

City, University of London

Procedure for investigating allegations of misconduct in research

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1. Introduction

- 1.1 City, University of London is committed to maintaining the highest standards in its research, by both its staff and students. To this end, City has developed a Code for Good Practice in Research as it is important that safeguards are in place to ensure the quality of research carried out by its staff and students from initial conception through to publication and other forms of dissemination into society and that the highest professional standards are upheld throughout.
- 1.2 Allegations of misconduct are rare but City is committed to using transparent, robust and fair processes to ensure that any such allegations are investigated. The processes should be proportional, impartial, timely and confidential.
- 1.3 This document outlines City's procedure for investigating allegations of breaches of good practice and/or misconduct in research. It has been designed to ensure that City protects those who have made a complaint in good faith, and in particular where the case is dismissed. Likewise, to ensure that City protects accused staff and postgraduate research students in cases where allegations are subsequently dismissed.
- 1.4 This Procedure follows the guidance provided by the UK Research Integrity Office model and some elements of this Procedure have been taken directly from it. It is designed to be consistent with other institutional policies and procedures and is aligned with City's [Disciplinary](#), [Capability](#) and [Dismissal](#) Procedures for staff, [Student Disciplinary Procedure](#) for postgraduate research student, and is additional to the [Public Interest Disclosure Whistle Blowing Procedure](#).
- 1.5 Research Councils and other funding bodies will take seriously any instances of breaches of good practice and/or misconduct. It is a standard expectation of funders that universities will have in place an explicit policy for preventing, and where necessary taking action upon, any misconduct. City will apply its Procedure to any allegation whether or not the research has been funded by an external source, and will also comply with any reporting requirements of funding bodies in the course of externally-funded research.
- 1.6 The procedure has been approved by the appropriate institutional bodies and will be reviewed biennially and updated as appropriate.

- 1.7 The annual report on research integrity to Council will include information on incidents of breaches of good practice and research misconduct, including dismissed allegations.

2. Scope

- 2.1 All members of staff at City are expected to ensure that they, and others for whom they have responsibility, understand and adhere to the highest possible standards of research practice that could reasonably be expected of them.
- 2.2 This Procedure will be initiated to investigate allegations of misconduct relating to the following categories:
- members of staff;
 - postgraduate research students;
 - independent contractors or consultants;
 - persons with visiting (including persons or postgraduate students coming to City for a period to work with a member of staff), honorary or emeritus status; and
 - members of staff on a joint clinical or honorary contract.
- 2.3 Where appropriate the investigation will be undertaken in conjunction with external organisations, e.g. NHS Trusts for individuals with joint clinical contracts. In cases where an individual is employed by another organisation (e.g. collaborators) City will assist the organisation in question as appropriate with their investigation but will normally not undertake the investigation.
- 2.4 Allegations of research misconduct in undergraduate and taught postgraduate student research, should be investigated under the relevant student ordinances [Academic Integrity and Misconduct Policy & Guidance](#).
- 2.5 Where a complaint is a minor disagreement / misunderstanding between colleagues, this should initially be considered under an informal process to investigate if a resolution can be found. This process will be dealt with locally in the School by the Associate Dean for Research & Enterprise or Head of Department. Any complaints considered under this informal approach must be recorded, including the issues and the outcome, and the record submitted to the Research Integrity Manager in the Research & Enterprise Directorate for monitoring purposes.
- 2.6 It should be noted that, this procedure does not cover alleged misconduct unrelated to the research. Such allegations will be referred to other institutional processes.
- 2.7 Depending upon the outcome of an investigation under this procedure, other relevant formal procedures may be initiated including, for example, City's Disciplinary or Capability Procedures. In such cases information or findings of the investigation may be used in whole or in part to form the investigation element of such procedures.

3. Definitions

- 3.1 City defines misconduct in this context as behaviour that represents a serious breach of good practice in research conduct and/or is based on deliberate deception and dishonesty as opposed to unintentional error.

