

QUEEN'S UNIVERSITY BELFAST

Regulations Governing the Allegation and Investigation of Misconduct in Research

1. Introduction

- 1.1 The University has established regulations and policies to govern and maintain the integrity of research carried out under its auspices. The University expects that the standards set be adhered to by all members of University staff, as defined by Statute 1, when conducting research within or on behalf of the University (irrespective of whether their current place of work is within or without University premises).
- 1.2 Where concerns are raised regarding research undertaken by a research student, the Procedures for Dealing with Academic Offences (including research misconduct), which is in the General Regulations: University Calendar for Postgraduate Students, should be followed.
- 1.3 The application and scope of this Regulation derives from that provided for in Statute XIII, and should give effect to, and be consistent with, the guiding principles set out in clause 2(1) of that Statute.

2. Definitions

- 2.1 Misconduct in research covers inappropriate behaviour as well as misconduct in the course of research. Misconduct includes, but is not limited to:
 - Fabrication;
 - Falsification;
 - Misrepresentation of data and/or interests and or involvement;
 - Plagiarism; and
 - Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to:
 - Humans;
 - Animals used in research; and
 - The environment; and
 - The proper handling of privileged or private information on individuals collected during the research.

Illustrative examples are provided in Appendix 1.

- 2.2 Honest error (which is not due to negligence), or differences of interpretation, are not included as misconduct in research. However, poor research practice may be considered misconduct, particularly where individual negligence results in harm or potential harm to research collaborators, participants or animals.

3. General Principles

- 3.1 The University is committed to ensuring that any allegation of misconduct in research is thoroughly and expeditiously investigated in a fair and confidential manner to determine whether misconduct in research has been committed.
- 3.2 The Institution is responsible for ensuring that researchers are protected from vexatious, malicious or frivolous allegation. Allegations relating to other forms of misconduct should be investigated using the procedures appropriate to that

particular allegation. In particular, allegations relating to fraud or other misuse of research funds or research equipment may be dealt with under the University's Financial Regulations.

- 3.3 An allegation can be received from an external or internal source. Should the allegation stem from an internal source it should be received by either the Director of Research and Enterprise or the Head of School/Centre Director. Where possible, the issue should be received in a written format and accompanied by any relevant supporting evidence.
- 3.4 All staff and students, including those on honorary contracts, and persons authorised to work in the University have a responsibility to report, in confidence, any suspected incident of misconduct in research, whether this has been witnessed or for which there are reasonable grounds for suspicion. Non-reporting of an act of misconduct in research can harm the integrity of research resulting in wide ranging and damaging consequences. Therefore an act of concealment could also be deemed as an act of misconduct.
- 3.5 Any allegation received will be deemed to have been done so under the terms of the University's Whistleblowing Policy and afforded the same guarantee of protection as defined in that Policy.
- 3.6 Where an investigation establishes that there is a substantive case to answer, the member of staff will be given clear information of the nature and level of the seriousness of the allegation that has been received.
- 3.7 The member of staff will be given the opportunity to prepare and present their case. They will be informed of the right to be represented or assisted in the presentation of their case by a representative of a recognised trade union, or University colleague at every stage of the procedure.
- 3.8 Written records will be held of meetings relating to the issue.
- 3.9 Where a precautionary suspension is imposed (see paragraph 6) and/or a formal disciplinary investigation is to be undertaken, and the member of staff is a representative of a recognised trade union, the appropriate full-time official will be informed as soon as practicable. No action beyond an oral warning will be initiated against a representative of a recognised trade union until the appropriate full-time official is notified.
- 3.10 The procedure outlined here may be varied, where the University considers that it is necessary, in order to ensure fairness. Any such changes will be subject to consultation with the recognised trade union.
- 3.11 All relevant records, material, and associated technological sources must be secured at the start of the process and retained by the Head of Research Governance. This may include any correspondence, laboratory books, electronic communication or files and evidence of publications.
- 3.12 Where a panel is convened to examine the facts, the names of Panel members would be made known to individual(s) against whom the allegation is made.
- 3.13 All persons involved with the investigation must conduct themselves in accordance with principles outlined in Appendix 3.

- 3.14 All those involved in the process must declare any potential conflicts of interest. Where a conflict of interest does arise, the Director of Research and Enterprise should appoint another appropriate person to either the informal investigation stage or panel hearing.

