

Procedure for Investigating Research Misconduct at the University of Greenwich

1. Introduction

The University of Greenwich recognises its responsibility to researchers and the wider community to ensure the highest standards of integrity and professionalism are observed in the conduct of research. The University of Greenwich recognises the importance of researchers taking responsibility for their own research, including topic and methodology, and the ethical and legal requirements placed on both researchers and the university itself.

The *Code of Practice for Research at the University of Greenwich* provides guiding principles and standards of good practice in research across all subject disciplines and fields of study in the university. It applies to all those undertaking research on the university's premises using its facilities, or on behalf of the university, including staff¹, visiting or emeritus staff, associates, honorary or clinical contract holders, contractors and consultants.

These principles of good practice underpin the university's commitment to effective research governance, the pursuit of excellence and the highest quality research. Failure to comply with the Code of Practice, or any actions taken that may be deemed to constitute research misconduct under the university's Procedure for Investigating Research Misconduct, may be grounds for instigating disciplinary proceedings. Where researchers are found to have committed research misconduct, referral to the appropriate funding agency and/or relevant regulatory body may also be required.

This procedure is based in large part on the UK Research Integrity Office (UKRIO) [Procedure for the Investigation of Misconduct in Research](#).

Any misconduct in research is unacceptable and should be reported. Allegations will be investigated thoroughly, fairly and in a timely manner, in accordance with this Procedure. All proceedings will be conducted under the presumption of innocence and carried out with sensitivity and confidentiality. Anyone wishing to raise concerns relating to misconduct in research may do so in accordance with the university's [Public Interest Disclosure Policy](#) and where raised in good faith, will be supported and not penalised.

Any researcher who is found not to have committed misconduct will be supported and appropriate steps taken to restore their reputation and that of any relevant research project(s).

The University Secretary is designated by the university to act in the role of Research Integrity Officer and is responsible for:

- Receiving allegations of research misconduct;
- Initiating and supervising the procedure for investigating allegations of research misconduct;
- Maintaining the information record during the investigation and subsequently reporting on the investigation with internal contacts and external organisations;
- Taking decisions at key stages in the procedure and investigation.

The University Secretary shall have a nominated alternate, Director of Human Resources, who will receive allegations of research misconduct and initiate and supervise the procedure for investigating them in the absence of the University Secretary.

The procedures described in this Procedure are designed specifically for the investigation of research misconduct. Allegations of misconduct are often raised as departures from accepted procedures and practice in the conduct of research, as articulated in the university's Code of Practice for Research and related standards and guidance. This Procedure should only be used for the investigation of intentional and/or reckless behaviour set out in the following definition of research misconduct.

Research Misconduct which could be investigated under this Procedure, may include, but not be limited to:

¹ Regulations and codes of conduct for Postgraduate Researchers are covered separately in the Academic Regulations for Postgraduate Research Awards, https://docs.gre.ac.uk/data/assets/pdf_file/0009/1524969/academic-regulations-research-awards-Sep-17.pdf

- Fabrication
- Falsification
- Misinterpretation of data and/or interests and or involvement;
- Plagiarism; and
- Failures to follow accepted procedures or to exercise due care in carrying out responsibilities for:
 - Avoiding unreasonable harm or risk to humans, animals used in research, and the environment; and
 - The proper handling of privileged or private information on individuals collected during the research.

Interpretation of the terms will involve judgements, which should be guided by previous experience and decisions made on matters of misconduct in research.

For the avoidance of doubt, research misconduct includes acts of omission as well as acts of commission. In addition, the standards by which allegations of research misconduct should be judged should be those prevailing in the country in question and at the date that the behaviour under investigation took place.

The basis for reaching a conclusion that an individual is responsible for research misconduct relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct in any aspect of a research project. Where allegations concern unintentional and/or reckless departure from accepted procedures in the conduct of research that may not fall directly within the terms detailed above, a judgement should be made as to whether the matter should be investigated under this Procedure.

This Procedure is designed to produce a report that might require action using the university's disciplinary processes or other non-disciplinary processes.

