

Research & Enterprise Misconduct Policy

Approved by:	Effective date:	Next review:
Academic Board	January 2022	January 2025

Policy statement

This **Research & Enterprise Misconduct Policy** applies to all staff and postgraduate research students engaged in research and/or enterprise (as defined within the [Research & Enterprise Integrity Framework](#)) for and on behalf of Canterbury Christ Church University ('the University').

The University expects the highest standards of quality and integrity in the conduct of research and enterprise undertaken on its behalf. It is responsible for monitoring all research and enterprise and investigating any alleged misconduct.

The University is committed to using transparent, timely, robust and fair processes to deal with allegations of research and enterprise misconduct when they arise. Any such investigation will be carried out promptly, fairly and independently.

This Policy **excludes** studies carried out by students registered on taught programmes at undergraduate and/or postgraduate level. Such students will be subject to the disciplinary procedures determined by the [Student Procedures Office](#) as detailed within the [Student Academic Misconduct Procedures statement](#).

Who needs to know about the Policy?

- Deans of Faculty and Pro Vice-Chancellors
- Heads of School and Department
- Faculty Directors of Research and Enterprise
- Directors of University Research Centres
- Managers, supervisors, teaching staff and others in control of specific areas of work that include research and enterprise
- Researchers
- Postgraduate Research Students

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Contacts

Research Development is responsible for:

- Providing advice and guidance on research policy and processes
- Allegations of research and enterprise misconduct should be reported to the [Head of Integrity, Development and Excellence](#) at integrity@canterbury.ac.uk
- The [Integrity and Contracts Manager](#) acts as the first point of contact for anyone wanting more information on matters of research integrity.

The team can be contacted by emailing: ethics@canterbury.ac.uk

Enterprise & Engagement is responsible for

- Providing advice and guidance on enterprise policy and processes

The team can be contacted by emailing: b2b@canterbury.ac.uk

Student Procedures Office is responsible for:

- the Student Code of Conduct, Unacceptable Behaviour Policy and the Student Disciplinary Procedure.

The team can be contacted by emailing: student.procedures@canterbury.ac.uk

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1. Research & Enterprise Misconduct

- 1.1 In line with the [Concordat to Support Research Integrity](#), the University recognises that academic freedom is fundamental to the production of excellent outcomes. This means that responsibility for ensuring that no misconduct occurs, and if it does ensuring that an allegation¹ is made, rests primarily with individuals.
- 1.2 Misconduct is serious and in the context of research and enterprise can:
- 1.2.1 cause harm to people, animals and the environment;
 - 1.2.2 waste resources;
 - 1.2.3 undermine the research record²; and
 - 1.2.4 damage the credibility of research, enterprise and the University.
- 1.3 Research and enterprise misconduct is characterised as behaviours or actions that fall short of the standards of professional conduct, ethics, research and scholarship required to ensure that the integrity of research and enterprise is upheld.
- 1.4 Misconduct in research and enterprise includes acts of omission as well as acts of commission.

¹ **Allegation** describes any written or oral statement or other indication of possible research and enterprise misconduct made to the [Head of Integrity, Development and Excellence](#). A good faith allegation is one made in the honest belief that research and enterprise misconduct may have occurred. An allegation is not in good faith if it is made with inattentive disregard for, or wilful ignorance of, facts that would disprove the allegation.

² **Research record** refers to any data, document, computer file/disc, or any other written or non-written account that may reasonably be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of research misconduct. Research records include research proposals/protocols, ethical review documentation, funding applications where appropriate, progress and other reports to funding bodies or ethics committees, laboratory notebooks, notes, correspondence, videos, photographs, X-ray films, slides, biological materials, computer files/printouts, manuscripts, publications, equipment logs, consent forms, medical charts and patient research files.

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Please remember:

It is not the role of the person making the allegation to decide if what they are reporting is misconduct.

If something gives you cause for concern please report it.

