

CODE OF PRACTICE FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT

Document control	
Applicable to:	All employees and research students
Date first approved	February 2006
Date first amended	May 2007
Date last amended	April 2016
Approved by	<ol style="list-style-type: none"> 1. Research Ethics and Governance Committee 2. Academic Board
Approval date	<ol style="list-style-type: none"> 1. 18 May 2016 2. 27 June 2016
Review date	February 2019
Document owner	Research & Enterprise Development Centre

CONTENTS

1	INTRODUCTION	3
2	SCOPE AND EXCLUSIONS	3
3	DEFINITIONS	3
4	GENERAL POLICIES AND PRINCIPLES	4
	4.1 Responsibility of staff and students to report misconduct	
	4.7 Protecting the Respondent(s)	
	4.9 Co-operation with Assessments and Investigations	
5	RESPONSIBILITIES	5
	5.1 Head of Centre/School	
	5.3 The Respondent	
	5.5 Reporting investigations to the Funding Body	
6	INFORMAL ACTION	6
7	DISCIPLINARY PROCEDURE	6
	7.1 Criteria for determining the relevant Disciplinary Procedure	
8	STAFF DISCIPLINARY PROCEDURE	7
9	STUDENT ACADEMIC MISCONDUCT PROCEDURE	7
10	UNSUBSTANTIATED ALLEGATIONS	7
11	ALLEGATIONS NOT MADE IN GOOD FAITH	7
12	RECORD RETENTION	8

1. INTRODUCTION

- 1.1 Since the University has the responsibility for maintaining high scientific and ethical standards in research carried out by its staff and students, it is responsible for monitoring all research and investigating any alleged misconduct. Any such investigation will be carried out promptly, fairly and independently.

2. SCOPE AND EXCLUSIONS

- 2.1 This Code of Practice and the associated procedures apply to all staff and postgraduate students within Canterbury Christ Church University ('the University') engaged in research.
- 2.2 The Code of Practice excludes studies carried out by students registered on taught programmes at Masters or undergraduate level. Such students will be subject to the Procedures relating to Academic Misconduct and Plagiarism set out in the Assessment Procedures Manual.
- 2.3 The following procedures apply when an allegation of research misconduct is made.

3. DEFINITIONS

- 3.1 The following definitions apply within this document:

Research misconduct refers to fabrication or falsification, plagiarism, deception in proposing, conducting or reporting the findings or outcomes of research, or deliberate, dangerous or negligent deviations from accepted research or ethical conduct. It includes failure to follow approved research protocols particularly if this results in unreasonable risk or harm to research participants, other researchers or others in the environment/institution. Collusion in or concealment of such actions by others will also be regarded as research misconduct.

Misconduct does **not** include honest differences or error in the design, conduct, interpretation or judgement of a research project or its evaluation nor is misconduct unrelated to the research process included here.

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).

Allegation describes any written or oral statement or other indication of possible research misconduct made to the appropriate Head of Centre/School.

A **good faith allegation** is one made in the honest belief that research misconduct may have occurred. An allegation is **not** in good faith if it is made with reckless disregard for, or wilful ignorance of, facts that would disprove the allegation.

Conflict of interest means the real or apparent interference of one person's interests with the interests of another or situations in which potential bias may occur due to prior or existing personal or professional relationships. It occurs **when** individual judgement is influenced by a secondary interest such as financial gain or personal advancement.

Preliminary assessment (the 'assessment') means gathering information and initial fact-finding by the Head of Centre/School (or nominee) to determine whether an allegation or apparent instance of research misconduct warrants an investigation.

Investigation describes the formal examination and evaluation by a Panel appointed by the Pro-Vice Chancellor (Research & Enterprise) of all relevant facts to determine if misconduct has occurred and, if so, to determine the responsible person and the seriousness of the misconduct.

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.

Respondent means the person against whom an allegation of research 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.

4. GENERAL POLICIES AND PRINCIPLES

Responsibility of Staff and Students to Report Misconduct

- 4.1 All University members of staff and registered students must report observed or suspected research misconduct to the Head of Centre/School in which the research is being carried out. If a Head of Centre/School is unsure whether an incident falls within the definition of research misconduct, he/she may discuss this with the Faculty Director of Research.
- 4.2 Where the misconduct is not covered by these procedures, i.e. not research misconduct, the Head of Centre/School should refer the allegation to the appropriate University officer for investigation. This will normally be the Academic Registrar in the case of students and the Director of Human Resources and Organisational Department in the case of staff.
- 4.3 If the allegation falls within the definition of research misconduct the individual will be advised about the appropriate procedures for reporting their allegations.
- 4.4 All possible steps will be taken to protect the privacy of those who report misconduct in good faith. For example, requests for anonymity will be honoured as far possible during an assessment. 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.
- 4.5 Steps will be taken to ensure those bringing allegations of misconduct, and those co-operating in assessments or investigations, are not victimised by other members of the University; instances of alleged victimisation will be investigated and appropriate action taken.
- 4.6 Reasonable efforts will be made to protect those making allegations of research misconduct in good faith and others co-operating in good faith with assessments and investigations of such allegations. Care will be taken to guard against actions that might adversely affect the employment or status of such individuals.