3.2 Misconduct, or unacceptable research conduct, takes various forms and includes (although is not restricted to) the following¹:

- **Fabrication:** making up results, other outputs (for example, artefacts) or aspects of research, including documentation and participant consent, and presenting and/or recording them as if they were real
- **Falsification:** inappropriately manipulating and/or selecting research processes, materials, equipment, data, imagery and/or consents
- **Plagiarism:** using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission
- **Failure to meet:** legal, ethical and professional obligations, for example:
 - not observing legal, ethical and other requirements for human research participants, animal subjects, or human organs or tissue used in research, or for the protection of the environment
 - breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent
 - misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality
 - improper conduct in peer review of research proposals, results or manuscripts submitted for publication. This includes failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for the purposes of peer review
- **Misrepresentation of:**
 - data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data
 - involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution
 - interests, including failure to declare competing interests of researchers or funders of a study
 - qualifications, experience and/or credentials
 - publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication
- **Improper dealing with allegations of misconduct:** failing to address possible infringements, such as attempts to cover up misconduct and reprisals against whistle-blowers, or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding. Improper dealing with allegations of misconduct includes the inappropriate censoring of parties through the use of legal instruments, such as non-disclosure agreements

¹ The definitions provided here are taken directly from the Concordat to Support Research Integrity <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/the-concordat-to-support-research-integrity.pdf>.

- 3.3 Misconduct in research includes acts of omission as well as acts of commission. In addition, the standards of which allegations of misconduct should be those prevailing at the date the behaviour under misconduct took place.
- 3.4 Poor practices, such as weak procedures or inadequate record-keeping which may jeopardise the integrity of the research but might only require further training or development rather than formal disciplinary action, are strongly discouraged but are not the focus of this aspect of this Procedure. Neither does it include honest error or difference of for instance opinion, interpretation or research methodology.

4. The Procedure

- 4.1 The Vice-President (Research & Enterprise) is the designated Named Person with regard to this Procedure and has the overall responsibility for ensuring the integrity of any proceedings under this procedure.
- 4.2 The Named Person may depute to another senior officer some or all the responsibilities ascribed to the Named Person in this procedure. This deputy would normally be the Research Integrity Manager in the Research & Enterprise Directorate.
- 4.3 The Named Person is responsible for:
- receiving allegations of research misconduct;
 - initiating the procedure, including undertaking the screening process;
 - appointing the individual(s) to undertake the initial investigation (this would normally be the Associate Dean for Research and/or Head of Department);
 - appointing the Chair and panel members should the allegation require a formal investigation stage;
 - maintaining records of the investigation; and
 - internal and external reporting on the investigation, including the outcome, as appropriate.
- 4.4 The Complainant is the individual making the allegation.
- 4.5 The Respondent is the individual having an allegation made against them.
- 4.6 In the event the Named Person is directly linked to the allegation or where conflicts of interest may arise, the Named Person should immediately refer the allegation to the College Secretary who should then take responsibility for the implementation of the Procedure.
- 4.7 Note that allegations can be investigated under this procedure irrespective of such developments as:
- the Complainant withdrawing the allegation at any stage;
 - the Respondent admitting, or having admitted, the alleged misconduct in full or in part;
 - the Respondent or the Complainant resigning, or having already resigned, their post.
- 4.8 In instances of the Respondent resigning, City may pass details of the outstanding case without prejudice to any future employer or bona fide enquirer about their career while at City, and to any appropriate regulatory or professional supervisory body.
- 4.9 City will follow an investigation through to completion in the event of the individual(s) concerned has left or leaves the auspice of City, either before the allegation was made or before the investigation is concluded.