Inclusions

- 1.5 Research and enterprise misconduct includes, but may not be limited to, the doing, planning or attempting of any of the following while proposing, carrying out or reporting the results of research and enterprise:
- 1.5.1 **fabrication** – making up results, other outputs (for example, artefacts) or aspects of research and enterprise, including documentation and participant consent, and presenting and/or recording them as if they were real;
 - 1.5.2 **falsification** – inappropriately manipulating and/or selecting research and enterprise processes, materials, equipment, data, imagery and/or consents;
 - 1.5.3 **plagiarism** (specifically in relation to research and enterprise) – using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission. Plagiarism includes the theft or misappropriation of intellectual property and/or the substantial unattributed copying of text prepared by other authors (i.e. unattributed verbatim copying of another's work). Theft or misappropriation of intellectual property also includes the unauthorised use of ideas or methods obtained through confidential communication (e.g. manuscript or peer review).
 - 1.5.4 **failure to meet** legal, ethical and professional obligations, for example:
 - not observing legal, ethical and other requirements for human participants, animal subjects, or human organs or tissue used in research, or for the protection of the environment

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- failure to comply with the [Research & Enterprise Integrity Framework](#) and policies within it. This includes but is not limited to:
 - Failure to personally uphold or to ensure that the **Principles for University research and enterprise activity** are upheld when seeking to collaborate with, receive funding from, or enter into partnership with a new business or organisation
 - Failure to undertake an appropriate ethical review and/or failure to seek appropriate ethical approval (either internal or external); changing the research project and proceeding with alternative data collection without approval of amendment (see [Research Ethics Policy](#) for further examples of failure to comply);
 - Failure to engage with the CCCU Bid Development Policy ‘10 Steps to submit a bid for external funding’ (see CCCU Bid Development Policy ‘[10 Steps to submit a bid for external funding](#)’);
 - Failure to follow enterprise policies and processes (e.g. Due Diligence/[Consultancy](#)) when seeking to collaborate with, receive funding from, or enter into partnership with a new business or organisation; operating under the guise of the University for private consultancy without prior authorisation
- failure to appropriately manage the receipt of gifts³ e.g. failure to follow the [Acceptance of Donation Policy](#).
- failure to comply with external stakeholder requirements relevant to the research.

1.5.5 **fraud** through commercial and contractual arrangements;

1.5.6 **damage** to University, partner, collaborator or company property, including specialist facilities and equipment, through negligence or wilful actions;

³ As defined within the **Acceptance of Donations Policy** the word ‘gift’ shall be used and will include all donations, prize funds, endowments, legacies, pledges, art works and corporate sponsorship. Recipients of gifts shall include employees, professional advisors and volunteers if they are accepting on behalf of the University.

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- 1.5.7 **breach of duty of care** for humans involved in research and enterprise whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent, and health and safety breaches;
- 1.5.8 **misuse of personal data**, including inappropriate disclosures of the identity of participants and other breaches of confidentiality;
- 1.5.9 **improper conduct in peer review** of research and enterprise 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;
- 1.5.10 **misrepresentation of:**
- data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data
 - involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution
 - interests, including failure to declare competing interests or funding sources
 - funder or partner involvement
 - qualifications, experience and/or credentials
 - publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication
- 1.5.11 **improper dealing with allegations of misconduct** – failing to address, refer or report possible infringements, such as attempts to cover up misconduct and reprisals against whistleblowers, or failing to adhere appropriately to agreed procedures in the investigation of alleged research and enterprise misconduct accepted as a condition of funding. Includes the inappropriate censoring of parties through the use of legal instruments, such as non-disclosure agreements.

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Exclusions

1.6 Research and enterprise misconduct excludes:

- 1.6.1 **genuine/honest errors** that are **not** due to negligence, bad practice or failure to adhere to policies within the [Research & Enterprise Integrity Framework](#). Minor infractions, including honest errors, may often be addressed informally through mentoring, education and guidance;
- 1.6.2 **differences in interpretation or judgement** in evaluating research and enterprise methods or results;
- 1.6.3 **misconduct unrelated to research and enterprise processes** – in such cases the University Solicitor’s Office is the main point of contact and will act as confidential liaison for whistleblowers. Full details can be found within the [Whistleblowing Policy for Staff](#) and [Student Guidance on the University’s Whistleblowing Procedure](#). Where allegations reported to Research Development⁴ are deemed not to be related to research and/or enterprise misconduct they will be referred to Human Resources (staff) or the Student Procedures Office (students); and
- 1.6.4 **poor research and enterprise.**

⁴ **Research Development (RD)** is part of the **Department of Enterprise, Employability and Research Development (EE:RD)**. To ensure confidentiality any reference to **Research Development** within this policy refers specifically to the [Head of Integrity, Development and Excellence](#) and the [Research Integrity & Contracts Manager](#) only. In addition, the [Head of Enterprise and Engagement](#) will be involved for alleged enterprise misconduct.