4. Roles and Responsibilities

The Pro-Vice-Chancellor for Research and Postgraduates has responsibility for the proper implementation of this Regulation and supporting procedures. He/she is supported in this role by the Director of Research and Enterprise and the Head of Research Governance. The specific responsibilities for all those involved in this process are outlined in Appendix 2.

5. Reporting and initial consideration of the Allegation

- 5.1 Allegations of Misconduct in Research may be received via a variety of routes. However, it is imperative that internal communication between the Head of School/Centre Director and Head of Research Governance occurs within one working day of the matter being raised.
- 5.2 The Head of Research Governance shall acknowledge the allegation to the complainant and provide them with a copy of these Regulations.
- 5.3 The Head of Research Governance in conjunction with a relevant senior academic manager nominated by the appropriate Faculty Dean shall review the allegation. They shall extrapolate the issue in question and determine if the allegation falls within the definition of Misconduct in Research. If, after consideration, they determine the issues does not relate to misconduct in research but that other issues may be involved, they shall advise the Director of Research and Enterprise who shall inform the complainant in writing:
- (i) The reasons why the allegation cannot be investigated using these Regulations.
 - (ii) If there are possible grievance issues, the matter should be referred through the appropriate grievance procedure.
 - (iii) If there are possible disciplinary issues other than misconduct in research that the matter be referred to the appropriate line manager.
- 5.4 Where it has been determined the allegation relates to Misconduct in Research the Head of Research Governance should write to the Respondent(s) informing them that that an allegation of misconduct in research has been received. They should be provided with a copy of these Regulations.
- 5.5 In these circumstances, the Head of Research Governance should determine whether the research project, which the allegations relate to, includes contractual obligations that require the University to undertake prescribed steps in the event of allegations of misconduct in research. Such an undertaking might be in:
- (i) A contract/service level agreement from a funding organisation;
 - (ii) A partnership contract/agreement/Memorandum of Understanding; or

- (iii) An agreement to sponsor the research;
- (iv) Regulatory or legal requirements to notify external organisations.

5.6 The contractual status of the individual should be determined. Where the person is not a member of Queen's, the Head of Research Governance in conjunction with a senior member academic staff, should inform the appropriate authority in the employing organisation and the process outlined in section 11 or 12 applied.

6. Precautionary Suspension

6.1 Where the suspected misconduct in research is such that it is considered, on reasonable grounds, that the individual's continued presence in the workplace may represent a risk to others, may give rise to further misconduct, or may militate against the effective investigation of allegations, the Vice-Chancellor may authorise the suspension of the member of staff from duty and/or office, as a precautionary measure. Suspension shall take place only where, and to the extent that it is a necessary precaution pending the completion of a serious misconduct in research investigation and/or hearing or appeal or for other good or urgent cause. The decision to suspend a member of staff would depend on the particular circumstances surrounding each case. It is a serious step that should only be taken when the specific circumstances dictate.

6.2 Suspension is not a disciplinary sanction nor is it a presumption of guilt.

6.3 Suspension would normally be with pay, and will not normally exceed six months.

6.4 The Vice-Chancellor shall normally delegate the authority to suspend to the Personnel Manager who would normally review the suspension at 14 day intervals.

6.5 The member of staff would be notified of the decision to suspend, the extent of the application of the suspension and the reasons for it. This should be confirmed in writing within 2 working days of each review.

6.6 A member of staff who has been suspended from duty may appeal to the Director of Human Resources against the suspension.

6.7 A member of staff who has been suspended must be available at reasonable notice to participate in the investigation and any subsequent disciplinary process.

7. Investigation

7.1 The Investigation forms a two stage process. Stage One involves the screening of the complaint and collation of facts and evidence to determine the seriousness of the allegation. Stage Two involves a hearing by a panel of peers convened from a pre-approved pool of assessors that has been established in consultation with the Deans and approved by Academic Council.

7.2. Investigation: Stage One – Screening

This initial screening stage will be undertaken by the Head of Research Governance in conjunction with an appointed member of senior academic staff, normally the Head of School, Centre Director or Institute Director.

