

## UNIVERSITY OF BEDFORDSHIRE

### RESEARCH ETHICS COMMITTEE

#### Ethical Procedures, Good Research Practice & Research Misconduct

**Researchers** are responsible for ensuring the following

- *Integrity* that the research has been carried out in a rigorous and professional manner
- *Plagiarism* that proper acknowledgement has been given regarding the origin of data and ideas
- *Conflicts of Interest* that any financial or professional conflicts of interest have been properly declared
- *Data Handling* that there has been effective record keeping, proper storage with regards to confidentiality and data protection
- *Ethical Procedures* that proper consideration has been given to these and appropriate approval sought; should conform to professional codes of conduct where appropriate
- *Supervision* effective management and supervision of staff for whom they are responsible
- *Health and Safety* that proper training has been provided and assessment of health and safety issues has been undertaken and appropriate action identified

The **Research Institutes** are responsible for overseeing Ethical Procedures and Good Research Practice for research by staff and research students at a discipline level. It is anticipated that most ethical approval will be granted at Institute level. Disciplines will be best placed to give guidance and approval on ethical procedures and ensure that they conform to the requirements of the relevant professional bodies. Each Research Institute is required to provide the University Research Ethics Committee with details of its procedures for ensuring adherence to relevant ethical requirements. Research proposals involving vulnerable groups; sensitive topics; groups requiring gatekeeper permission; deception or without full informed consent; use of personal/confidential information; subjects in stress, anxiety, humiliation or intrusive interventions must be referred to the University Research Ethics Committee.

The **Faculties** are responsible for ensuring ethical scrutiny of research projects involving undergraduate and postgraduate taught students. It is anticipated that most ethical approval will be granted at Faculty level. Each Faculty is required to provide the University Research Ethics Committee with details of its procedures for ensuring adherence to relevant ethical requirements. Research proposals involving vulnerable groups; sensitive topics; groups requiring gatekeeper permission; deception or without full informed consent; use of personal/confidential information; subjects in stress, anxiety, humiliation or intrusive interventions (protocols not previously approved) must be referred to the University Research Ethics Committee.

Research projects involving participants in the NHS will be submitted through the NHS research ethics committee structure, the Central Office for Research Ethics Committees (COREC). The University Research Ethics Committee will normally accept the judgement of COREC (it will never approve a proposal that has been rejected by COREC).

Where work is conducted in collaboration with other institutions ethical approval by the University will still be required.

The **University Research Ethics Committee** is a sub-committee of the Academic Board and is chaired by the Pro Vice Chancellor (Research & Enterprise) and includes members external to the University

**Research Misconduct:** Allegations of Research Misconduct should be made to the Head of the Research Graduate School. For procedures see “Rules for investigating and resolving allegations of misconduct in Academic Research by members of staff and research students” set out in the Annex.

5 September 2011

**ANNEX:**

**“Rules for investigating and resolving allegations of misconduct in Academic Research by members of staff and research students”**

# UNIVERSITY OF BEDFORDSHIRE

## **Rules for investigating and resolving allegations of misconduct in Academic Research by members of staff and research students**

*These Rules are supplemental to the Disciplinary Procedures applicable to members of staff (and Student Code of Conduct for research students) and the Policy and Procedure on Public Interest Disclosure.*

# **Rules for investigating and resolving allegations of misconduct in Academic Research by members of staff and research students**