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Summary of inclusions and exclusions



Inclusions (Formal)

- **Fabrication**
- **Falsification**
- **Plagiarism** (specifically in relation to research and enterprise)
- **Failure to meet** legal, ethical and professional obligations,
- **Fraud** through commercial and contractual arrangements;
- **Damage** to University, partner, collaborator or company property,
- **Breach of duty of care**
- **Misuse of personal data,**
- **Improper conduct in peer review** of research and enterprise proposals,
- **Misrepresentation** of: data, involvement, interests, funder or partner involvement, qualifications, experience and/or credentials, publication history,
- **Improper dealing with allegations of misconduct**



Exclusions (Informal)

- **Genuine/honest errors** that are **not** due to negligence, bad practice or failure to adhere to policies within the Research & Enterprise Integrity Framework.
- **Differences in interpretation or judgement** in evaluating research and enterprise methods or results;
- **Misconduct unrelated to research and enterprise processes**
- **Poor research and enterprise**

Research & Enterprise Misconduct Policy

2. General Principles

- 2.1 This Policy applies to all staff and postgraduate research students engaged in research and/or enterprise (as defined within the Research & Enterprise Integrity Framework) for and on behalf of the University. It excludes studies carried out by students registered on taught programmes at undergraduate and/or postgraduate level. Such students will be subject to the disciplinary procedures determined by the Student Procedures Office.
- 2.2 The University has primary responsibility for investigating any and all allegations of research and enterprise misconduct. This responsibility includes:
- 2.2.1 ensuring that any person involved in investigating allegations has the appropriate knowledge, skills, experience and authority to do so;
 - 2.2.2 taking reasonable steps to ensure that the investigation is independent and avoids any potential conflicts of interest; and
 - 2.2.3 ensuring that the investigation is well documented and occurs over a reasonable timeframe.
- 2.3 As detailed within this Policy, to meet the above responsibilities the University has:
- 2.3.1 clear, well-articulated and confidential mechanisms for reporting allegations of research and enterprise misconduct; and
 - 2.3.2 robust, transparent and fair processes for dealing with allegations of misconduct that reflect best practice.
- 2.4 The University is committed to:
- 2.4.1 ensuring that all members of staff and postgraduate research students are made aware of the relevant contacts and procedures for making allegations of research and enterprise misconduct;
 - 2.4.2 act with no detriment to those who have made allegations of misconduct in good faith, or in the public interest, including taking reasonable steps to safeguard their reputation and privacy. This includes:
 - avoiding the inappropriate use of legal instruments, such as non-disclosure agreements;

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- honouring requests for anonymity as far possible. However, those making allegations will be advised that if the matter is subject to investigation and their testimony is required, anonymity may no longer be guaranteed.
- ensuring instances of alleged victimisation by other members of the University are investigated and appropriate action taken; and
- care will be taken to guard against actions that might adversely affect the employment or status of such individuals

2.4.3 take reasonable steps to resolve any issues found during the investigation. This can include imposing sanctions, requesting a correction of relevant records and reporting any action to regulatory and statutory bodies, participants, employers, funders or other professional bodies as circumstances, contractual obligations and statutory requirements dictate;

2.4.4 take reasonable steps to safeguard the reputation of individuals who are exonerated; and

2.4.5 remain mindful that minor infractions, including honest errors, particularly by less experienced researchers, staff or students or where there is no evident intention to deceive, may often be addressed informally through mentoring, education and guidance.

2.5 All staff and postgraduate research students will:

2.5.1 Engage with, read and understand the University Research & Enterprise Integrity Framework and the policies, processes and guidance that sit within it to ensure that

2.5.2 any research and enterprise activity undertaken is carried out to the highest level of quality and rigour and to reduce the risk of inadvertent misconduct behaviour;

2.5.3 act in good faith with regard to allegations of research and enterprise misconduct, whether in making allegations or in being required to participate in an investigation, and take reasonable steps, working with employers as appropriate, to ensure the recommendations made by formal research and enterprise misconduct investigation panels are implemented;

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- 2.5.4 members of the University are required to co-operate in any review of allegations of research and enterprise misconduct and in the conduct of assessments and investigations and provide relevant evidence on request. Those who are not members of the University will be invited to assist in assessments and investigations;
- 2.5.5 handle potential instances of research and enterprise misconduct in an appropriate manner; this includes reporting misconduct to employers, funders and professional, statutory and regulatory bodies as circumstances require; and
- 2.5.6 declare and act accordingly to manage conflicts of interest.