- 7.2.1 Where practicable this stage should be completed within 30 working days of receiving the allegation.
- 7.2.2 All relevant records, materials and associated technological sources must be secured. This may include any correspondence, laboratory books, electronic communication or files, evidence of publications.
- 7.2.3 In order to establish the facts surrounding the allegation, the investigators would meet with the member(s) of staff and their line manager(s). The purpose of this meeting is to gather all factual information about the matter raised.
- 7.2.4 Following the initial collation of information a report shall be prepared which will indicate one of the following outcomes:
- (i) Sufficiently serious and sufficient evidence to justify a formal investigation (see section 7.3 below).
 - (ii) Has some substance but would be best addressed through education and training.
 - (iii) Referred directly to the line manager or Head of School for remedial action at local level.
 - (iv) Mistaken, frivolous, vexatious and/or malicious, or without substance with insufficient evidence to support it.
- 7.2.5 If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the person making the allegation. If, however, an allegation is established to have been made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual, if an employee or student, in accordance with the appropriate disciplinary procedures.
- 7.2.6 Where the allegation involves plagiarism or is complex and a clear decision cannot be taken, it may be necessary to convene a screening panel. This panel would consist of 3 persons drawn from a pre-approved pool of assessors. Where necessary, assistance may be sought from the UK Research Integrity Office, if appropriate, or another external body co-opted to provide input into the proceedings. This screening panel would consider all the evidence gathered drawing its own conclusions and determining the appropriate outcome, as listed in 7.2.4 above.
- 7.2.7 The outcome of the decision should be communicated in writing to the respondent. Where the decision has been categorised as ii, iii, or iv this should also be communicated to the complainant.
- 7.2.8 Where an informal investigation establishes that there is a substantive case to answer, the member of staff should be given clear information of the nature and level of the seriousness of the misconduct in research matter. This should be addressed under Stage Two of these Regulations.

7.3 Investigation: Stage Two – Panel Hearing

Where a substantive allegation of misconduct in research is established, except in those instances where the facts are not in dispute, the Director of Research and Enterprise should:

- 7.3.1 Formally write to the individual against whom the allegation has been received giving clear information of the nature of the complaint and providing a copy of the Regulations for information.
- 7.3.2 Establish a Hearing Panel comprised of him/herself and at least two members of senior academic staff drawn from a list of pre-approved University assessors. The list of senior staff has been established in consultation with the Deans and approved by Academic Council. The Panel should have at least one person who has expertise in a relevant area of research and none should, normally, be based in the Research Centre, School or Institute of either the individual(s) initiating the allegation or the individual(s) against whom the allegation is made. Guidance may be sought from the Pro-Vice-Chancellor for Research and Postgraduates, as necessary.
- 7.3.3 Once established the Panel will nominate a Chair at their first meeting, who should, as far as reasonably practicable, be from a different Faculty group to that of either the individual(s) initiating the allegation or the individual(s) against whom the allegation is made. The Chair should be a senior academic staff member, with sufficient previous experience and can act as the presenting officer at any disciplinary hearing, if the Investigation Panel determines that there is a substantive disciplinary case.
- 7.3.4 Collate details of funding sources (both external and internal) involved in the work under investigation, regulatory bodies, the involvement of any external/internal collaborators and other bodies that may require notification. At the appropriate point in the process, the Director of Research and Enterprise will write to notify external bodies, as required.
- 7.3.5 Where the panel constitution lacks the relevant expertise, an additional member may be invited to join the Panel, if deemed appropriate. This person would normally be drawn from outside the University and should be co-opted after due consultation with the Pro-Vice-Chancellor for Research and Postgraduates and the relevant Dean(s).
- 7.3.6 Panel members have the authority to interview persons involved in the research and request any documentation relevant to it.
- 7.3.7 Any unduly long delay in the process must be communicated to both parties involved advising them of the same.
- 7.3.8 The Panel will be serviced by a senior manager from the Directorate of Research and Enterprise who shall prepare a report on behalf of the Panel.

8. Outcome – Panel Hearing

- 8.1 Following an investigation that has considered the relevant written material and verbal information; the Panel should prepare a report giving one of the following outcomes and providing reasons:
 - 8.1.1 A substantive misconduct in research case has not been established and no further disciplinary steps should be taken.