- 4.10 All reasonable efforts will be made to ensure confidentiality following receipt of any allegations of misconduct or during any subsequent investigation. Any disclosure to an individual not involved in the investigation should be made on a confidential basis and only if absolutely necessary. Panel members, the Respondent, the Complainant, witnesses or any other persons involved in the Procedure should maintain confidentiality. Breach of confidentiality may lead to disciplinary action [Disciplinary](#), [Capability](#) and [Dismissal](#) Procedures for staff and [Student Disciplinary Procedure](#) for postgraduate research students.
- 4.11 Members from outside City may be invited to join both the Investigation and the Formal Investigation.
- 4.12 The Respondent and the Complainant have the right to be accompanied by a colleague or a recognised union representative, including from the Student Union if a postgraduate research student, at any investigation meeting/hearing conducted under this procedure. It is recognised that this is particularly important in instances where there may be a power imbalance between the Complainant and Respondent. In such cases, particular attention will be given to supporting the Complainant.
- 4.13 The Panel Chair may seek support from HR and/or Student and Academic Services in carrying out the investigation.
- 4.14 It is not intended that the Procedure should be used as part of a disciplinary process, but information discovered during the investigation(s) may be shared with HR if appropriate. In such instances, HR will consider the findings and in consultation with the relevant manager, discuss whether a disciplinary process should be instigated as a result of the investigation(s) in accordance with City's Disciplinary Procedure.
- 4.15 The relevant disciplinary procedures and/or Ordinances will apply to City members of staff and postgraduate research students, including the right of appeal against decisions in disciplinary hearings. In the case of research misconduct, any investigation undertaken will be carried out by someone with sufficient knowledge and experience of research and any hearings will also include suitably experienced members, including one external person.

5. Reporting allegations

- 5.1 Staff, student and all others conducting research under the auspices of the institution are required to report breaches of good practice and/or misconduct in research where they have good reason to believe this is occurring. However, any allegation which, following investigation, is not supported by evidence and which in the view of the Panel or Named Person has been made frivolously or maliciously may be referred to HR for consideration under the Disciplinary Procedure for staff and Student Disciplinary Procedure for postgraduate research students.
- 5.2 Those entitled to bring complaints about research are not restricted to current staff or students. Complaints may be raised by anyone with concerns as to the conduct of research by individuals at City.
- 5.3 In all cases, principles of equal and fair treatment, objectivity, consistency and independence of investigation will apply. The principle of confidentiality will not normally be breached except in cases where it is reasonable or necessary for City to do so. Timescales will be followed as set out in the relevant procedures. Staff and students have the right to be fully informed in writing of the nature of any allegations of misconduct made against them and to be informed of any decisions made during the process. Similarly, if an allegation is not initially accepted and the Complainant believes that they have been misunderstood or that key evidence has been overlooked, they will have the right to respond further.

- 5.4 City will endeavour to protect its staff and students against ill-founded, mischievous, frivolous or malicious complaints. Staff and students may assume that their research should be regarded as honest, until demonstrated to be otherwise. City will protect those who have made a complaint in good faith if the case is dismissed. Likewise, City will protect accused staff or students in cases where allegations are subsequently dismissed.
- 5.5 Matters may be discussed orally with the appropriate person in the School (e.g. Associate Dean for Research and/or Head of Department) in the first instance, but it will be necessary to make a complaint in writing to the Named Person if the Complainant wish for an investigation to be instigated.
- 5.6 Anonymously made allegations or where there is no specific Complainant will only be considered if the concern(s) is: of a serious nature; the credibility of the concern; and the likelihood of confirming the concern from credible and alternative sources. See Section 6 Screening Process

