

# Policy and Procedure for Investigating Allegations of Research Misconduct

## 1 General Policy

1.1 The University expects all staff engaging in research to observe the highest standards of integrity at all times. The Nolan Committee on Standards in Public Life identified seven principles that have relevance to best practice in the conduct of research. These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Together these principles provide a foundation for personal integrity that should be reflected in the professional conduct of research by every individual who contributes to research at the University.

1.2 All researchers should be familiar with, and conduct their research in accordance with the [University's Code of Good Practice in Research](#). Research misconduct is least likely to arise in an environment where good open research practice is encouraged and where there is effective supervision at all levels. Heads of Academic Units are responsible for establishing and communicating the standards, protocol and ethics for research relevant to their area to all academic and research staff, and for ensuring adherence to these standards.

1.3 Allegations of research misconduct are fortunately rare, but the University takes any allegation very seriously and will ensure that all allegations are investigated in accordance with the policy and procedures set out in this document. The University is also committed to protecting its researchers from malicious accusations and will take action against any individual(s) responsible for such allegations.

1.4 This policy complements the University's policy on [Public Interest Disclosure](#). Allegations of research misconduct made under Public Interest Disclosure will be investigated in accordance with the policy and procedure set out in this document.

## 2 Scope

2.1 This document applies to all employees, honorary and visiting researchers ("Researchers") conducting research within or on behalf of the University at the time the misconduct is alleged to have occurred. Where allegations of misconduct are made by an individual or organisation external to the University such an individual or organisation will be informed of the University's policy and procedures and of the University's expectations with regard to compliance.

2.2 In this document singular nouns and verbs include the plural and vice versa.

### **3 General principles**

3.1 Key definitions are presented in Annex 1.

3.2 All University employees or individuals working within the University have a responsibility to both the University and to the wider research community to report observed, suspected or apparent research misconduct as set out in these documents.

3.3 An individual reporting apparent misconduct has a responsibility to do so in good faith, to maintain confidentiality and to co-operate with any subsequent Assessment, Hearing or Investigation.

3.4 Those investigating allegations of research misconduct will be supported in this procedure by the University Research Office (URO). The URO will coordinate the investigation, this includes; providing advice, ensuring that the Complainant and the Respondent are kept informed of progress and reporting to external bodies / partner organisations.

3.5 The timelines referred to in this document are indicative and are not rigid limits.

3.6 The Pro-Vice-Chancellor for Research & Innovation (PVC R&I) is the senior member of staff responsible for the management and implementation of this policy. This includes receiving allegations of misconduct, initiating / undertaking investigations and for reporting. In practice some of these responsibilities are delegated to Heads of Academic Unit and Professional Support Services.

### **4 Initial Assessment (Stage 1)**

4.1 Any member of the University who believes that an act of Research Misconduct has occurred or is occurring should report the allegation (with all relevant background) to the relevant Head of Academic Unit. If an individual is unsure whether a suspected action constitutes research misconduct, he/she may discuss this informally with the Head. If the Head believes that the circumstances described do not meet the definition of research misconduct, he/she will advise the individual and if necessary take other appropriate action under other University policies and procedures.

If the Head decides that the circumstances described meet the definition of research misconduct then he/she will request that the individual submits a formal allegation in writing to the Head, copied to the Research Dean of the Faculty.

4.2 If the individual is not satisfied with the response from the Head of Academic Unit or if, for any reason, the individual does not feel it appropriate to raise the matter initially with the Head he/she may instead discuss the allegation direct with the Research Dean for the Faculty. If the Research Dean believes that the circumstances described do not meet the definition of research misconduct, he/she will advise the individual and if necessary take other appropriate action under other University policies and procedures. If the Research Dean decides that the circumstances described meet the definition of research misconduct then he/she will request that the individual submit a formal allegation in writing.

4.3 A complaint from a source external to the University will be referred direct to the Research Dean concerned to carry out a detailed assessment as described in the following paragraphs. Notification of an external complaint will be sent to University Research Committee.

4.4 Where the Head of Academic Unit (or Research Dean in cases of complaint external to the University) has decided that there is sufficient prima facie evidence to merit further investigation, the Head will discuss the evidence with the Respondent providing an opportunity to respond.

4.5 In cases where Newcastle is not the Respondents primary employer (i.e. honorary staff) and where the Head of Academic Unit believes there is potential misconduct. The University may pass any allegations onto the Respondent's main employer for investigation. Where the main employer is unable or unwilling to investigate then the University reserves the right to undertake its own investigation.

## **5 Detailed Assessment (Stage 2)**

5.1 Where the Head of Academic Unit (or Research Dean in the cases of complaint external to the University) has decided there is sufficient prima facie evidence to merit a detailed assessment, the Head will inform the Respondent. The detailed assessment will be undertaken by the Research Dean and the Head of Academic Unit in conjunction with the URO.

5.2 The assessment will take into account relevant research records and materials and information relating to external funding and publications.

5.3 The Research Dean will ask the Head, in consultation with NUIT to arrange for all relevant research records and materials (including computers and computer discs) to be secured i.e. no further modifications and changes to occur until the investigation is complete.