- 8.1.2 A substantive misconduct in research case has not been established, but the integrity of the research may be compromised owing to performance or practice issues. This should be followed up by Capability Procedures or addressed through relevant structures.
- 8.1.3 A substantive misconduct in research case has been established but the complaint constitutes a minor offence which should be dealt with by way of remedial action.
- 8.1.4 A substantive misconduct in research case has been established and that the allegation is of a sufficient level of seriousness to be dealt with under University's Regulation Governing Discipline and Dismissal Pursuant to Statute XIII, Part III. In this event, the member should be informed of the seriousness of the issue and that a disciplinary hearing would be convened.
- 8.2 Where an allegation of misconduct in research has been substantiated, the Panel would consider any warnings already on the employee's file in order to establish the level of seriousness. If a warning is active on file for the same or a similar offence the matter would automatically be considered as more serious. An active warning for an unrelated offence would not automatically result in the offence in question being considered as more serious. However, where there is a series of different offences or a pattern of offences happening after the warning period has elapsed; disciplinary action may be taken on the grounds of overall conduct.
- 8.3 The appointed Senior Manager from Directorate of Research and Enterprise would, on behalf of the panel, prepare the report and any subsequent correspondence. A copy of the report and outcome of the investigation would be provided to the member, their representative and the Personnel Manager.
- 8.4 Where the Panel determines that there is a substantive misconduct in research case, the Panel Chair would be the presenting officer at a disciplinary hearing constituted under Statute XIII, Part III.
- 8.5 The Disciplinary Panel as constituted under Statute XIII, Part III should contain at least one member with sufficient, appropriate academic expertise to properly evaluate the report of the Investigation Panel, and any other issues relating to the conduct of the research that might arise. This member should have had no previous involvement in the investigation and there should be no real or perceived conflict of interest with any party to the investigation. The Disciplinary Hearing should otherwise proceed as defined under Statute XIII, Part III, Paragraph 8 and subsequent sections.

9. Appeals against Findings of Misconduct in Research Hearing Panel

- 9.1 An appeal on the decision of the Misconduct in Research Hearing Panel may be made except where the case is proceeding under the University's Regulations Governing Discipline and Dismissal pursuant to Statute xii, Part ii and where an appeal function is provided under that procedure.
- 9.2 The member of staff against whom the allegation was made should lodge an appeal in writing, addressed to the Pro-Vice Chancellor for Research and Postgraduates within 10 working days of receipt of the written notice conveying the decision of the Investigation Panel.

- 9.3 The appeal must state the grounds upon which it is made.
- 9.4 On receipt of an appeal the Pro-Vice-Chancellor for Research and Postgraduates will identify an appropriately constituted Appeal Panel, requesting the Head of Research Governance to convene the Appeal Panel. None of the members should previously have had any involvement with the case.
- 9.5 The Appellant should be notified in writing of the date of the appeal hearing, with at least 5 working days notice being given. The hearing of the appeal should normally take place within 20 working days of the receipt of the appeal. In exceptional circumstances, or by mutual agreement, this period may be extended.
- 9.6 The misconduct in research appeal hearing is not a re-hearing of the case put before the misconduct in research Panel Hearing, unless that is necessary to remedy previous defects. The appeal hearing is required to consider if the original decision was inappropriate in accordance with the specified appeal grounds. The Appeal Panel may vary the procedure outlined in Appendix 4 where it is considered appropriate to do so without unreasonably prejudicing the interests of the parties.
- 9.7 The decision of the Appeal Panel shall be final.

10. Subsequent Action

- 10.1 Following completion of the Disciplinary Procedures under Statute XIII, the University may, notify any relevant professional body, relevant funding body or other public body, the editors of any relevant journals or publishing houses that have published material by the person against whom the allegation has been upheld, or any other body which is likely to be affected by the misconduct in research in question. All such disclosure would be limited to misconduct upheld in relation to research relevant to such bodies or published by such journals or publishing houses.
- 10.2 Where the allegation has concerned someone who is not subject to the University's disciplinary procedures, the University would bring the report(s) to the attention of the appropriate employing body. In such cases, the report should be limited to detailing whether or not substantive evidence of misconduct in research was found and, if so, its seriousness.
- 10.3 The University may withdraw the honorary status in accordance with honorary titles process.
- 10.4 If the allegation has not been substantiated the University would take appropriate steps to notify all parties previously informed of the alleged misconduct in research of the outcome of the investigation or disciplinary procedure.
- 10.5 If the allegation is not substantiated and the University becomes aware that it has become public, the University would consider taking whatever action it deems appropriate to restore the good name and reputation of the respondent.

