

## PROCEDURE FOR INQUIRING INTO ALLEGATIONS OF MISCONDUCT IN RESEARCH AND SCHOLARSHIP

### 1. Introduction

1.1 The University of Bath is a leading research University committed to maintaining the highest standards of research excellence and integrity. This Procedure should be read in conjunction with the Code of Good Practice in Research Integrity (<http://www.bath.ac.uk/opp/docs/code-of-good-practice-in-research-integrity.pdf>) (which sets out the standards of research conduct expected of all those engaged in research in connection with the University), the Institutional Code of Ethics (<http://www.bath.ac.uk/about/values/ethics/code-of-ethics.html>), Statute 25 (<http://www.bath.ac.uk/about/organisation/governance/statutes/>), Ordinance 19 (<http://www.bath.ac.uk/ordinances/>) and Student Regulations 7 and 8 (<http://www.bath.ac.uk/regulations/>).

1.2 In developing a procedure for examining allegations of misconduct in research and scholarship, the University has sought to ensure that it has a thorough and rigorous methodology for investigating such allegations whilst upholding the principle of academic freedom and respecting the reputation of the individual researcher.

1.3 This procedure will be invoked in the case of any allegation of misconduct in research and scholarship made against any member of the University or any visiting or honorary researcher based at the University at the time the misconduct was alleged to have occurred, excepting where it has been agreed that the 'employing' institution will invoke its own procedures and there is no evidence of complicity on the part of members of the University.

1.4 All allegations of research misconduct will be treated seriously and any member of the University or any external research partner may draw concerns to the University's attention without fear that they will be penalised or disadvantaged by so doing, unless it is subsequently established that the allegation was made with malicious intent and with no foundation [*please see the University's Public Interest Disclosure (Whistleblowing) Procedure: <http://www.bath.ac.uk/university-secretary/guidance-policies/publicinterestdisclosure.html>*]. In the case of malicious allegations the complainant(s), if members of the University, will face disciplinary procedures.

### 2. Definition

As set out in the *Code of Good Practice in Research Integrity* (paras 6.2 and 6.3), the University takes seriously all allegations of research misconduct and defines misconduct in research and scholarship as:

- a. fabrication, falsification, plagiarism or deception in preparing research proposals, applying for funding, carrying out research or reporting results;
- b. deliberate dangerous or negligent deviation from accepted practice in planning and carrying out research or in applying for funding or other forms of support or collaboration;
- c. facilitating misconduct by others by colluding in, concealing or ignoring such actions;
- d. unauthorised use of, or intentional misuse of or damage to, research-related equipment, materials, substances or resources of any sort;
- e. intentional misuse or unauthorised disclosure or use of data or information generated through research.

The definition of misconduct does not include:

- a. honest errors in designing or implementing research methods or interpreting or evaluating results;
- b. the application or exploration of controversial or unpopular methods or ideas;
- c. challenging received wisdom;
- d. poor research, unless this encompasses the intention to deceive.

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## **3. Making an Allegation of Misconduct in Research and Scholarship**

3.1 Any allegation of misconduct in research and scholarship should be submitted, in writing, to the University Secretary. The University Secretary will be responsible for confirming whether the allegation will be handled under the procedure for inquiring into allegations of misconduct and scholarship. The University Secretary will provide the complainant(s) with a copy of the University's 'Procedure for Inquiring into Allegations of Misconduct in Research and Scholarship' and a written acknowledgment of receipt of the allegation. If it concerns a member of staff, the University Secretary will inform the Director of Human Resources, in writing, that an allegation has been received. Anonymous complaints will not be accepted.

3.2 The University Secretary will be responsible for ensuring that the Dean of Faculty/Head of School, in which the individual or individuals against whom the allegation is made (the respondent(s)) are located, has no conflict of interest in the case. Where the allegation is made against a Dean of Faculty/Head of School, or the University Secretary determines that the Dean of Faculty/Head of School has a conflict of interest in the case, he/she will nominate an alternate.

3.3 The University Secretary shall have regard to the notification requirements of relevant external funding bodies in relation to the reporting of allegations of research misconduct.

3.4 If researchers have concerns about possible misconduct relating to research unconnected to the University of Bath, for example in a published paper or in research being conducted by another institution, they may seek advice from the University Secretary on how to raise their concerns with the appropriate body.

## **4. Initial Consideration of the Allegation**

4.1 The University Secretary will pass the allegation to the Dean of the Faculty/Head of School, who will be responsible for considering the allegation to determine whether it falls within the definition of misconduct (see Code for Good Practice in Research Integrity) and whether an investigation is warranted.

4.2 The Dean/Head of School will inform the respondent(s) of the substance of the allegation, without compromising the confidentiality of the complainant(s), and give her/him/them the opportunity to respond within 20 working days.

4.3 If the Dean/Head of School decides that an investigation is not warranted he/she will record her/his justification for that decision and inform the complainant and respondent(s), in writing, of the outcome and the justification. This decision will be notified to the University Secretary and (if it concerns a member of staff) the Director of Human Resources. Any complainant(s) who disagrees with the outcome may make an appeal within 20 working days to the University Secretary, who will arrange for the appeal to be heard by a Pro-Vice-Chancellor. There is no further right of access to the University Grievance Procedure.