2. Submission of an Allegation of Misconduct

2.1 Formal Submission

Allegations, or other evidence of possible misconduct in research, should be made formally in writing (where possible) to the University Secretary and should include any supporting evidence available to the Complainant. Submissions to the University Secretary may be from within and outside the university. An initial approach to the University Secretary might be anonymous, but to take forward any allegations, the Complainant should make a formal written submission, in confidence if desired, to the University Secretary. Should allegations be received by another member of the university, for example, a Director of Research or Head of Department, and it cannot, or is not appropriate to be, resolved locally (see Informal Resolution below), it should be referred to the University Secretary, with the agreement of the Complainant.

2.2 Informal Resolution

In research, situations may arise that might present as misconduct but are the result of either a misunderstanding or a dispute between individuals. It may be possible to mediate or resolve such differences at the individual or local/departmental level and this should be considered and explored where appropriate. Formal investigation procedures should only be instigated if the informal route is inappropriate due to the seriousness of the allegation, or where mediation and/or arbitration has been refused or proved unsuccessful.

2.3 Conflicts of Interest

Allegations linked in any way to the University Secretary, or which raise the potential for a conflict of interest for the University Secretary, must be declared and an alternative senior member of staff identified by the Vice Chancellor to supervise the investigation.

2.4 Confidentiality

Any investigation should be conducted as confidentially as is reasonably practicable. The confidential nature of the proceedings should be maintained provided this does not compromise either the investigation of the misconduct allegations, any requirements of health and safety or any issue related to the safety of the participants in research.

Breaching confidentiality may lead to disciplinary action, unless covered by the Public Interest Disclosure Act and/or the university's own grievance or whistleblowing procedures.

3. Preliminary Stage

3.1 Acknowledgement of the allegation

On receipt of an allegation of research misconduct, the University Secretary will formally acknowledge receipt of the allegation in writing or email to the Complainant, advising the Complainant of the procedure that will be followed.

3.2 Determining the nature of the allegation

The University Secretary will review the nature of the allegation and where judged serious enough to require immediate action to prevent further risk or harm to staff, research participants or others, suffering to animals or negative environmental consequences, the University Secretary will take immediate appropriate action to ensure that any such potential or actual danger, illegal activity or risk is prevented or eliminated. In taking such actions, it will be made clear to all parties that the actions taken are not to be regarded as disciplinary action and do not in themselves indicate that the allegation is considered to be true by the university.

3.3 Notification to external bodies

Such serious allegations are also likely to require notification to legal or regulatory authorities. As a result, the university may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Procedure. The university's investigations may continue in parallel or may have to be suspended, to be concluded later, or to be declared void by the University Secretary.

3.4 University Disciplinary Regulations and Procedures

Where allegations include behaviour subject to the university's disciplinary procedures, the University Secretary will take steps to implement the appropriate disciplinary process. The investigation in to the allegation of research misconduct may then proceed in parallel, be suspended to be concluded later, or be declared void by the University Secretary.

3.5 Informing the Complainant

The University Secretary will review the allegation and if judged to fall within the definition of research misconduct (section 1), it will proceed to the next stage of investigation. If outside the definition, the University Secretary will inform the Complainant in writing:

- The reason why the allegation cannot be investigated under this Code of Practice;
- Which process for dealing with complaints might be appropriate for handling the allegation, if appropriate, and to whom it should be reported.

3.6 Determining Contractual Status and Obligations

Where an allegation falls under the definition of research misconduct, the University Secretary shall inform appropriate senior officers in the University to determine the contractual status of the Respondent and the contractual details specific to the research project(s) related to the allegation. Such senior officers may include, but not be limited to: Director of Research & Enterprise, Director of Human Resources, Head of Finance, Head of the relevant Department. At this stage, the allegation remains unproven and the information shared with the appropriate senior officers is confidential.

If the Respondent is the holder of an Honorary contract with the university, the University Secretary may be required to inform the Respondent's primary employer of the allegation made against him/her. The employer may also instigate their own investigations.