11. Outside Bodies, Staff not employed by the University

- 11.1 Where the alleged misconduct in research involves an individual not employed by the University, the appropriate authority in their employing organisation should normally be informed of the nature of an allegation and that an investigation is taking place. In such cases, the University is only empowered to investigate activities that

have occurred within its precincts or that have been undertaken on its behalf, but, if necessary, it may request that the employing organisation either co-operates in the investigation or undertakes its own investigation.

12. Clinical Academics

- 12.1 Where an allegation of Misconduct in Research relates to a Clinical Academic who is either a joint or honorary appointment with a Health and Social Care (HSC) Trust or other HSC employer, joint oversight of an investigation may be appropriate. This is only relevant where the research has involved University and hospital facilities, or patients.
- 12.2 The Director of Research and Enterprise (or nominated deputy) should discuss the issue with the Director of Research and Development for the HSC Trust (or nominated deputy) in the appropriate HSC Trust before proceeding with the investigation.
- 12.3 The Trust will be afforded representation on the Investigation Team and/or Hearing Panel and/or Appeal Panel, as necessary. In such cases the investigation would normally proceed under these Regulations.

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Examples of misconduct in research

For the purpose of these Regulations, misconduct in research covers inappropriate conduct as well as misconduct in the course of research activity that breaches the University's regulations and policies that govern research.

The following examples are intended to be illustrative rather than definitive. Misconduct in research may include; actual, planned, collusion to or incitement to undertake:

Authorship misconduct	<p>Lack of appropriate authorship for contributors to the research presented, e.g. as a journal article, conference presentation;</p> <p>Misappropriation of authorship, i.e. inclusion of authors, or claiming authorship for self, where a significant contribution to the work has not been made;</p> <p>Listing authors without their approval;</p>
Breach of duty of care	<p>Failure to keep information confidential;</p> <p>Use of material provided during review of grants/journal articles;</p>
Deception	<p>Presentation of false information to obtain advantage or facilitating misconduct in research by collusion in, or concealment of, such actions by others;</p>
Ethics	<p>Failure to acquire the required ethical consent from the appropriate Ethics Committee for research;</p>
Fraud	<p>Deliberate and unscientific manipulation of data to misrepresent the truth. This may include the fabrication of data, falsification of data and omission of data or the misuse of research funds, equipment or premises;</p>
Harm	<p>Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to humans, animals used in research; and the environment.</p>
Interference	<p>Damage to equipment or material thus hindering the progress of another's research or increasing risk to safety;</p>
Negligence	<p>To increase the risk of endangerment to health of co-workers or participants in research, e.g. through poor maintenance of equipment or non-compliance with accepted procedures or protocols;</p>
Non-compliance	<p>The failure to ensure that research involving human subjects is appropriately indemnified or that research complies with all relevant prevailing legislation and/or procedures, e.g. Health & Safety, Human Tissue Act and subsequent amendments, Data Protection Act, Clinical Trials (for Human Use) Regulations and subsequent amendments, agreed protocol, ethical approval,</p>

Regulations for Research Involving Human Participants or, Professional body code of conduct;

Omission	Deliberate omission of work of others with the intention of presenting work as an individual new discovery;
Piracy	The deliberate exploitation of work and ideas from others without permission or acknowledgement;
Plagiarism	The presentation of the work or ideas of others as own without appropriate acknowledgement;
Publication	Multiple publications – individuals should not publish multiple papers based on the same data presenting the same results; Lack of acknowledgement – papers should include acknowledgement of individuals who have contributed to the paper, but not enough to warrant authorship; Publishing data known, or believed to be false or misleading;
Suppression	Deliberate prevention of material or work of others reaching the public domain – in journal articles, grant application, or not presenting results which would impact on the findings of the research;
Victimisation	When retaliation is undertaken against an individual who has, in good faith, raised a complaint of misconduct in research.

This list is not exhaustive nor meant to be complete, but provides examples of the kinds of practices that may be considered as misconduct.

