclosed.
The College and/or its staff may have contractual/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 those involved in the allegations.

9. The Investigation Panel

If the Senior Vice-Principal (Research) decides that the matter merits further investigation, they should set up an Investigation Panel to inquire into the allegation. The Senior Vice-Principal (Research) will not be a member of the Investigation Panel but will ensure and set up the Investigation Panel to consider the allegations.

The purpose of the Investigation Panel is to review all the relevant evidence, conclude whether an allegation is upheld and make recommendations to correct the record of research, and/or preserve the academic reputation of the College.

Where it is determined that a formal investigation is warranted, the SVP will notify appropriate persons/bodies (including the Respondent, the Complainant, or any relevant research council), appoint an investigation panel, and determine (in liaison with Human Resources) if, exceptionally, it is appropriate to suspend the Respondent on full pay or place temporary restrictions on them that may include for example the pausing of their research.

The Investigation Panel, supported by Human Resources, should consist of a Chair (normally a Head of Department) and 2 other senior members of College staff. In some cases, if judged appropriate by the Chair (in liaison with the SVP), an external panel member may be appropriate.

Members must have no conflict of interest in the case, be unbiased, and have the appropriate qualifications and experience in the relevant field to be able to evaluate the issues under investigation.

The investigation will entail examination of relevant documentation and witness evidence as appropriate.

The Respondent will be informed of the decision to set up an inquiry, and of the membership of the Investigation Panel. The Senior Vice-Principal (Research) may decide to replace the members of the Investigation Panel if the Respondent is able to show reasonable grounds in writing that any of the members are not appropriate or are likely to be biased.

The Investigation Panel shall interview all individuals involved in making the allegation or against whom the allegation is made, together with other individuals who may possess knowledge or information relevant to the allegation. Notes shall be made of these interviews and agreed/confirmed by the interviewees for corroboration of factual accuracy. If the Respondent is a member of staff and is interviewed by the Investigation Panel, they have the right to be accompanied by a trade union representative or colleague. If the Respondent is a student, they have the right to be accompanied by a member of the College staff or a member of the Students’ Union. Any individual accompanying the Respondent in these proceedings should not have had any involvement in the matters under investigation.

10. The Investigation Panel Report

The Investigation Panel will aim to complete their investigation within 28 days of being appointed. Where the investigation may take longer, the Respondent will be informed of the reason for the delay and an estimated completion date.
The Investigation Panel should then produce a final report within ten working days of completion of the investigation, which:

- summarises the conduct of the investigation;
- states whether the allegations of misconduct in research have been upheld in whole or in part, giving the reasons for its decision and recording any differing views;
- makes recommendations in relation to any matters identified during the investigation; and
- addresses any procedural matters that the investigation has brought to light within the College and relevant partner organisations and/or funding bodies.

The report should be sent to the Senior Vice-Principal (Research). If all or any part of the allegations are upheld, the Senior Vice Principal in consultation with the Director of Human Resources and Director of Research and Innovation or delegate should then decide whether the matter should be referred to the College's disciplinary or student misconduct process for other formal actions. If it is deemed necessary to move to a formal disciplinary procedure, members of the Investigation Panel and the Senior Vice Principal involved in investigating the alleged academic misconduct shall not form part of the decision making panel in the relevant disciplinary process.

The Senior Vice-Principal (Research) should inform the following of the conclusion of the investigation:

- The Respondent and the Complainant (and their representatives by agreement);
- The Director of Research and Innovation, Head of Department, Head of School, Director of Human Resources and any other relevant members of staff;
- Where the Respondent and/or the Complainant are employed on joint clinical/honorary contracts, the HR Director and the Head of Research of the other organisation(s);
- Where appropriate, the responsible person within any relevant partner organisations, funding bodies and/or regulatory or professional bodies;

Should the allegations proceed to the College's disciplinary or student misconduct process, the report of the Investigation Panel will be forwarded to the Disciplinary Panel or student misconduct panel.

11. Unfounded Allegations and Preserving Reputation

If the allegations are not upheld because:

- they are frivolous, vexatious and/or malicious, then the SVP will consider whether disciplinary proceedings should be initiated against the Complainant;
- there was a lack of intent to deceive, or they were of a relatively minor nature, then the issue will be addressed through education and training or another non-disciplinary approach, such as mediation;
- there is insufficient evidence to reach a definitive conclusion, then the panel will set out the reasons for this conclusion and recommend any possible methods for closure.

Suspicions reported in confidence and in the reasonable belief that research misconduct is, has or is likely to occur, under this procedure which are not upheld by subsequent investigation, shall not lead to the Complainant being penalised by the College. Further support (such as mediation for example), may be considered where appropriate.

In the event that the allegations are not upheld following investigation, the College shall take whatever reasonable steps are considered necessary, in the light of the seriousness of the
allegation, to preserve the reputation of the Respondent and the relevant research project(s) and (provided the allegation is not considered frivolous, malicious or vexatious), the Complainant from any victimisation.

12. Suspension from Duty

In some circumstances, it may be necessary to suspend an employee from work on full pay while matters are investigated. Suspension must never be used as a disciplinary sanction and does not imply guilt in any way.

For academic employees covered by Statute 9, the authority to suspend rests with the Principal, or where unavailable, with the Deputy Principal (Academic) or a Senior Vice-Principal not previously concerned with the matter. For Professional Services employees, the authority to suspend rests with the Deputy Principal (Operations) or, where unavailable, a Director of Professional Services who is a member of College Executive.