An external funding agency, collaborator, partner or sponsor of the research project(s) related to the allegation may have a responsibility for the way any investigation is conducted. The university may have legal and contractual obligations towards such organisations in this regard, as detailed in their terms and conditions of award, negotiated contract, collaboration or sponsorship agreement, which must be fulfilled.

3.7 Informing the Respondent

Subject to other legal and regulatory procedures that may be led by external organisation(s), as detailed above, the R University Secretary should formally notify the Respondent of the allegations research misconduct made against him/her. This should normally be done in a confidential meeting, at which, for example, an HR Adviser may also be present. The Respondent may also be accompanied to this meeting by a colleague or trade union representative, as appropriate.

If allegations are made against more than one Respondent, they should each be informed separately and the identity of any other Respondents not divulged. A written summary of the allegation(s) should be given to the Respondent (and to his/her representative by agreement) at the meeting, with an outline of the procedure to be followed, the opportunities the Respondent will have to respond and a timetable for the screening stage.

The Respondent will be given the opportunity to respond to the allegations and set out his/her case at a later stage.

3.8 Securing Evidence and Information

The University Secretary will ensure that all relevant evidence and information are secured and accessible to any investigation to be conducted. This may involve taking necessary steps, for example, to secure documents, data and locations associated with the research and individual(s) in question, temporary suspension of the Respondent or restrictions on his/her access to premises, data or personnel. Account must be taken for the impact any such steps may have on the Respondent's responsibilities for supervision, teaching, research, management and administration and alternative arrangements made to meet those responsibilities.

Such actions should only be taken where there is a clear risk to individuals or that evidence may be destroyed, there has been careful consideration of their impact and it is deemed essential to the conduct of the investigation. The reason(s) for taking such action should be recorded in writing and all relevant parties informed. Any suspension of a Respondent will be reviewed throughout the investigation to ensure that it is not unnecessarily protracted.

Copies of any information or records secured will be made available to the Respondent.

3.9 Timing

The Preliminary Stage of the procedure should normally be completed within 10 working days from receipt of the initial allegation. Any delays should be explained to all parties in writing, and a revised completion date given.

3.10 Initial Screening

Within a further 10 working days of the University Secretary informing the Complainant and Respondent of the proceedings, an initial screening of the case may be undertaken to determine whether the allegation is mistaken, frivolous, vexatious and/or malicious. If judged to be so by the University Secretary, the allegation will be dismissed at this stage and the decision reported in writing to the Complainant, Respondent (and their representatives, by agreement) and all the parties who have been informed of the case initially.

In such cases, the University Secretary shall then consider recommending that action against the Complainant be taken under the university's disciplinary regulations. Those who have made allegations in good faith will not be penalised and support will be provided, where appropriate. Support to restore the reputation of the Respondent and his/her research will also be provided, as appropriate to the seriousness of the dismissed allegations.

If the allegations cannot be discounted at this point, the University Secretary will convene an Initial Enquiry Panel.

4. Initial Enquiry

4.1 Enquiry Panel

This initial investigation is intended to determine whether there is prima facie evidence of research misconduct and is supervised by the University Secretary who may nominate one or more of advisers and experts and a secretary to form the initial enquiry panel. One or more members of the initial enquiry panel may be selected from outside the university, particularly, but not only, in a case involving staff on joint clinical or honorary contracts, where a member of the panel may be from the primary employer. The University Secretary may choose to consult UKRIO to nominate a member from its Register of Advisers to be a member of the initial enquiry panel.

Members of the enquiry panel will be provided with the Procedures for Investigating Research Misconduct and any additional guidance as may be produced, must declare any links to the research and/or the individuals involved in the allegation(s) and maintain the confidentiality of the proceedings throughout and beyond the work of the enquiry, unless formally sanctioned by the university or otherwise required by law.

Both Respondent and Complainant may raise with the University Secretary concerns they may have about the membership of the initial enquiry panel but neither have the right of veto over those nominated.