4.4 Where the respondent(s) accepts culpability, the Dean/Head of School will invoke the University's disciplinary procedures.

4.5 Where the respondent does not accept culpability and the Dean/Head of School is not satisfied with the response then he/she will initiate the investigation procedure.

## **5. The Investigation Procedure**

5.1 The purpose of the investigation is to examine and evaluate all relevant facts to determine whether research misconduct has been committed and, if so, the responsible person(s) and the seriousness of the misconduct.

5.2 The Dean/Head of School will notify both the respondent(s) and the complainant(s) in writing and remind them that they are expected to co-operate in the investigation. The respondent(s) will be advised that they are required to release all relevant material to the Investigation Committee. Both the complainant(s) and the respondent(s) will be offered the opportunity to be accompanied and/or represented by a trade union/Student Union representative or other work or student colleague acting as a friend.

5.3 In consultation with the University Secretary, the Dean/Head of School will appoint an Investigation Committee, normally within 20 working days. The Committee will consist of at least three individuals who do not have conflicts of interest in the case, and who have appropriate expertise in a related field to evaluate the research and scholarship issues. One of these individuals will be external to the University of Bath and one of the internal members will be Chair

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of the Committee. The members must have the necessary expertise in a related field to examine the evidence, interview the witnesses and conduct the investigation.

5.4 The Dean/Head of School will notify the respondent(s) and complainant(s) of the proposed committee membership. If one or more of the respondents or complainants submit a written objection to any of the persons appointed the Dean/Head of School may decide to replace the challenged person with a qualified substitute. If the Dean/Head of School does not replace the challenged person the reasons for the decision will form part of the investigation report.

5.5 The Dean/Head of School will define the subject matter of the investigation in a written charge to the Investigation Committee.

5.6 The investigation will normally include examination of all relevant documentation including, but not limited to, research proposals, research data materials, research subjects (if appropriate), publications, computer files, correspondence and memoranda. The respondent(s) will be interviewed. They will have been provided with copies of, or have access to, all material relevant to the allegation and its consideration at the assessment stage. The respondent(s) will have the right to be accompanied by, or represented by, a trade union/Student Union representative or other work or student colleague acting as a friend, and shall have the opportunity to provide documentation in support of their defence and to provide witness statements. Whenever possible, interviews should be conducted of all individuals involved in making the allegation and other individuals who might have information regarding aspects of the allegations, including persons introduced as witnesses by the respondent(s). The Dean/Head of School shall appoint a Secretary to the Committee who will provide a full record of these interviews. This should be provided to the interviewed party to ensure factual accuracy and be included as part of the investigation report.

5.7 The investigation shall normally be completed within 60 working days of its initiation. This includes conducting the investigation, preparing the report of findings and submitting the report to the Dean/Head of School. The report must state how the investigation was conducted, describe how and from whom information was obtained relevant to the investigation, state the findings and explain the basis for the findings. It will include an accurate agreed summary of the views of the respondent(s).

5.8 The respondent(s) will be given a copy of the report and evidence considered by the Investigation Committee and an opportunity to comment on the report. The comments must be received by the Dean/Head of School within 15 working days of receipt of the report and shall then be attached as an addendum to the report.

### **6. The Decision and Notification**

6.1 The Dean/Head of School will write to the respondents(s) and the complainant, normally within 20 working days, to notify them of the decision in the light of all the evidence, including details (if appropriate) of the disciplinary procedures to be invoked and the likely consequences of further research misconduct. If the University Disciplinary Process is invoked the Investigation Committee report will form part of the material considered. The Disciplinary Procedure will normally be implemented at the formal stage of that procedure.

6.2 In the case of academic staff, where the offence may constitute good cause for dismissal or removal from office, a Disciplinary Tribunal will be constituted (Section 25 of the University Statutes and Ordinance 19).

6.3 The process of appeal for the respondent is as set out in the University Disciplinary procedures.

6.4 The complainant(s) has no right of appeal at this stage but may invoke the University's grievance procedure if he/she is a member of the University.

6.5 The Dean/Head of School will inform the University Secretary (and the Director of Human Resources if it affects a member of staff) of the outcome of the investigation.

6.6 The Dean/Head of School will also decide whether professional societies, editors of journals in which falsified reports may have been published, collaborators of the respondent(s) in the work, grant awarding bodies, or other concerned parties, should be notified of the outcome of the case. The respondent(s) will be informed of any action to be taken. If a decision is made that one or more parties should be notified this shall normally be done within 20 working days of the opportunity for the respondent to appeal against disciplinary action having expired.

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6.7 A report of the investigation and its outcome may be produced at the discretion of the University.

## **7. Monitoring, Evaluation and Review of the Procedures**

7.1 Senate will receive an anonymised report on all allegations of misconduct in research and scholarship that have not been deemed frivolous or malicious.