Roles and Responsibilities

It is the responsibility of all those involved in an allegation of misconduct in research to:

- (i) Ensure that the allegation and investigation details are kept confidential.
- (ii) That the identity of either the complainant(s) or the person(s) accused of misconduct in research are kept confidential.

1. Pro-Vice-Chancellor for Research and Postgraduates

- 1.1 Ensure that these Regulations are implemented appropriately.
- 1.2 Be aware of all misconduct in research allegations and keep the Vice-Chancellor apprised of any serious allegations that may present a risk to the University.
- 1.3 Provide guidance on the composition of a Panel for the Hearing in accordance with Stage Two of misconduct in research Investigation.

2. Director of Research and Enterprise

- 2.1 Keep the Registrar and Chief Operating Officer apprised of any serious allegations that may present a risk to the University.
- 2.2 Liaise when necessary with external bodies such as funding bodies, joint appointment employment organisations or other external agencies.
- 2.3 Convene a Hearing Panel, as part of Stage two of the process, ensuring that the necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the evidence.
- 2.4 Identify an appropriate member of the Directorate senior management team to service the Hearing Panel.
- 2.5 Formally close the allegation of misconduct in research file through final communication to the complainant, respondent, Line Manager and University staff as necessary.

3. Head of Research Governance

- 3.1 The Head of Research Governance should be responsible, in conjunction with the relevant senior academic, for managing the procedural requirements involved, including the initial consideration and screening of any allegation of misconduct in research.
- 3.2 It is the responsibility of the Head of Research Governance to keep the Pro-Vice-Chancellor for Research and Postgraduates, Respondent and Complainant informed of progress, especially in the event that deadlines cannot be met.
- 3.3 Correspond with the Complainant, acknowledging receipt of the allegation and informing them of the Regulations to be followed.

In conjunction with a senior member of academic staff, collate the evidence and facts surrounding the allegation, facilitating the preparation of the initial findings report.

- 3.4 He/she should provide advice on procedures, or other related issues to all individuals involved, in an even-handed manner and must not have any real or apparent bias or conflict of interest with any party.
- 3.5 He/she must be sensitive to the varied demands made on those who conduct research, those accused of misconduct, and those who report apparent misconduct in good faith.
- 3.6 In cases where there may be a conflict of interest, the Director of Research and Enterprise should nominate another suitably qualified or experienced Officer to act in place of the Head of Research Governance.
- 3.7 He/she must ensure that all relevant information is available to the appropriate persons, bearing in mind the sensitivity, relevance and confidential nature of the information being gathered.
- 3.8 The Head of Research Governance should advise those supporting the Hearing Panel to ensure there is full understanding of the procedures, relevant standards imposed by government or external funding sources that relate to the conduct of research.
- 3.9 Provide an annual report of the investigations and their outcomes to the University Research Governance Steering Group.

4. Directorate Staff – Research and Enterprise

- 4.1 If a full investigation is initiated a member of senior management within the Directorate of Research and Enterprise should be appointed service the Hearing Panel.
- 4.2 They must ensure that procedures are correctly followed and that proper records are securely and confidentially maintained for preparing reports. He/she should prepare the final report for approval by panel members.

5. Panel Hearing

It is the responsibility of Panel Members to:

- 5.1 Familiarise themselves with the misconduct in research Regulations and ensure compliance with the same.
- 5.2 Comply with the principles and procedures detailed in Appendix 3.
- 5.3 Declare any conflict of interest in the case being investigated. This must be submitted in writing to the Director of Research and Enterprise at the earliest opportunity.
- 5.4 Choose a Chair to ensure the smooth operation of Panel meetings

- 5.5 Request and review relevant documentation to assist with the decision making process.
- 5.6 Maintain good communication with the Head of Research Governance and/or relevant senior manager from Research and Enterprise, enabling them to effectively co-ordinate and report as necessary on the progress of the investigation.
- 5.7 Highlight to Academic Support staff, at the earliest opportunity, any delays in Panel business and the reasons for the same.
- 5.8 The Panel should reach a conclusion within a reasonable time-span of commencing its work, determine whether the allegation is substantiated or to be dismissed, and make recommendations on the action to be taken.
- 5.9 Contribute to and agree a finalised report that outlines the Panels' deliberations, findings and recommendations.