4.2 Operation of the Enquiry

The Chair of the panel will be nominated by the University Secretary. The panel will:

- maintain a record of evidence sought and received, and conclusions reached;
- review and assess the submission and supporting evidence provided by the Complainant;
- review and assess the evidence and supporting documentation from the Respondent who should be given the opportunity to respond to the allegations, set out his/her case and to present evidence;
- review all relevant background information;
- the review should include interviewing the Respondent and Complainant and others whom the Panel consider relevant to the investigation (all of whom may be accompanied by a colleague or trade union representative);
- provide a draft report to the University Secretary.

4.3 Determination of the Enquiry

The Enquiry Panel should determine whether the allegation of research misconduct:

- is mistaken, frivolous, vexatious and/or malicious;
- should be handled under the University's Disciplinary Regulations;
- has some substance but due to lack of intent to deceive or due to its relatively minor nature, should be addressed through education and training or other non-disciplinary approach, rather than through the next stage and a formal investigation;
- is sufficiently serious and has sufficient substance to justify a formal investigation.

4.4 Communication of the Findings

The Enquiry Panel's draft report will be made available to the Complainant and Respondent for them to comment on the factual accuracy of the report. Changes will only be made to the report where there are errors of fact and the Chair should seek the agreement of the majority of the Panel before making amendments of substance to the Panel's report.

The Chair shall then send the final report to the University Secretary, Complainant and Respondent (including their representatives, by agreement), and inform all relevant parties of the reasons for reaching that conclusion in a final report. The Enquiry Panel will then be disbanded and the individuals shall have no further involvement in the case, unless formally asked to clarify a point in their written report at a subsequent part of the investigation.

A copy of the report and any documentation used in the enquiry shall be held by the University Secretary for a period of at least 6 years.

The University Secretary will then ensure the appropriate follow-up actions are undertaken, and where the allegations are sufficiently serious and have sufficient substance to warrant recommending a formal investigation, the University Secretary will take immediate steps to set this up.

4.5 Timing

The initial enquiry should take no more than 30 working days. Any delays should be explained to all parties in writing, and a revised completion date given.

5. Formal Investigation

Where the Initial Enquiry Panel recommends that the case should progress to the Formal Investigation stage, the University Secretary should take immediate steps to set up the Investigation Panel and inform the Complainant and Respondent (and their representatives, by agreement) that a Formal Investigation will take place.

5.1 Formal Investigation Panel

The University Secretary should nominate members of the Investigation Panel for approval by the Vice Chancellor who may veto nominations, recording the reason for the veto in writing and communicating it to all parties.

The Investigation Panel should consist of at least three, and always an uneven number of, senior members of the university, with relevant skills and experience, and a secretary, none of whom should have been involved in the Initial Enquiry. At least one of the panel shall be from outside the University. UKRIO may be consulted to nominate a member from its Register of Advisers to be a member of the formal investigation panel. At least one of the Panel should have knowledge and experience of the area of research in which the alleged misconduct has taken place, but normally not be a member of the Department concerned.

Members of the investigation panel will be provided with the Procedures for Investigating Research Misconduct and any additional guidance as may be produced, must declare any links to the research and/or the individuals involved in the allegation(s) and maintain the confidentiality of the proceedings throughout and beyond the work of the enquiry, unless formally sanctioned by the university or otherwise required by law.

Both Respondent and Complainant may raise with the University Secretary concerns they may have about the membership of the formal investigation panel but neither have the right of veto over those nominated.

5.2 Operation of the Investigation

The Chair of the panel will be nominated by the University Secretary. The Investigation Panel should:

- receive all relevant information from the Initial Enquiry Panel as background to the investigation;
- set a date for the investigation, which should be conducted as quickly as possible;
- maintain a record of evidence sought and received, and conclusions reached;
- conduct a thorough assessment of the evidence;
- hear the Complainant and such other individuals as the Panel consider relevant to the investigation;
- hold a formal hearing to hear the Respondent's response to the allegations made;
- consider the allegations of research misconduct and reach a conclusion on the allegations with the standard of proof used to reach the decision being "on the balance of probabilities";
- provide a draft report to the University Secretary.