## ***Outline of the Rules.***

1. Any allegations in writing of academic misconduct in research shall be referred to the Head of the Research Graduate School ('the Head RGS') who shall, after consultation with the relevant Dean of Faculty and/or Director of Research Institute, appoint one or more senior members of staff ('the Screener(s)') to carry out a preliminary investigation. The relevant Director of Research Institute shall provide the Head RGS with all information required to investigate the allegation.
2. At any time following receipt of an allegation of misconduct, the Head RGS (after consultation with the Dean of Faculty and/or Director of Research Institute) may require that the research in question be suspended pending a preliminary or formal investigation or the completion of proceedings under these Rules.
3. The Screening Panel shall investigate and report back to the Head RGS whether they consider there is a prima facie case to answer and recommend the action to be taken.
4. If it is decided that there is insufficient evidence or no basis to warrant a formal investigation, the Head RGS shall inform the Complainant (and other relevant parties) accordingly.
5. If it is recommended that a formal investigation is necessary, the Head RGS shall consult with the Pro Vice Chancellor and recommend that an Investigating Panel be appointed to consider the allegations of misconduct.
6. The Panel will consist of 3 members. Following a Hearing into the allegation and the evidence, the Panel shall report to the Vice Chancellor with its findings and recommendations regarding what action, disciplinary or otherwise, should be taken.
7. The Vice Chancellor (or his/her nominee) shall decide what disciplinary or other action (if any) shall be taken.

# Rules for investigating and resolving allegations of misconduct by members of staff and research students in academic research

*These Rules are supplemental to the Disciplinary Procedures applicable to members of staff (and Student Code of Conduct for research students) and the Policy and Procedure on Public Interest Disclosure.*

## 1. Introduction

The University of Bedfordshire is committed to maintaining the integrity and probity of academic research to the highest standards. To this end the University regards it as fundamental that the conduct of research must conform to good academic practice, and that the dissemination of the results of research must be truthful and fair, and has accordingly adopted the following Rules for the investigation and resolution of any allegations of misconduct in research by academic staff or research students. These rules have been drawn up with reference to *Procedure for the Investigation of Misconduct in Research* (UK Research Integrity Office 2008)

All members of the University are under a general obligation to act in a professional and ethical manner, and to preserve and protect the integrity and probity of research; in particular, if a member has good reason to suspect any misconduct in research, he/she should report their suspicions as prescribed below.

Nonetheless, members of the University should bear in mind that any allegation of academic impropriety is serious and potentially defamatory, and could lead to the threat (or even the instigation) of legal proceedings. It is in that context that these Rules contain provision for the preliminary screening of allegations, and lay stress on the principles of confidentiality, natural justice, and no-detriment.

The Rules also seek to ensure that no one making an allegation in good faith of misconduct in research is penalized for having made the allegation.

1.1 These Rules set out a framework for the investigation and resolution of allegations of misconduct in academic research made against members of staff and research students of the University.

'Misconduct' may include in particular (but is not limited to):

- (a) **fraud**: defined as deliberate deception (which may include the invention or fabrication of data).
- (b) **misrepresentation**: defined as deliberate attempt to represent falsely or unfairly the ideas or work of others, whether or not for personal gain or enhancement;
- (c) **piracy**: defined as the deliberate exploitation of ideas or Intellectual Property Rights from others without proper acknowledgement or recognition;
- (d) **plagiarism**: defined as the deliberate and unacknowledged use of material taken from the work, published or unpublished, of another, including copying or misappropriation of ideas (or their expression), text, software or data (or some combination thereof);
- (e) **failure to comply with good academic practice**, e.g. not following a relevant Research Council Code of Practice.

1.2. The Head of the Research Graduate School (Head RGS) is accountable to the Pro Vice Chancellor for the application of these Rules, and for the provision of any

necessary secretarial or administrative support for action being taken under the Rules.

## **2. Principles.**

2.1 The University is committed to ensuring that all allegations of misconduct in academic research are investigated as fully, fairly and expeditiously as possible.

2.2 Whilst committed to ensuring that any allegation of misconduct is investigated thoroughly, the University recognizes that it should also protect researchers from mischievous, frivolous and malicious or reckless allegations, and from allegations which are wholly without substance. Before any allegations are formally investigated, they will therefore be subject to preliminary screening, as set out in these Rules.