Protecting the Respondent(s)

- 4.7 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.

- 4.8 Where appropriate, individuals accused of research 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 or witness in the case. They may bring that person to interviews or meetings on the case.

Co-operation with Assessments and Investigations

- 4.9 Members of the University are required to co-operate in any review of allegations of research 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.

5. RESPONSIBILITIES

Head of Centre/School

- 5.1 The Head of Centre/School will receive the initial allegation(s), conduct a preliminary assessment and consult with the Dean of the Faculty, the Faculty Director of Research, the Chair of the Faculty (or relevant internal) Research Ethics Committee and others as necessary to determine the appropriate course of action. Appropriate courses of action will be:

- No further action
- Informal action (see section 6)
- An investigation under the relevant Disciplinary procedure (see section 7)
- Suspension (from their employment or studentship as appropriate)

- 5.2 In all cases, whether staff or students are involved, the Head of Centre/School will notify the Pro-Vice Chancellor (Research & Enterprise) at any stage in the proceedings if it becomes apparent that:

- An immediate health hazard is involved
- An immediate risk to any individual research participant is posed
- 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
- It is probable that the alleged incident is going to be reported publicly
- The allegation involves a public health sensitive issue (e.g. clinical trial)
- There is a reasonable indication of possible criminal action. In this case, the Head of Centre/School will consult with the University Solicitor.

The Respondent

- 5.3 The Respondent 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.
- 5.4 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.

Reporting Investigations to the Funding Body

5.5 Where there is a contractual requirement to do so, the decision to initiate an investigation must be reported in writing to the relevant funding body before an investigation begins. At a minimum, this should include:

- The name of the person(s) against whom the allegations have been made
- The general nature of the allegation as it relates to the definition of research misconduct, the applications or grant number(s) involved.

5.6 Where there is such a contractual requirement, the Head of Centre/School may consult with the funding body and to seek their support in conducting the investigation, where this is considered appropriate.

5.7 Where there is such a contractual requirement, the funding body must be notified of the outcome of the investigation and be provided with a copy of the investigation report.

6. INFORMAL ACTION

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. This approach can be effective in dealing with problems quickly and constructively. It is important to put monitoring arrangements in place to ensure the informal action has been effective in dealing with the concern. Managers/supervisors should keep notes of these meetings in line with normal good practice.

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).

The discussion should explore the cause of the research misconduct or allegation of research 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.

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 Misconduct Procedure.

7. DISCIPLINARY PROCEDURE

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

7.1 Criteria for determining the relevant Disciplinary Procedure

The following table summarises the criteria that will determine which Disciplinary Procedure should be used:

Category of Respondent	Disciplinary Procedure to be used
CCCU Staff member undertaking research within the terms of their employment, including those undertaking research degrees	Staff Disciplinary Procedure (see section 8)
Postgraduate student	Student Academic Misconduct Procedure (see section 9)

8. STAFF DISCIPLINARY PROCEDURE

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

The Staff Disciplinary Procedure should be invoked if there is reason to believe that more than minor research misconduct may have taken place.

Full details of the Staff Disciplinary Procedure are available from HR&OD.

9. STUDENT ACADEMIC MISCONDUCT PROCEDURE

The Academic Registrar should be consulted before the Student Academic Misconduct Procedure is invoked.

The Student Academic Misconduct Procedure should be invoked if there is reason to believe that research misconduct may have taken place.

Full details of the Student Academic Misconduct Procedure are available from the Registry.

10. UNSUBSTANTIATED ALLEGATIONS

10.1 If the investigation finds the allegations of misconduct to be unsubstantiated, all reasonable efforts will be made to restore the Respondent's reputation. Depending on the particular circumstances, the Pro-Vice Chancellor (Research & Enterprise) may:

- Notify those aware of or involved in the investigation of the outcome;
- Publicise the final outcome in forums in which the allegation of research misconduct was previously publicised; and/or
- Remove all reference to the research misconduct allegation from the Respondent's files.

11. ALLEGATIONS NOT MADE IN GOOD FAITH

11.1 When it becomes apparent that an allegation was not made in good faith action may be taken. This may include formal disciplinary action.

12. RECORD RETENTION

- 12.1 After completion of an investigation and all ensuing related actions, the Pro-Vice Chancellor (Research & Enterprise) will arrange for the preparation of a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Panels. The Pro-Vice Chancellor (Research & Enterprise) will keep these records for six years after completion of the investigation. After this period, the records will be destroyed by secure means.
-
-