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3. Research & Enterprise Misconduct Procedure

Summary of Research & Enterprise Misconduct Procedure



Reporting an Allegation or Concern

- 3.1 All University members of staff and registered students must report observed or suspected research and enterprise misconduct to the **Head of Integrity, Development and Excellence** at integrity@canterbury.ac.uk. Any cases of observed or suspected research and enterprise misconduct reported to an alternative colleague (e.g. Head of School/Department or Faculty Director of Research/Enterprise) must be passed to the **Head of Integrity, Development and Excellence** at integrity@canterbury.ac.uk in the first instance.

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Preliminary Assessment

- 3.2 Research Development will then log the details and pass the case to the most relevant individual to act as the **Investigating Officer**⁵. The Investigating Officer (likely to be either Head of School/Department or Faculty Director of Research/Enterprise) will conduct a **Preliminary Assessment**⁶ consulting with relevant colleagues and reviewing all available evidence to determine whether an incident falls within the definition of research and enterprise misconduct.
- 3.3 The **Respondent**⁷ will be informed of the allegations during the Preliminary Assessment and have the opportunity to present their views. They will also be informed of any decision on further/future action. Assessments and investigations will be conducted in a way that will ensure both fair treatment and confidentiality to the Respondent(s) to the maximum extent possible without compromising health and safety or thoroughly carrying out the inquiry or investigation. The Respondent is responsible for maintaining confidentiality and co-operating with the investigation. If the allegations are considered unfounded, the Respondent has the right to receive institutional assistance in restoring his or her reputation, if this is necessary.
- 3.4 Where appropriate, individuals accused of research and enterprise misconduct may seek advice from a University colleague of their choice or, in the case of staff, a union representative, provided they are not a principal witness in the case. They may bring that person to interviews or meetings on the case.

⁵ **Investigating Officer** means the person determined by **Research Development** as most appropriate to lead the investigation related to the specific allegation. This is likely to be either the Head of School/Department or the faculty Director of Research/Enterprise.

⁶ **Preliminary Assessment** (the 'assessment') means gathering information and initial fact-finding by the **Investigating Officer** to determine whether research and/or enterprise misconduct has occurred and determine the most appropriate action.

⁷ **Respondent** means the person against whom an allegation of research and enterprise misconduct is directed or the person whose actions are the subject of an inquiry or investigation. There may be more than one Respondent in any inquiry or investigation.

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- 3.5 In all cases, whether staff or students are involved, Research Development will notify the Senior Pro Vice-Chancellor (Research, Enterprise and Business Development) at any stage in the proceedings if it becomes apparent that:
- 3.5.1 An immediate health hazard is involved
 - 3.5.2 An immediate risk to any individual is posed
 - 3.5.3 There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any
 - 3.5.4 It is probable that the alleged incident is going to be reported publicly
 - 3.5.5 The allegation involves a public health sensitive issue (e.g. clinical trial)
 - 3.5.6 There is a reasonable indication of possible criminal action. In this case, Research Development will consult with the University Solicitor.

Action to be taken

- 3.6 Once the preliminary investigation is complete the most appropriate course of action should be discussed with **Research Development** before this is finalised. Where necessary **Research Development** will seek advice and decision from the Senior Pro Vice-Chancellor (Research, Enterprise and Business Development).
- 3.7 Appropriate courses of action will be:
- 3.7.1 No further action
 - 3.7.2 Informal action
 - 3.7.3 Formal action
 - 3.7.4 Referral to an investigation under the relevant Disciplinary Procedure
- 3.8 **No further action**
- 3.8.1 If the investigation finds the allegations of misconduct to be unsubstantiated no further action will be taken and all parties will be informed.
- 3.9 **Informal action**
- 3.9.1 Cases of minor misconduct are often best dealt with informally through normal 1:1 or supervision meetings, or through arranging to meet with the individual specifically to discuss the issue. It is important to put monitoring arrangements in place to ensure the informal action has been effective in dealing with the concern.

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Managers/supervisors should keep notes of these meetings in line with normal good practice.

3.9.2 The Respondent should be advised of the following:

- where he/she is falling short of expectations;
- why it is important;
- how Respondent's conduct is expected to improve, and
- timescale for improvement (to be determined based on a view of the length of time reasonable to make the changes).