Suspension may be deemed necessary if the continued presence of the employee may inhibit the investigation, where there are risks to an employee’s or the College’s property, or where the work of the College is seriously prejudiced, and no other solution is deemed possible. Suspension notifications should provide the reasons for the suspension as set out above. In certain instances, consideration may be given to revised or reduced duties as an alternative to full suspension from work.

Suspension must be for as short a period as possible, and any investigation must be conducted as promptly as possible to allow for a full investigation. Any period of suspension will be kept under regular review and reviewed at least every two months. In the event that an employee is still suspended at two months, the Senior Vice-Principal overseeing the case in liaison with the Investigating Officer will be required to provide the Suspending Officer with the reasons for the delay and the likely date of conclusion of the investigation. They will also be required to provide details on whether the reasons for the original suspension remain valid. The Suspending Officer will review the information provided and will decide whether continued suspension is applicable. The employee will be informed that the review has taken place, and whether it is to continue and the reasons for this decision, or whether they may return to work, the reasons and any short-term adjustments.

Careful consideration must be given before a decision to suspend is taken, and managers must consult with the Human Resources Department beforehand. The facts and conditions of the suspension will be confirmed in a letter to the employee immediately on suspension.

Whilst on suspension, the employee should not enter College premises other than under the terms of their suspension, which may include agreed meetings with the Investigating Officer members of the Human Resources Department, or their line manager. The employee should be reminded that all other contractual obligations remain and that they should keep themselves available for work at the normal working times.

13. Monitoring and Compliance

Data on the number of capability proceedings, reasons for such proceedings, and outcomes will be collected by the Human Resources Department as part of the annual monitoring arrangements. Such data is reported to the Equality and Diversity Management Committee and reported to the Joint Negotiating and Consultative Committees on an annual basis. Policy issues arising from the monitoring procedure, including its application by managers, and any equality and diversity
concerns will be investigated by the Human Resources Department and College management as appropriate. Any such issues will be annually reviewed by the relevant College committee to consider appropriate action.

14. Links to Other Policies and Information

The policies and information set out below may be of assistance to those accessing this policy, and can be found on the intranet:

- Disciplinary Policy
- Student Misconduct Policy
- Code of Good Research Practice
- Financial regulations
- Anti-Money Laundering Policy
- Anti-Bribery Policy
- Criminal Finances Act Policy
- Counter Fraud Policy

Appendix 1  Definitions

1. Accepted Practice (for research)

Accepted practice 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.

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.

Although allegations of misconduct in research are often raised as departures from accepted practices in the conduct of research, investigations should aim to establish intentional and/or reckless behaviour as set out in the definition of misconduct in research (below).

2. Complainant
The Complainant is a person making allegations of misconduct of research against one or more Respondents (see below).

Note: Where reference is made to defined roles (such as Respondent) or defined bodies (the Employer) in the procedure, reference to the singular should be viewed to include the plural as appropriate.

3. Disciplinary Process
The Disciplinary Process refers to an employer’s mechanism for resolving disciplinary issues amongst its staff and students.

4. Employer
The Employer is defined in this procedure as the person or organisation who has retained the person (e.g., the Respondent (see below)) to carry out work, usually, but not always, through a contract of employment. See 8 below.

5. Formal Investigation
The Formal Investigation is that part of the procedure which is intended to examine the allegations of misconduct in research, hear and review the evidence and determine whether the alleged misconduct occurred, take a view on who was responsible, and which may make recommendations as to any response that the employer might make.

6. Honorary Contract
Honorary contracts are used in a variety of circumstances. As a result, it is not possible to provide blanket guidance as to which organisation should lead an investigation into allegations of misconduct in research against someone holding such a contract.

Examples of arrangements that commonly involve the issue of an honorary contract are:
• for a clinical academic working in both a university and an NHS organisation, in which case the NHS organisation would issue the honorary contract;
• for an NHS consultant with an arrangement to undertake teaching and/or research in a university, in which case the university would issue the honorary contract;
• for a researcher employed by a university and undertaking a research project in an NHS organisation, in which case the NHS organisation would issue the honorary contract.

7. Misconduct in research
In discussing misconduct in research, which could be investigated using the procedure, the following may serve as useful terms by way of guidance.
- Fabrication and falsification plagiarism or deception in proposing, carrying out or reporting results of research;
- Deliberate, dangerous or negligent deviations from accepted practice in carrying out research.
- Failure to follow agreed protocol if this failure results in unreasonable risk or harm to humans, other sentient beings or the environment;
- Facilitating of misconduct in research by collusion in, or concealment of, such actions by others.

8. Employer
The Employer is defined in this procedure as the establishment that employs the Respondent and, on occasions, other parties involved in the proceedings and is the host and (most likely) the Sponsor for the research to which allegations of misconduct refer.

9. Professional Body
A professional body is an organisation with statutory powers to regulate and oversee a particular profession, such as doctors or solicitors.

10. Regulatory
A regulatory is an organisation with statutory powers to regulate and oversee an area of activity, such as health and safety, or medicines to be used on humans. Examples relevant to this procedure include the MHRA, and the Health and Safety Executive.

11. Respondent
The Respondent is the person against whom allegations of misconduct in research have been made. He/she must be a present or past employee or student of the Organisation that is investigating the allegations using the procedure.

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