Department: Research

RESEARCH MISCONDUCT POLICY

Policy & protocol for dealing with allegations of misconduct in academic research

Introduction

This document constitutes Leeds Trinity University's policy on, and procedures for, the investigation of allegations of research and knowledge exchange misconduct made against postgraduate researchers and staff. Separate procedures apply for students categorised as taught degree students (I.e., undergraduate and postgraduate taught) via the "Student Academic and Professional Misconduct Policy and Procedure."

Leeds Trinity University is committed to maintaining the highest standards of academic integrity regarding conduct of academic research and knowledge exchange activities and ensuring that the conduct of such work and the dissemination of findings are honest and fair. Consequently, if any student, member of staff, or external party has good reason to suspect any misconduct in research or knowledge exchange, they should report their suspicions using the process outlined below. However, persons making such allegations should also be aware that that a claim of academic impropriety is very serious and potentially defamatory, and so could lead to the threat of legal proceedings. Therefore, this policy, which applies to individuals who are either academic staff members or postgraduate researchers sits alongside Leeds Trinity University's Whistleblowing Policy and seeks to ensure that any investigations are conducted promptly whilst maintaining confidentiality, fairness, natural justice and freedom from any victimisation. In the case of staff members or postgraduate researchers who are also currently, or have been (when the claimed misconduct took place), taught degree students, the Chair of the University Research Ethics and Integrity Sub-Committee will consider whether the allegation relates solely to research of knowledge exchange activities undertaken by that person as a member of staff or postgraduate researcher rather than as a taught degree student. In the case of the latter, the allegation will be considered under the University's Student Academic and Professional Misconduct Policy and Procedure.

1. Definition of Misconduct in Research.

The context of what constitutes research or knowledge exchange misconduct and the principles which guide the operation of these procedures are set out below. 'Misconduct' is taken to include (but is not limited to) the following:

a. piracy, i.e. deliberate exploitation of ideas of others without proper acknowledgement;

b. **deliberate plagiarism**, i.e. copying of ideas, text, data or other work (or any combination thereof) without permission and due acknowledgement;
c. **misrepresentation**, i.e. a deliberate attempt to represent falsely or unfairly the ideas or work of others, whether or not for personal gain or enhancement;
d. **fraud**, i.e. deliberate deception, e.g. the invention, fabrication or dishonest manipulation of data.
e. **unethical conduct,** i.e. deliberate breach of ethical approval granted for the research or conduct of research without ethical approval Research Ethics and Integrity Policy .

2. Procedure for Investigation

The procedures for investigating allegations of research misconduct comprise of four stages:

- Informal Stage: Situations that are not considered to be serious in nature and may be able to be resolved by informal action
- Receipt of a formal allegation
- Initial Assessment Stage: The purpose of which is to determine whether the allegation falls within the definition of research or knowledge exchange misconduct on the basis of the available information or whether it may be appropriate to deal with the allegation in an alternative manner; and
- Formal Investigation Stage: Decisions as to whether the allegation should be upheld or not and whether any further action is needed.

Until such time as the allegation of misconduct has been resolved, the postgraduate researcher or staff member should continue to engage with their role, unless otherwise advised. The following instances of alleged misconduct must be handled via a formal allegation:

- Where the alleged misconduct occurs in a postgraduate research degree thesis submitted for examination or in the final version of the thesis deposited with the University
- Where it appears in published work or in work submitted for publication, whether or not the work appears before or after the final examination or assessment for the degree concerned.

Informal stage

In considering whether a formal allegation of research misconduct should be made, the originator of the claim (defined as the person(s) making an allegation of research or knowledge exchange misconduct) should consider initially whether it might be more appropriate to deal with the allegation:

- Through informal resolution if the alleged misconduct is considered to be of a minor nature, and is of a level where it is feasible to correct the error; or
- By means of alternative procedures that would resolve the matter.