2.3 The investigation of allegations of misconduct will be carried out in accordance with the following principles:

- (a) that any person subject to screening of or formal investigation concerning allegations of misconduct shall be given details of the allegations in writing, and shall be afforded every reasonable opportunity to respond orally or in writing to the allegations and to produce evidence in his or her defence;
- (b) that any party to any proceedings under these Rules may be advised and accompanied by a friend (being another member of the University community) when interviewed at any stage of the procedure;
- (c) no person may act both as a screener and as a member of an Investigating Panel;
- (d) any screener or member of an Investigating Panel must disclose any personal interest in the matter under investigation;

2.4 Enquiries into any allegations shall be thorough and objective; those asked to undertake such enquiries are under an obligation to ensure that their enquiries are sufficiently full as to allow them to reach well-founded conclusions on the matters they are considering, and that they pursue their enquiries fairly and without bias.

2.5 The principle of no-detriment shall apply to the screening or investigation of allegations, which is to say that neither the person making the allegations ('the Complainant') nor the person against whom the allegations are made ('the Respondent') should suffer solely as a result of the allegations having been made in good faith. In particular, the Head RGS, and those responsible for screening and investigating the allegations shall take all reasonable measures to ensure:

- (a) that the Complainant is not victimized for having made the allegations in good faith;
- (b) that the Respondent shall not suffer any loss of reputation or other loss unless and until the allegations in question are upheld and any disciplinary proceedings related thereto have been concluded.

2.6 Appropriate action shall be taken against any person against whom an allegation of misconduct has been upheld in accordance with these Rules; and disciplinary action will be taken against any member of the University who is found to have made a malicious frivolous or reckless allegation.

2.7 So far as is practicable, the screening or formal investigation of any allegations shall be carried out in accordance with the principle of confidentiality, in order to protect the interests both of the Complainant and of the Respondent. Subject to Rule 2.12 below, this principle means in particular that the Head RGS and those responsible for screening any allegations, shall take all reasonable measures to ensure that:

- (a) the identity of the Complainant is not disclosed to the Respondent; and
- (b) neither the identity of the Complainant nor the identity of the Respondent is made known to any third party, except so far as may be deemed necessary for the purpose of carrying out a full and fair investigation.

2.8 Similarly, the Complainant, the Respondent, any witness or other parties to a case,

should not make any statements about the case whether orally or in writing to any third party while the allegations in question are being screened or investigated or are subject to an appeal.

2.9 The principle of confidentiality shall also be taken to mean that, in the event of the University or any of its officers or employees being asked to provide a reference for the Respondent (whether in respect of employment, a research grant or otherwise) during the screening process, then no mention shall be made in the reference to the allegations being investigated. However, mention may be made of allegations, and of the steps being taken formally to consider these allegations, in any reference requested while the allegations are undergoing a Formal Investigation and Hearing, or are the subject of an appeal.

2.10 All proceedings under these Rules will be undertaken with due expedition. Any screening or investigation will be carried out as quickly as is consistent with such proceedings being thorough and fair.

2.11 In accordance with the principle of integrity, appropriate confidential records will be maintained by the Head RGS of all stages of any proceedings under these Rules. At the conclusion of the proceedings, all such records will be retained by the Head RGS for such period as he or she deems necessary.

2.12 It is acknowledged that there may be occasions when a balance has to be struck between some of the principles enumerated in Rule 2.7 above: for example, it may in particular prove to be impracticable to undertake a thorough investigation without disclosing the identity of the Complainant\* to the Respondent or to a third party. Any such conflict shall be referred to the Head RGS who shall make a decision, after consultation with the University Secretary, on the basis that the overriding objective of any proceedings under these Rules is to seek the truth.

(\* The Complainant may alternatively invoke the University's whistle blowing policy if appropriate see: <http://in.beds.ac.uk/secretariat>)

### **3. Procedures.**

#### **3.1 Outline Procedure**

An allegation of misconduct is made to the Head of Research Graduate School. This should be a formal written and signed submission made in confidence by the complainant. The principle of no-detriment shall apply to the screening or investigation of allegations, which is to say that neither the person making the allegations ('the Complainant') nor the person against whom the allegations are made ('the Respondent') should suffer solely as a result of the allegations having been made in good faith. In particular, the Head RGS, and those responsible for screening and investigating the allegations shall take all reasonable measures to ensure:

- (a) that the Complainant is not victimised for having made the allegations in good faith;
- (b) that the Respondent shall not suffer any loss of reputation or other loss unless and until the allegations in question are upheld and any disciplinary proceedings related thereto have been concluded.