6. Screening process and Initial Investigation

- 6.1 The receipt of an allegation will be formally acknowledged by the Named Person, where possible within 10 working days in writing to the Complainant.
- 6.2 The Named Person will review the nature of the allegation(s) to make an initial assessment with the view to determine whether valid grounds have been provided to merit consideration of an investigation. Based on the initial assessment, the Named Person will then take one of the following actions:
- Dismiss the allegation if it clearly frivolous, maliciously, or mistaken
 - Arrange for an Informal Investigation as outlined below.
- 6.3 The Complainant will be informed in writing of the outcome of the initial assessment, where possible within 10 working days of the acknowledgement being sent. If the Respondent(s) is aware of the allegations at this stage, they will also be notified of the outcome of the initial assessment.
- 6.4 Should a person other than the Research Integrity Manager undertake the initial assessment, the outcome should also be reported to the Research Integrity Manager.
- 6.5 The Named Person shall ensure that relevant information is obtained so that any Panel that is established to carry out an investigation/hearing under this procedure has access to it.
- 6.6 During the investigation it may be necessary to suspend the Respondent and or to close access to laboratories and computers etc. This is to ensure that any evidence remains accessible.
- 6.7 The Named Person should normally notify the Respondent that allegations of research misconduct have been made. If the allegations have been made against more than one Respondent, the Named Person must inform each individual separately without divulging the identity of any other Respondent(s). An anonymised summary of the allegations will be provided to the Respondent.
- 6.8 The Named Person will, as soon as possible after the completion of the screening stage, appoint a Panel of no more than three individuals to undertake the initial investigation. The individuals will normally be senior academic staff and in selecting members a balance will be sought to ensure independence of events subject of the allegations and

appropriate skills and experience in order to establish all the relevant facts. The individuals may be from a different Department/School than the Respondent.

- 6.9 The Panel will conduct an assessment of the evidence provided and any additional information if required.
- 6.10 The initial investigation will establish if:
- The allegation is clearly frivolous, maliciously, or mistaken
 - Arrange for the matter to be resolved informally if the misconduct is of a minor nature
 - The matter should be referred to Line Manager, in consultation with HR, to determine whether it should be taken forward under the Disciplinary Procedure, if sufficient evidence is available such that no formal investigation under this procedure is required, or
 - Arrange for a formal investigation as outlined below, should the allegation be sufficiently serious and have sufficient substance.
- 6.11 The Panel will aim to complete its work within 30 working days of being convened.
- 6.12 The Chair of the panel will make the findings available to the Named Person, who will notify the Respondent and Complainant (and their representatives if appropriate) of the outcome.
- 6.13 Should the allegations be deemed to be frivolous, malicious or mistaken, they will be dismissed and steps to ensure the Respondent's reputation is sustained should be taken if appropriate. Additionally, the Named Person should consider recommending to HR that action be taken against the Complainant.
- 6.14 Where the allegations have some substance but did not occur due to intent or are relatively minor, the matter should be addressed through education and training mechanisms and a programme to address the needs should be agreed. The investigation procedure will be considered concluded at this stage and will be referred to the Head Of Department or the Associate Dean for Research to ensure appropriate education and training is provided. Where the Respondent believes that it is inappropriate for advice, direction or support to be given, they have the right to raise this as a grievance.
- 6.15 Where the Panel concludes that the allegations merits further consideration, the Named Person should set up a formal investigation panel immediately.

7. Formal Investigation

- 7.1 Where the Panel concludes that the allegations merits further consideration, the Named Person should set up a formal investigation panel immediately. The Investigation Panel will consist of at least three individuals. The individuals will normally be senior academic staff and in selecting members a balance will be sought to ensure independence of events subject of the allegations and appropriate skills and experience in order to establish all the relevant facts. The individuals may be from a different Department than the Respondent(s). One member must be external to City.
- 7.2 The Named Person should inform the following that a formal investigation of the allegation is taking place:
- the Respondent (and his/her representative if requested)
 - the Complainant (and his/her representative if requested)
 - HR Manager/Student and Academic Services