The Investigation Panel may call expert witnesses to give advice, if necessary and as appropriate, and may seek guidance from UKRIO and its Advisers.

5.3 Determination of the Investigation

The Formal Investigation Panel should determine whether the allegation of research misconduct is:

- upheld in full;

- upheld in part; or
- not upheld.

The standard of proof used by the Panel is that of “on the balance of probabilities”. The Panel may conclude that the allegations are not upheld for reasons of being mistaken, frivolous, vexatious and/or malicious.

A majority decision is acceptable, although a unanimous decision is desirable.

Should any evidence of misconduct be brought to light during the course of the Formal Investigation that suggests:

- further, distinct instances of research misconduct by the Respondent, unconnected with the allegation under investigation; or
- research misconduct by another person(s),

then the Investigation Panel should submit these new allegations of research misconduct to the University Secretary in writing, along with all supporting evidence, for consideration under the initial stages of this Procedure.

5.4 Communication of the Findings

The Formal Investigation Panel’s draft report will be made available to the Complainant and Respondent for them to comment on the factual accuracy of the report. Changes will only be made to the report where there are errors of fact and the Chair should seek the agreement of the majority of the Panel before making amendments of substance to the Panel’s report.

The Final Report will:

- summarise the conduct of the investigation;
- state whether the allegation of research misconduct has been upheld in whole or in part, giving reasons for its decision and recording any differing views;
- make recommendations in relation to any matters relating to any other misconduct identified during the investigations;
- address any procedural matters that the investigation has brought to light within the university and/or for example, any partner organisations and/or funding bodies.

In addition to reaching a conclusion over the nature of the allegation, the Investigation Panel may make recommendations with respect to:

- whether the allegations should be referred to the relevant organisation’s disciplinary process;
- whether any action will be required to correct the record of research;
- whether organisational matters should be addressed by the university though a review of the management of research;
- other matters that should be investigated.

The Chair shall then send the final report to the University Secretary, Complainant and Respondent (including their representatives, by agreement), and inform all relevant parties of the reasons for reaching that conclusion in a final report.

The University Secretary shall inform the following of the conclusion of the Formal Investigation:

- the Vice Chancellor, the Deputy Vice-Chancellor (Research & Enterprise) the Director of Research & Enterprise (GRE), the Director of Human Resources, the Head(s) of the relevant Department (s) and any other relevant members of staff;
- where the Respondent and/or Complainant are employed on joint clinical or honorary contracts, the equivalent Research Integrity Officer/University Secretary, the Head of Human Resources/Personnel 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, including UKRIO, where appropriate.

The Formal Investigation Panel will then be disbanded and the individuals shall have no further involvement in the case, unless formally asked to clarify a point in their written report at a subsequent part of the investigation.

A copy of the report and any documentation used in the enquiry shall be held by the University Secretary for a period of at least 6 years.

If all or any part of the allegations are upheld, the University Secretary, the Director of Human Resources and at least one other senior member of staff should decide whether the matter should be dealt with under the university's Disciplinary Procedures (see section 3.4). The report of the Formal Investigation should then form the basis of the evidence that a Disciplinary Panel receives, with all the information collected and brought to light during all stages of the investigation transferred to the disciplinary process.

Where allegations have not been upheld (in full or in part), the University Secretary should take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Respondent and any relevant research project(s). As with the initial enquiry, where the Investigation Panel concludes the allegations are frivolous, vexatious and/or malicious, the University Secretary should consider recommending that action be taken under the Disciplinary Procedures against anyone who is found to have made such allegations.

5.5 Timing

The Investigation Panel should be appointed within 30 working days of the submission of the Initial Enquiry Panel's report recommending a Formal Investigation. The Formal Investigation must conduct a thorough assessment of the case and conduct its investigation as quickly as possible but not necessarily within a prescribed timescale. If the work of the Panel is to take more than 30 working days, the Chair should report progress to the University Secretary at least on a monthly basis.

5.6 Complaints Procedure

Any procedural complaints about the Procedure for Investigating Research Misconduct can be referred to the Deputy Vice-Chancellor (Research & Enterprise).

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