3.9.3 The discussion should explore the cause of the research and enterprise misconduct or allegation of research and enterprise misconduct and, if appropriate, what action the Manager/supervisor may take to support the individual to achieve the required standard. The Manager/supervisor will write to the Respondent setting out what has been discussed and the conclusion, together with any actions that were identified, including monitoring arrangements.

3.9.4 If during the meeting it becomes obvious that the matter may be more serious, the meeting should be adjourned. The Respondent should be told that the matter will be continued under the Research and Enterprise Misconduct Procedure.

3.10 Formal action

3.10.1 Before, after or during the preliminary assessment or formal Disciplinary Proceedings, in the most serious cases, the Senior Pro Vice-Chancellor (Research, Enterprise and Business Development) can authorise immediate suspension of ethical approval where this has been granted by a University ethics panel. In such cases all research must cease with immediate effect until further notice.

3.11 Disciplinary Procedure

3.11.1 The relevant Disciplinary Procedure should be invoked if the preliminary assessment gives cause to believe that more than minor research and enterprise misconduct may have taken place.

3.11.2 **Staff Disciplinary Procedure** – The **Human Resources and Organisational Department (HR&OD)** should be consulted before the Staff Disciplinary Procedure is invoked.

3.11.3 **Student Academic Misconduct Procedure** – **Student Procedures** should be consulted before the Student Academic Misconduct Procedure is invoked.

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Allegations Not Made In Good Faith

3.12 When it becomes apparent that an allegation was not made in good faith (i.e. it is made with inattentive disregard for, or wilful ignorance of, facts that would disprove the allegation) action may be taken against the party making the allegation. This may include formal disciplinary action.

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4. Right to Appeal

- 4.1 All have the right to appeal the outcome of their Preliminary Investigation, however, to do so at least one of the following grounds for appeal must be met:
- 4.1.1 procedural irregularities occurred in the Preliminary Investigation process, which were sufficient enough to cause reasonable doubt as to whether the same conclusion would have been reached had the irregularities not occurred; or
 - 4.1.2 there is demonstrable evidence of prejudice, bias, or inadequate review.
- 4.2 If an appeal does not fall within any of the grounds specified above, it shall be dismissed and the appellant will be informed accordingly.
- 4.3 Appeal requests that amount to an expression of dissatisfaction with the original decision will not be considered.
- 4.4 Any appeal must be sent to the [Head of Research, Integrity & Excellence](#) within 5 days of receiving notification of the outcome of the Preliminary Investigation. Requests received after this time will not be considered. The basis for the appeal should be made clear.
- 4.5 It is the responsibility of the appellant when submitting the appeal to ensure that all necessary evidence is provided.
- 4.6 Senior Pro Vice-Chancellor (Research, Enterprise and Business Development) or designated representative will lead the appeal investigation and produce an appeal report. The appeal report must make clear how the appeal was conducted and describe how and from whom further information relevant to the appeal was obtained; the findings must be clearly stated and the basis for these clarified.
- 4.7 The Senior Pro Vice-Chancellor (Research, Enterprise and Business Development) will recommend the action to be taken in the event that an appeal is upheld.

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5. Reporting Investigations related to research misconduct

- 5.1 Where appropriate or required (e.g. there is a contractual requirement to do so), relevant external stakeholders (e.g. partners or funders) or external ethics panels (e.g. Health Research Authority) will be notified of any substantiated allegations of misconduct as per the terms set between the parties. At a minimum, this notification should include:
- 5.1.1 The name of the person(s) against whom the allegations have been made
 - 5.1.2 The general nature of the allegation as it relates to the definition of research and enterprise misconduct, the applications or grant number(s) involved.
- 5.2 It is a condition of grant for all higher education providers eligible to receive research funding administered through **Research England** to have in place procedures for governing good research practice, and for investigating and reporting unacceptable research conduct. **Research England** should be notified promptly of research misconduct which could reasonably be considered to be directly or indirectly supported by their funding. The University is expected to notify Research England when an allegation is referred for formal investigation, and the outcome of any formal investigations of research misconduct.

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6. Record retention

6.1 After completion of an investigation and all ensuing related actions, **Research Development** will arrange for the preparation of a complete file, including the records of any inquiry or investigation and copies of all documents and other relevant materials.

6.2 **Research Development** will keep these records for five years after completion of the investigation. After this period, the records will be destroyed by secure means.

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