- Research Integrity Manager
 - Funders, collaborators or other external organisations where the Respondent has an honorary contact.
- 7.3 The Investigation Panel should be appointed within 10 days of the completion of the Initial Investigation (Stage 6). The Investigation Panel must convene a hearing within 30 days of being appointed.
- 7.4 The Investigation Panel must interview the Respondent and the Complainant. If additional witnesses are called for questioning, they must be made aware that any statement or information gathered may be used as evidence in the formal investigations findings and may also be used as evidence in any disciplinary proceedings should the Disciplinary procedure be instigated.
- 7.5 The Investigation Panel will review all the relevant evidence and conclude whether the allegations of misconduct in research are:
- upheld in full;
 - upheld in part; or
 - not upheld.
- 7.6 The standard of proof used by the Investigation Panel is that of 'on the balance on probabilities'.
- 7.7 The Investigation Panel may conclude that allegations are not upheld for reasons of being mistaken, frivolous, vexatious and/or malicious. Should this be concluded, the Complainant may be subject to a disciplinary hearing for making a false allegation.
- 7.8 Should new evidence be discovered during the course of the Formal Investigation that suggests:
- further, distinct instances of misconduct in the research by the Respondent, unconnected to the allegations under investigation; or
 - misconduct in research by another person or persons,
- the Investigation Panel should notify the Named Person, who will initiate this procedure to investigate the allegations.
- 7.9 The Investigation Panel will provide the Named Person and HR/Student and Academic Services with a draft report of the findings. The report should also be sent to the Respondent and the Complainant (and their representatives by agreement) for comment on factual accuracy. Only errors that have factual implications should be corrected.
- 7.10 The outcome of the panel hearing will be provided in writing, where possible within 10 working days of the hearing. The outcome of the hearing will be reported to the Named Person, Research Integrity Manger, HR, Associate Dean for Research, and Line Manager/Supervisor.
- 7.11 Actions that could be taken following the conclusion of the formal investigation may include:
- training for the Respondent as appropriate to address any capability issues;
 - corrective action (e.g. retraction of publication); and/or
 - the matter being taken forward for consideration under City's Disciplinary/Dismissal Procedure for staff or Student Disciplinary Procedure for postgraduate research students.

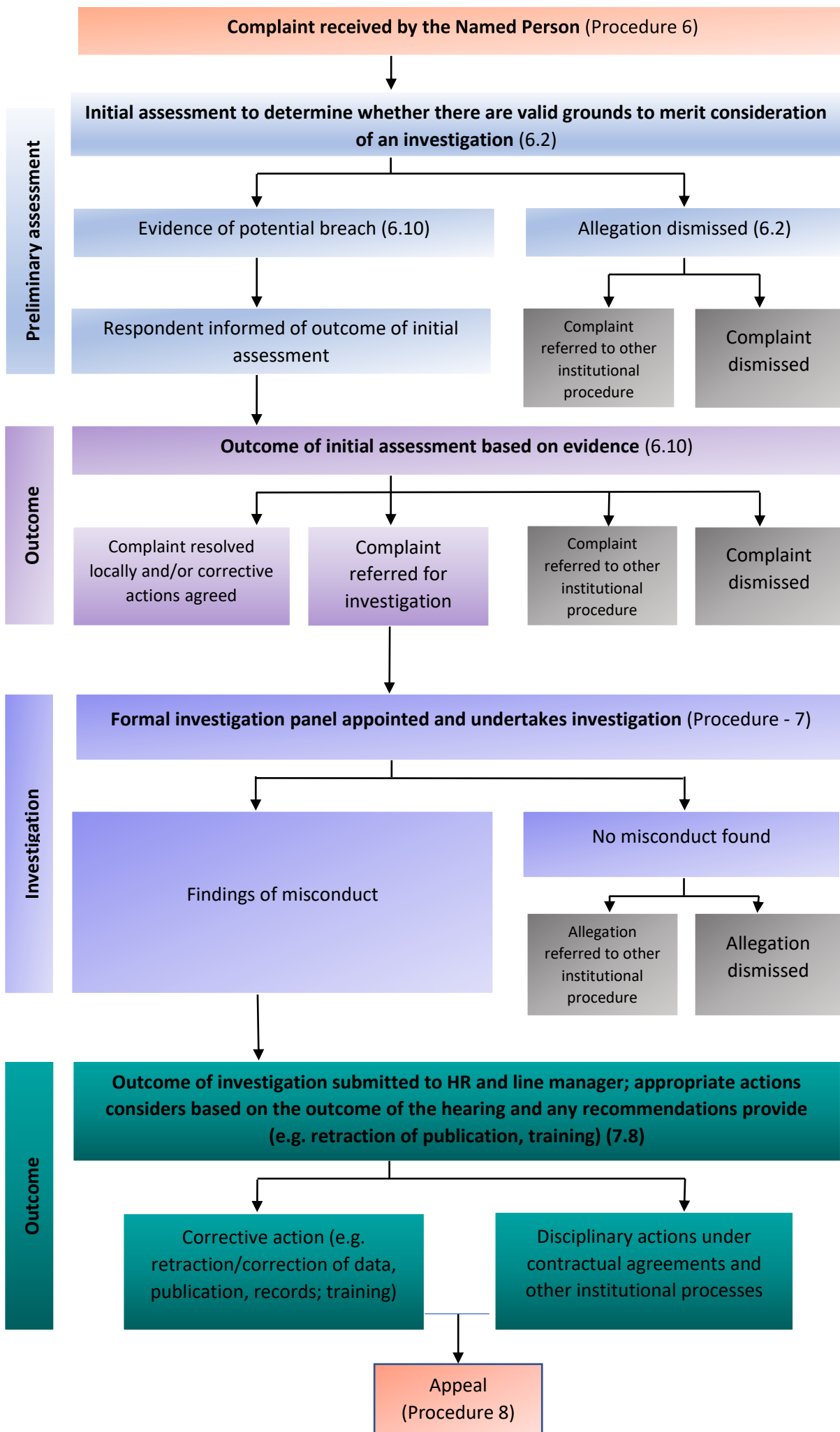
The actions in cases of staff will be considered by HR in consultation with the Respondent Line Manager and the Associate Dean for Research & Enterprise. Should the respondent be a postgraduate research student, actions will be considered by the Doctoral College in consultation with the Supervisor and Student and Academics Services.