5.4 If the Research Dean has an interest in the matter this detailed assessment will be carried out under the direction of the Research Dean of another faculty appointed by the PVC(R&I).

5.5 The Research Dean will produce a written report based on his/her findings following the investigation. This will be provided to both the Respondent and Complainant separately who will each have an opportunity to respond to the factual accuracy of content of the report.

5.6 The PVC(R&I) will review the report and Respondent's / Complainant's comments and decide whether the matter should be taken to the next stage.

5.7 If the PVC(R&I) has a conflict of interest in the matter, the Deputy-Vice-Chancellor or Pro-Vice-Chancellor will appoint an alternative senior member of the University to fulfil the role of the PVC(R&I) set out in this procedure.

## **6 Research Misconduct Hearing**

### **6.1 Notification Requirements**

If the PVC(R&I) decides that a Misconduct Hearing will be conducted, he/she will notify both the Respondent and the Complainant in writing and remind them that they are expected to co-operate in the investigation. The PVC(R&I) shall, where required to do so under the terms of any funding conditions, notify any bodies that provide funding related to the research of the individual concerned, that an investigation is to take place. Similarly the PVC(R&I) shall also notify any other body related to the research or individual concerned in the event that the University is contractually obliged to notify that body at this stage in the investigation.

### **6.2 Appointment of Panel**

The PVC(R&I) will appoint a Research Misconduct Panel of three individuals (which should not include him/herself) with no conflicts of interest in the case and who have the appropriate expertise to evaluate the technical or academic issues. At least one member of the Committee will be

appointed from an Academic Unit outside the faculty concerned. One of the three individuals will be nominated by the PVC (R&I) as Chair and will be external to the Faculty concerned.

The PVC(R&I) will notify the Respondent of the proposed constitution of the Research Misconduct Hearing Panel. If the Respondent submits a written objection to any of the persons appointed to the Panel, the PVC(R&I) may replace the challenged person with a qualified substitute. If the PVC(R&I) does not replace the challenged person, the reasons for the objection and its over-ruling should be part of the Panel Report.

### 6.3 The Process

The Panel will receive a report from the Research Dean and will examine all documentation including relevant research data materials, proposals, publications, correspondence, memoranda, and notes of telephone calls, and any other documents deemed by the Panel to be pertinent to the Hearing. The Panel may call upon witnesses to be cross-examined and invite expert witnesses to comment and be cross-examined. The Respondent will have the opportunity to be interviewed and may be accompanied at interview by a trade union representative or work colleague. The Respondent or his/her representative may submit evidence to the Panel and cross-examine witnesses. Whenever possible interviews should be conducted with all individuals involved in making the allegations and other individuals who might have information regarding key aspects of the allegations. Notes of the interviews will be taken.

### 6.4 Time Limit for Completing Investigation Report

The Research Misconduct Hearing Phase should normally take 20 working days from the appointment of the panel.

### 6.5 Investigation Report Contents

The Panel will determine whether the allegation is upheld or not. The Report must state how the investigation was conducted, describe how and from whom the information was obtained relevant to the investigation, state the findings and explain the basis for the findings.

## 6.6 Comments by Respondent

The PVC(R&I) shall provide to the Respondent a copy of the report and evidence considered by the Investigation Panel and offer the respondent an opportunity to comment on the report.

Comments from the Respondent must be submitted to the PVC(R&I) within 10 working days of receipt of the report and shall be attached as an addendum.

## 7 Outcome and Subsequent Actions (Sanctions/Disciplinary procedures)

In the event that the complaint is upheld, the PVC(R&I) shall pass the Final Report together with comments if any, from the Respondent, to the person designated in the [University disciplinary procedure](#) to determine what action should be taken in accordance with the University's disciplinary procedure. If it is decided that formal disciplinary action is appropriate, the report of the Investigation Panel will form part of the evidence to be considered by the person dealing with the matter.

If there is a finding of Research Misconduct at the conclusion of the process, the University may be required to convey the findings to appropriate bodies.

## 8 Complaint not upheld

If the allegations are not upheld the University will inform those bodies and individuals previously involved in the outcome of the process.

## 9 Appeal by the Complainant against a decision not to pursue the allegation.

If the Complainant is not satisfied with any decision reached during this procedure, he/she may have recourse to the [University's Policy and Procedure on Public Interest Disclosures](#).

## 10 Malicious accusations

Where the outcome of a preliminary action, assessment or investigation indicates that an allegation has not been made in good faith, the University may decide to pursue [disciplinary action](#) against the Complainant where he/she is employed by the University.

## **11 Maintenance of records**

Records of Assessments or Panels will be maintained for at least seven years after the termination of the process. Where required under a legal obligation to do so the University may make these records available to external organisations.