Principles and Procedures for the Conduct of an Investigation into a substantive Misconduct in Research Allegation

1. Establishment of an Panel Hearing

- 1.1 The University should retain a pool of assessors composed of a minimum of 15 members of academic staff, with at least 5 members drawn from each Faculty area., and contain sufficient expertise to investigate most allegations of misconduct in research that might arise.
- 1.2 The assessor pool should be reviewed every three years and agreed at a meeting of the Research and Postgraduate Committee and approved by Academic Council.
- 1.3 The assessor pool and any Panel should, as far as is reasonably practicable, reflect the diversity of the Northern Ireland community.
- 1.4 A Panel should be convened by the Director of Research and Enterprise. This should consist of the Director and two members of the aforementioned assessor pool, at least one of which should have expertise in a relevant area of research. They should not normally be from the School, Centre or Institute of either the individual(s) initiating the allegation or the individual(s) against whom the allegation is made.
- 1.5 A member should be nominated to act as the Chair, who should be, as far as is reasonably practicable, from a different Faculty to that of either the individual(s) initiating the allegation or the individual(s) against whom the allegation is made. The Chair should be a senior academic staff member, with sufficient previous experience to act as the presenting officer at a disciplinary hearing, if the Investigating Panel determines that there is a substantive disciplinary case.
- 1.6 The Panel Members must declare, in writing, that their involvement poses no real or apparent conflict of interest between any people approached to serve on an Investigation Panel and either the individual(s) initiating the allegation or the individual(s) against whom the allegation has been made.
- 1.7 An additional member external to the University may be invited to join the Panel if deemed appropriate (in particular, see 11 and 12). Additionally, in cases where there is a conflict of interest or the lack of relevant that expertise results in difficulties in forming an Investigation Panel from the assessor pool, other members of University staff may be co-opted after due consultation with the Pro-Vice-Chancellor for Research and Postgraduates, Director of Research and Enterprise and the relevant Dean(s).
- 1.8 The names of the Panel members should be made known to individual(s) against whom the allegation has been made.

2. Investigation Principles

Investigations undertaken by the University to determine whether misconduct in research has occurred are based on the following principles:

- 2.1 Independence: there should be no conflict of interest between those conducting the investigation and either the person(s) instigating the allegation or the individual(s) alleged to have undertaken misconduct.
- 2.2 Presumption of innocence: a public presumption of innocence should be maintained until the investigation is completed.
- 2.3 Protection: under the University's Code on Whistleblowing, individuals have the right to raise issues of misconduct in research (provided these are raised in good faith), and must be afforded protection in doing so and after the conclusion of any investigation. Equally, those alleged to be involved in misconduct must be protected against false accusations and, if the allegation has been made public, the University should take whatever action it deems appropriate to restore their good name and reputation.
- 2.4 Confidentiality: all proceedings and information must be kept confidential during the course of any investigation and following completion. Anyone being made privy to the matter of the investigation or to related documentation must be made aware of their responsibility to maintain confidentiality
- 2.5 Transparency: individuals involved in the process must be fully informed of the procedures that should be followed and their rights and responsibilities within them. They must also be fully informed of the membership of an investigation or Appeal Panel.
- 2.6 Co-operation: full co-operation with any investigation of misconduct is required. Individuals should provide all information and material requested within a reasonable time.
- 2.7 Record-keeping: at each stage full and accurate records must be kept and agreed where possible; where this is not possible, differences should be accurately reported.
- 2.8 Timeframe of investigation: any allegation should be investigated as quickly as possible without compromising the principles and procedures. However, the Panel should aim to complete its investigation and report within 60 days of being convened. Allowances may have to be made for normal holiday periods. Any deviation from the normal time frame should be fully recorded and the Director of Research and Enterprise apprised of the same.
- 2.9 Completion: once an allegation of misconduct in research has been received it must be investigated even if the individual(s) concerned resigns from the University, or ends their association with the University.

3. Process

- 3.1 An allegation, other than one that is dealt with under Stage One, should be subject to a formal misconduct in research Panel Hearing. The Director of Research and Enterprise should arrange for the investigation to be undertaken and should inform the Personnel Manager of this in writing.

3.2 The Panel should seek to ascertain the circumstances leading up to and surrounding the alleged misconduct and this investigation process should vary from case to case.