8. Appeals

- 8.1 If the Respondent(s) wishes to appeal against an outcome of this Procedure, they should do so in writing, stating the grounds for the appeal, to the Named Person within 10 working days.
- 8.2. The appeal will be heard by the Deputy-President (Research & Enterprise) or a Panel nominated by the Named Person within 15 working days of receiving the appeal. In all cases, the individual(s) hearing the appeal will have had no involvement in the Investigation.
- 8.3 The Respondent(s) will be informed of the outcome of the appeal, where possible within 10 working days of the hearing. The outcome of the hearing will be reported to the Named Person, Research Integrity Manager, HR, Associate Dean for Research, and Line Manager.

9. Recording and reporting allegations and cases of research misconduct

- 9.1 City has a responsibility to maintain and report on cases of research misconduct. In cases where research misconduct is investigated and found to have occurred, Schools should make a brief report on the nature of the case to the Vice-President (Research and Enterprise) and the Research Integrity Manager in Research & Enterprise in order that accurate and complete reporting can be achieved. Where it is necessary to maintain confidentiality this may exclude details which would identify the member(s) of staff or student(s) concerned. This may be overruled in cases where City has an obligation to make a report to the funder, for example to comply with Research Council conditions of funding.
- 9.2 The UK Research Councils require allegations of research misconduct relating to an individual funded by or engaged with them (including acting as a supervisor for an RCUK-funded postgraduate student or engaged with peer review activities) even if the allegation relates to work not connected to a grant awarded by them. They reserve the right to take appropriate action, after consultation with City, about any duties being performed for RCUK. Other funders may have similar requirements. In addition, if an individual is suspended pending investigation, the funding body sponsoring any research with which they are involved must be advised.
- 9.3 Reports on serious misconduct may also be made on individual cases to relevant regulatory or statutory bodies or to professional supervisory bodies where this is required or appropriate to public interest as well as the police in cases of criminal activity.
- 9.4 City will continue to provide a high-level statement of any formal investigations of research misconduct that have been undertaken as part of the Annual Research Integrity Report, which will be available to external audiences on its Research Integrity website.



Informing funders, publishers, collaborators, participants etc as appropriate