### **Related policies and procedures**

- [Code of Good Practice in Research](#)
- [Public Interest Disclosure Policy](#)

Niall O'Loughlin

Research & Enterprise Services

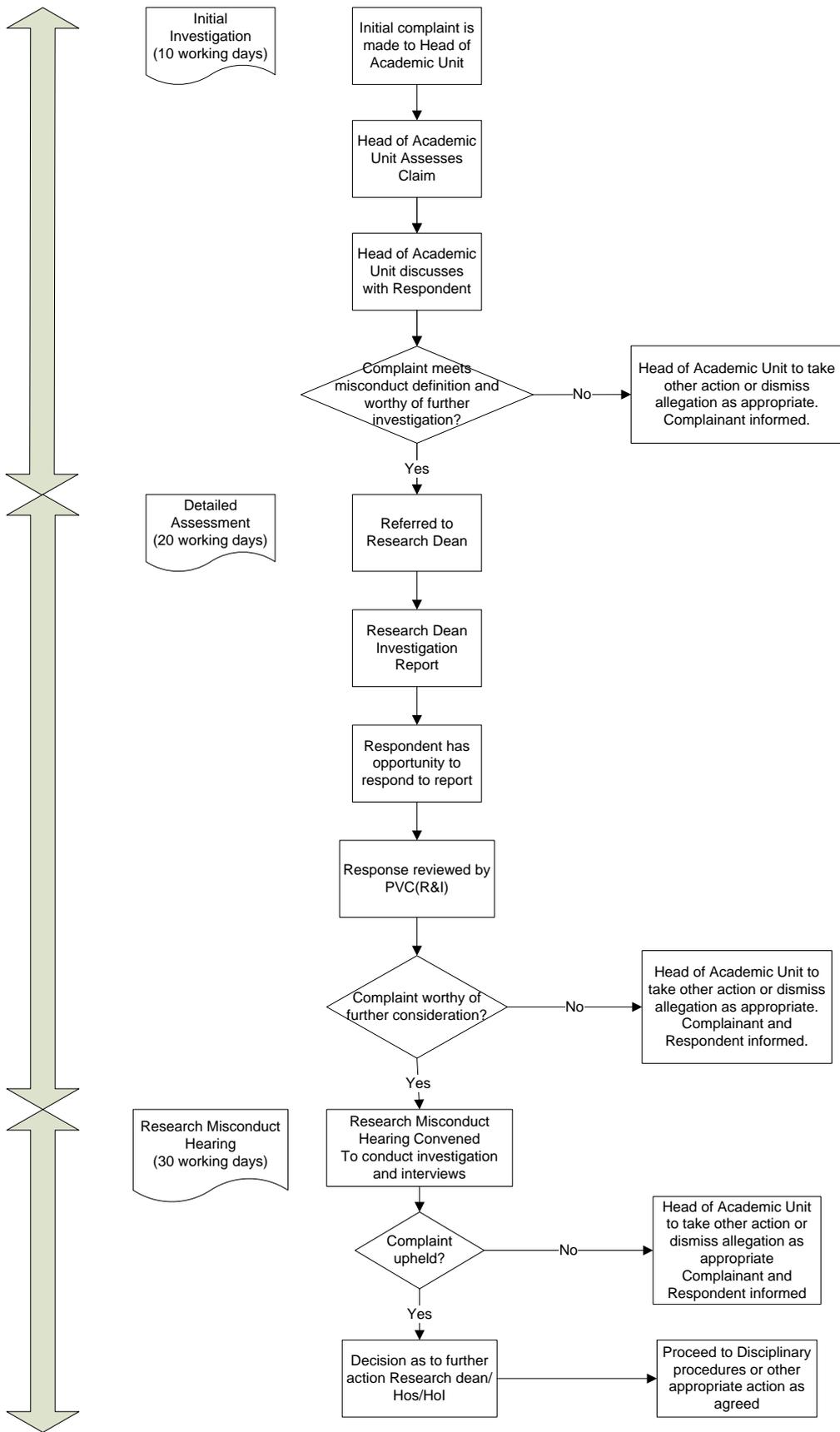
16 March 2016

Approved by Executive Board: 15 March 2016

Approved by Council: 11 April 2016

Approved by Senate: 3 May 2016

# Appendix A: Misconduct Process Flowchart



## Appendix B: Academic Fraud Definitions

### **Fabrication or falsification of Research Results**

The fabrication of research results includes: claims, which cannot reasonably be justified, to have obtained specific or general results; false claims in relation to experiments, interviews, procedures or any other research activity; and the omission of statements in relation to data, results, experiments, interviews or procedures, where such omission cannot reasonably be justified.

### **Plagiarism**

Plagiarism is the unacknowledged use of another person's ideas, words or work. At one extreme, plagiarism is simply a form of cheating, such as the slavish copying of the work of another. At the other extreme, plagiarism may occur accidentally, through poor standards of scholarship, or may be insignificant in qualitative terms.

### **Unprofessional Behaviour**

Neither misconduct nor academic fraud encompass honest error or honest differences in interpretations or judgements of data, but colleagues are expected to ensure that such disagreements are kept within the bounds of normal civilised academic discourse. Personal abuse, and in particular malicious attempts to undermine the academic reputation of colleagues either at this university or elsewhere have no part in academic life, and may in extreme cases, also constitute serious academic misconduct.