In all instances and where possible, originators of the claim are encouraged to seek an informal resolution of the matter before beginning formal procedures. Informal explorations of possible ways in which a matter may be resolved will not prejudice the consideration of a later formal investigation. Consideration should also be given as to whether guidance or training might be an appropriate and effective method of addressing the issue raised while preventing future occurrences of such issues.

Faculty/Institute Research Ethics and Integrity Committee Chairs and/or Postgraduate Research Directors can provide confidential advice on concerns relating to research and knowledge exchange ethics and integrity to help establish whether a formal report or investigation under this policy and procedure might be required. If necessary, the Chair of the University Research Ethics and Integrity Sub-Committee may also be consulted for further confidential advice.

Receipt of a formal allegation

Any allegation of research or knowledge exchange misconduct must be made in writing to the Leeds Trinity University Research and Knowledge Exchange Manager or nominated other. Before any inquiries are instigated, the originator of the claim shall be required to submit a detailed statement of all evidence that supports the allegation that includes a complete record of all incidences of alleged misconduct of which he or she is aware. The originator shall be assured that their anonymity will be preserved so far as is reasonably practicable for the conduct of an investigation. In circumstances where the Research and Knowledge Exchange Manager is also the subject, or the originator of the claim, the allegation should be made to the Chair of the University Research Ethics and Integrity Sub-Committee who will appoint an alternative suitable senior person to undertake the roles of the Research and Knowledge Exchange Manager listed herein. In the event that the Research and Knowledge Exchange Manager deems a conflict of interest to exist throughout the process listed herein, alternative staff of equivalent seniority will undertake the roles identified. If confidential advice is required from experts in the relevant subject areas, that may be sought.

On receipt of the written complaint, the Research and Knowledge Exchange Manager will:

- Ascertain whether the person who is subject to the claim is (or was at the time of the allegation) a staff, postgraduate researcher or student member of the LTU community and subsequently inform the Director of Postgraduate Research (where postgraduate researchers are the subject of a claim) or the Chair of the University Research Ethics and Integrity Sub-Committee (for staff members subjected to a claim)

- Formally acknowledge the receipt of the allegation to the originator of the claim and advise them of the procedure that will be followed, within 10 working days of the allegation's receipt
- Inform the individual who the claim has been made against that an allegation of research or knowledge exchange misconduct has been made which involves them, within 10 working days of receipt of the allegation, taking care not to disclose the identity of the originator of the claim
- Consider whether immediate action is required, for example in the interests of health and safety and/or of safeguarding evidence or protecting personal data.

In case of sufficient seriousness, the Research and Knowledge Exchange Manager may, in consultation with relevant others (e.g., Chair of the University Research Ethics and Integrity Sub-Committee, Director of Human Resources, Deputy Vice Chancellor), consider if subsequent action is needed against the individual who the claim is against, without prejudice, pending the outcome of further inquiries. Confidential administrative support will be provided to support such processes. All records and related evidence will be kept confidential.

Initial Assessment Stage

The Chair of the University Research Ethics and Integrity Sub-Committee will conduct an initial assessment of the allegations to determine their legitimacy by considering whether they are mistaken, frivolous, vexatious and/or malicious and to ensure that they relate to matters which fall within the definitions of misconduct. Consideration of whether the case could be resolved informally or through an alternative University procedure will also occur. Following the initial assessment, the Chair of the University Research Ethics and Integrity Sub-Committee may determine that:

- No case for further consideration exists,
- The allegations are not sufficiently serious enough to merit consideration formally and should be addressed informally,
- Referral to the formal investigation stage is necessary

The originator of the claim and the person it is made against will be informed in writing of the outcome of the initial assessment, whether further informal action will be undertaken, or whether the allegation is being referred for formal investigation. If the project that the claim related to is funded by, or involves, an external sponsor, including one of the UK Research Councils, the Chair of the University Research Ethics and Integrity Sub-Committee will consult the terms and conditions of the sponsor and if necessary, consider reporting to the sponsor concerned.