7.2 The Ethics Committee will be responsible for annual monitoring of the number of allegations received by the University, for reviewing any issues raised and for evaluating the effectiveness of the procedures adopted in addressing them. The University Secretary, Deans/Heads of School and Chairs of Investigation Committees will be asked to complete a short, confidential evaluation questionnaire to enable the University to enhance its procedures in the light of its experience of their implementation.

*Approved by Council 3 July 2008*

*Revised by Council 22 October 2009 and 9 July 2015*

## **Addendum to the University of Bath Procedure for Inquiring into Allegations of Misconduct in Research and Scholarship**

### **8. Guidance for dealing with Allegations of Research Misconduct under United States Public Health Service (USPHS) Research-related Activities**

8.1. In accordance with US Federal Regulation 42, CFR Parts 50 and 93, the University of Bath will notify the US Office of Research Integrity (ORI) when an allegation of research misconduct involving USPHS funds is received. The Designated Official for notification purposes is the University Secretary who is responsible for receiving all allegations of misconduct in research and scholarship under the University's procedures.

8.2. The ORI model policy and procedures will provide the process for responding to a research misconduct allegation that is consistent with US Federal Regulation 42, CFR Parts 50 and 93, except that where research misconduct is substantiated and disciplinary action is appropriate, the University's disciplinary procedures shall be followed from that point in relation to the respondent(s).

8.3. The University will submit appropriate reports to the ORI that describe the process followed in conducting the investigation, the evidence on which the conclusions of the investigation are based and, if a finding of research misconduct is made, the disciplinary and administrative actions taken against the respondent(s).

### **Appendix: key reference websites:**

- Code of Good Practice in Research Integrity: <http://www.bath.ac.uk/opp/docs/code-of-good-practice-in-research-integrity.pdf>
- Institutional Code of Ethics: <http://www.bath.ac.uk/about/values/ethics/code-of-ethics.html>
- UKRIO *Code of Practice for Research: Promoting good practice and preventing misconduct*: <http://www.ukrio.org/wp-content/uploads/UKRIO-Code-of-Practice-for-Research.pdf>
- UKRIO Procedure for the Investigation of Misconduct in Research: <http://www.ukrio.org/publications/misconduct-investigation-procedure/>

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**PROCESS SUMMARY** [for information, indicating where timescales have been quoted in the text]

Ref		<b>Timescale: working days</b>
<b>2</b>	<b>Allegation</b>	
2.1	Allegation sent in writing to University Secretary	
2.1	University Secretary acknowledges receipt	
2.1	University Secretary decides if allegation will be handled under this Procedure	
2.1	University Secretary informs Director of HR of receipt of allegation	
2.2	University Secretary checks Dean/Head of School has no conflict of interest (or nominates alternate)	
<b>4</b>	<b>Initial Consideration</b>	
4.1	University Secretary passes allegation to Dean/Head of School	
4.1	Dean/Head of School decides if it falls within definition of misconduct – consults Code of Good Research Conduct	
4.2	Dean/Head of School informs respondent of the allegation and the opportunity to respond	
4.3	If no investigation warranted Dean/Head of School records justification and informs complainant, respondent, University Secretary and Director of HR	
4.3	Complainant may make appeal to the University Secretary: appeal heard by a PVC	<i>within 20 days</i>
4.3	No further access to Grievance Procedure	
4.4	Where the respondent accepts culpability the Dean/Head of School invokes the University's disciplinary procedures	
4.5	Where the respondent does not accept culpability and the Dean/Head of School is not satisfied with the response, he/she will initiate the investigation procedure	
<b>5</b>	<b>The Investigation Procedure</b>	
5.2	Dean/Head of School notifies respondent and complainant in writing	
5.3	Dean/Head of School consults with University Secretary and appoints Investigation Committee	<i>within 20 days</i>
5.4	Dean/Head of School notifies respondent and complainant of committee membership, who may submit written objection	
5.4	Dean/Head of School may replace, or not, with reasons documented	
5.5	Dean/Head of School defines the subject matter for the committee	
5.6	Dean/Head of School appoints a Secretary	
5.6/ 5.7	The Committee investigates and reports to the Dean/Head of School	<i>within 60 days of committee initiation</i>
5.8	The respondent receives a copy of the report and may comment	<i>comment within 15 days</i>
<b>6</b>	<b>Decision and Notification</b>	
6.1/ 6.2	Dean/Head of School writes to respondent and complainant with decision and details of any disciplinary procedures to be invoked	<i>within 20 days</i>
6.3	The process of appeal for the respondent is set out in the University Disciplinary procedures	
6.4	The complainant has no right of appeal, but can invoke the grievance procedure	
6.5	Dean/Head of School informs Director of HR of the outcome	
6.6	Dean/Head of School decides on notification to be made to other bodies/parties and informs respondent of any action to be take	<i>within 20 days of expiry of appeal deadline</i>
<b>7</b>	<b>Monitoring, Evaluation, Review</b>	
7.1	Senate to receive an anonymised report	
7.2	Ethics Committee to receive annual report of the number of allegations received and review issues and procedures	