#### **3.2 Preliminary Consideration Stage**

The Head RGS will consult with a senior member of staff, normally the appropriate Academic Dean and/or Director of Research Institute, to establish if there is sufficient basis for investigation. Clearly mistaken, frivolous, vexatious and/or malicious allegations are likely to be eliminated at this stage. If the Head RGS considers that the circumstances require immediate action he/she may require the research in question to be suspended pending completion of the Proceedings. If the case has substance in that at this point it is not considered that the allegation is mistaken, vexatious and/or malicious then it will progress to the Screening Stage.

### **3.3 Screening Stage**

3.3.1 A Screening Panel (normally a senior member of academic staff and a member of the Registry to act as officer) will be convened by the Head RGS to determine whether there is prima facie evidence of misconduct in research. The Screening Panel will:

- Conduct an assessment of the evidence including interviewing the Respondent and Complainant and other relevant persons
- Maintain a record of evidence and conclusions reached
- Produce a final report to be submitted to the Head RGS

3.3.2 The Report should determine whether:

- The allegation is sufficiently serious and has sufficient substance to justify a formal investigation
- The allegation has some substance but due to a lack of intent to deceive or due to their relatively minor nature, should be addressed through guidance and training or other non-disciplinary approach rather than requiring a Formal Investigation
- The allegation is mistaken, frivolous or vexatious. No action required with regard to respondent

### **3.4 Formal Investigation Stage**

3.4.1 The Investigation Panel will consist of a Chair (normally the Pro Vice Chancellor for Research and Enterprise) and two senior members of academic staff (but must not include the member of staff from the Screening Panel) and a member of Registry to act as officer.

3.4.2 The Head RGS will inform the Respondent, in writing, of the Hearing and shall invite him/her to respond in writing to the allegations, normally within a period of two weeks. The respondent will be given at least five working days notice of the date and time fixed for the hearing and may be accompanied by a friend/union representative (who must be a member of the University).

3.4.3 The Panel may call for written and/or oral evidence from those staff or students who have been involved in the matter, and also, where it considers it necessary, from such external persons with relevant expert evidence as it may think fit.

3.4.4 Following the Hearing and once it has reached a conclusion the Panel shall issue a report in writing of its Findings to the Vice Chancellor, indicating whether or not it finds the allegations proven, in whole or in part, and giving reasons for its conclusion.

3.4.5 The Panel will make recommendations that may include:

- That appropriate disciplinary action be taken against the Respondent
- That the Panel's findings be conveyed to any relevant professional body, relevant grant awarding body, or any other relevant public body, and the editors of any journals which have published articles (relevant to the Findings) by the Respondent.
- The revoking of any degree or other qualification which had been obtained, in whole or in part, through proven misconduct in research.

3.4.6 The decision of the Vice Chancellor on the action to be taken shall be notified in writing to the Respondent and the Complainant, the Head RGS, the Dean of Faculty, and other relevant persons, within 14 days of receipt of the Panel's Report. Save as provided for in case of request for a Review, the Vice Chancellor's decision shall be final.

3.4.7 The Respondent shall have a right to request a Review of the Findings of the Panel on the grounds that:

- fresh evidence is available which is relevant to the case and which was, for valid reasons, not available at the Hearing,
- there has been an administrative or procedural error or other material irregularity in the application of these Rules.

3.4.8 Such a request for review is to be lodged with the University Secretary within 21 days of the notification of the Findings of the Panel to the Respondent. If the University Secretary, after consultation with the Academic Registrar, decides that a prima facie case for a Review exists, he/she shall so inform the Vice Chancellor who may reconvene the Panel to consider the fresh evidence, or take such other action as he/she may consider appropriate in the circumstances to resolve the matter.

3.4.9 Appeals against any disciplinary action taken against the Respondent following the Hearing shall be dealt with under the appropriate disciplinary procedures.

Andrew Slade  
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