3.3 If there is a substantive case to answer the Panel should make recommendations on the action to be taken.

4. Conduct of the Hearing

4.1 The detailed conduct of each Investigation should be dependent on the particular nature of each case, but the following general procedure should be followed:

4.2 For the first meeting of the Hearing Panel, the Investigatory Team shall prepare a report, detailing the allegations and any related issues that may have been identified. The first meeting of the Hearing Panel should take place within 30 working days of the initial investigation being completed.

4.3 The Panel should examine all the evidence that has been collated as part of the investigation.

4.4 The Panel retains the right to interview the individual concerned and any other parties it chooses, including the complainant and any other individuals who may have information regarding aspects of the allegation.

4.5 A member may be represented or accompanied by a trade union representative or University colleague at any meeting held as part of this procedure. He/she should be informed of this right and may postpone the meeting for up to 5 working days in order to obtain representation.

4.6 In the course of the investigation statements may be taken. Those providing oral statements should have the opportunity to confirm that the record of their statement is accurate.

4.7 The Panel may determine that additional experts need to be consulted during the investigation, to provide special expertise regarding the analysis of specific evidence. Any such expert should be independent of any party involved in the investigation. They should be free to put questions forward during an interview and to take part in the discussion of the case, but not to vote in any decision.

4.8 The need for confidentiality must be made clear to all individuals involved. Where the name(s) of the complainant(s) of the allegation is to be made known to the individual(s) against whom the allegation was made, the complainant(s) must be informed of this prior to their name being released.

4.9 The Panel Hearing should normally be completed within 30 working days, from the decision to initiate the Hearing to the stage where a draft report is completed. Where it becomes evident that a further period of time is required, the reasons for this should be documented and all those involved informed.

4.10 In cases where there are two or more individuals alleged to have been involved in misconduct in research, an overarching report should be prepared detailing the Panel's findings relating to the general issues involved. Separate reports should also be prepared for each individual involved, detailing the findings related to their role and any disciplinary outcome as in paragraph 7.

- 4.11 The draft report should be sent to the individual(s) against whom the allegation was made for comment. In cases where two or more individuals are involved, each individual should receive a copy of the overarching report and the report relating to their role. Comments must be submitted in writing within 15 working days, and should be attached as an addendum to the report.
- 4.12 The complainant(s) of the allegation may, if deemed appropriate, be provided with those portions of the report that addresses their role and opinions in the investigation. Comments must be submitted in writing within 15 working days, and should be attached as an addendum to the report.
- 4.13 The final report should be modified in the light of comments received, if deemed appropriate, within 10 working days of such comments being received.

Appeal Panel Procedures

1. The appeal hearing is not a re-hearing, unless it is necessary to remedy previous defects. The appeal hearing is required to consider if the original decision was inappropriate on the grounds of the appeal specified.
2. Witnesses may be called only with the Appeal Panel's permission and may be examined and cross examined by the parties. The Appeal Panel may vary the procedure outlined below where it is considered appropriate to do so without unreasonably prejudicing the interests of the parties.
4. The procedure should be as follows:
 - 4.1 The member of staff or their representative should make submissions.
 - 4.2 The Appeal Panel may question the member of staff and their representative.
 - 4.3 The presenting officer for the Investigation Panel should make submissions.
 - 4.4 The Appeal Panel may then question the presenting officer for the Investigation Panel.
 - 4.5 The member of staff or their representative should have the opportunity to make final submissions.
 - 4.6 The presenting officer for the disciplinary tribunal should have the opportunity to make final submissions.
 - 4.7 The parties should be invited to withdraw before the Appeal Panel considers its decision.
5. The member of staff should attend the appeal hearing, but the hearing may proceed in their absence where the Appeal Panel considers that such absence is unreasonable in the circumstances.
6. The Appeal Panel may confirm, set aside, or reduce, any sanction imposed by the disciplinary tribunal.
7. Where the decision confirms the decision of the disciplinary tribunal, any sanction imposed should take effect from the date of the disciplinary tribunal's decision.
8. Where the decision involves a variation of the disciplinary action, the Appeal Panel should state the operative date.
9. The Director of Research and Enterprise, on behalf of the Appeal Panel, should give a reasoned decision in writing to the member of staff against whom the allegation has been made within 5 working days of the appeal hearing ending.

The decision of the Appeal Panel will be final.

Misconduct in Research (MiR): Procedural Flowchart