If further steps are deemed necessary for the purposes of securing all relevant information and evidence, the Chair of the University Research Ethics and Integrity Sub-Committee will consider this. If appropriate, establishing whether any outputs based on the project of concern have been published or submitted for review, will be considered.

Formal Investigation Stage

Where the Chair of the University Research Ethics and Integrity Sub-Committee Chair determines that the allegation meets the definition of research or knowledge exchange misconduct, they will investigate to determine whether there is a case to be answered and to assemble the detailed evidence. The Chair of the University Research Ethics and Integrity Sub-Committee Chair may (at their discretion) appoint a panel consisting of member(s) of staff with appropriate experience. In appointing the panel, it must be ensured that there will be no conflict of interest and their identities will at no stage be disclosed to any parties to the proceedings in question. The panel may then determine its own detailed procedure as necessary to ensure thorough investigation of the claims made. For example, both the respondent and the originator may be asked to produce further relevant documentary evidence (e.g., laboratory notebooks, papers, statements by witnesses, computer records, etc.); the parties may be interviewed, or third-party statements from witnesses may be requested.

3. Findings of the Investigation Panel

Following the investigation, the Chair of the University Research Ethics and Integrity Sub-Committee will consider the allegation and the evidence collected and determine whether:

- There is no evidence to support the allegation and that it should be dismissed. The Chair of the University Research Ethics and Integrity Sub-Committee will inform the originator of the claim, and where necessary the subject of the claim, of the outcome of the investigation and of their decision. If the investigation judges that the allegation was of malicious intent from an internal colleague or student, then it is open for them to instigate appropriate action under Leeds Trinity University's disciplinary procedures.
- The evidence supports some elements of the allegation whilst others are not substantiated
- The evidence supports the allegation to the extent that in the judgement of the Chair of the University Research Ethics and Integrity Sub-Committee that the allegation, on the balance of probabilities, should be upheld.

The Chair of the University Research Ethics and Integrity Sub-Committee will not conclude the decision-making stages mentioned above until the investigation has included the presentation of the allegation to the individual that the claim is being made against and considered any response from them to the allegation. A period of no more than 15 working days will be allowed for receipt of this response.

Once the investigation has reached a final conclusion, the Chair of the University and Research Ethics Integrity Sub-Committee shall report in writing to the Deputy Vice-Chancellor, copied to the Director of Human Resources, indicating whether or not it finds the allegation proven, in whole or in part, and giving reasons for its conclusion. It shall uphold an allegation only if it finds it proven on the balance of probabilities. It shall be open to the investigating colleagues/panel to make any recommendations as it sees fit to rectify any misconduct it has found and to preserve the academic probity of the University.

Following receipt of the allegation by the Chair of the University Research Ethics and Integrity Sub-Committee, the procedures above will be completed as quickly as possible and normally within 40 working days.

Any appeal by either the originator or subject of the claim against the findings or procedures of the investigation must be addressed to the Deputy Vice-Chancellor, and normally lodged within seven days of the findings being released. The Deputy Vice-Chancellor shall then refer the appeal to a senior officer of his or her choosing (one who has not previously had any role in the case); and that person may take such action as he or she deems necessary including, in exceptional circumstances, the instigation of a *de novo* investigation.

4. Subsequent Action

If the panel finds the allegation proven, in whole or in part, the Deputy Vice-Chancellor shall consult with the Vice Chancellor and the Director of Human Resources to jointly determine what action needs to be taken. Such action, depending on how serious the misconduct is considered to be, may include:

i. conveying the investigation's findings or the admission of the allegation to any relevant professional body, and relevant grant-awarding bodies, and the editors of any journals which have published articles by the person against whom the allegation has been upheld or who has admitted the allegation;
ii. revocation of any degree or other qualification which has been obtained, in whole or in part, through the proven or admitted misconduct in research;
iii. instigating formal disciplinary proceedings, under the Leeds Trinity University's disciplinary procedures (published within the staff handbooks, available on the HR site at Lecturing staff handbook within the intranet), against the individual against whom the allegation has been upheld or who has admitted the allegation.