



University of
St Andrews

Research Misconduct Policy

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Introduction

1. World leading research quality and scholarship of the highest order remain at the heart of what St Andrews does. These rely on all research carried out at, and in partnership with, the University being conducted with integrity and rigour, by observing the highest standards of good research conduct. Research misconduct damages the integrity and credibility of research, wastes resources, can bring both the individual and the institution into disrepute and, in extreme circumstances, can cause harm to those involved in research.
2. The University is committed to promoting and supporting a culture of research integrity that discourages unacceptable behaviour by dealing seriously and sensitively with all allegations of research misconduct. This Policy, and the Procedure (Annexe) (henceforth referred to as 'this Policy'), provides a procedural framework for investigating allegations of research misconduct concerning research conducted under the auspices of the University. To help support and promote a culture of research integrity, this Policy aims to encourage those who have concerns/allegations to raise/make them, and reassure such individuals that their concerns/allegations will be handled seriously and sensitively. This Policy is investigative, not disciplinary, and is based on existing norms and best practice.
3. To seek advice on the interpretation and/or implementation of this Policy, contact researchintegrity@st-andrews.ac.uk.

Scope

4. This Policy provides a procedural framework for investigating allegations of research misconduct relating to research conducted under the auspices of the University. It applies to any person conducting research under the auspices of the University, as defined in paragraphs 54 and 55.
5. This Policy describes an investigative process, not a disciplinary process: its principal aim is safeguarding the integrity and credibility of the research record by concluding whether an alleged act of research misconduct has occurred, thus allowing for corrective action to be taken. Nonetheless, reports generated by this Procedure (Annexe) may be referred to, and/or used in evidence for, appropriate disciplinary procedures that will consider allocating responsibility for the act and appropriate sanctions. Please note that sanctions for research misconduct that could arise from a disciplinary procedure may include: dismissal in the case of

members of staff; discontinuation of studies in the case of students; and rescission of award in the case of graduates of the University. Reports generated by this Procedure (Annexe) may also be referred to other processes, and may be released in reporting the matter to any appropriate external organisation.

6. Given the aim of protecting the research record, the University maintains the right to follow this Policy for allegations regarding research conducted under its auspices in the event where the individual(s) concerned left the University before the allegation(s) of research misconduct was made, if there is no appropriate employer to refer the allegation on to. Once initiated, an investigation will progress to the appropriate end-point irrespective of such developments as:
 - i. the Complainant withdrawing the allegations at any stage;
 - ii. the Respondent admitting, or having admitted, the alleged misconduct, in full or in part; and/or
 - iii. the Respondent or the Complainant resigning, or having already resigned, their post or otherwise leaving, or having already left, the University.
7. This Policy describes an investigative process that is distinct from processes for investigating allegations of other types of misconduct. Concluding on the balance of probabilities whether or not an alleged act of research misconduct occurred in full or in part (i.e. detailing the nature and extent of the misconduct), requires the following: that individuals with expertise relevant to the allegation, who pass a conflict of interest check and sign a confidentiality agreement, and who have recently completed unconscious bias and diversity training, reach an academic judgement that is based on the definition of research misconduct and knowledge of the standards prevailing in the discipline in question and at the date that the alleged act occurred. This Policy provides the framework for such an investigation to be carried out in accordance with a set of explicit standards, and the principles of fairness, confidentiality, integrity, prevention of detriment and balance.
8. Allegations made against a student may be handled and investigated under the University's Good Academic Practice policy instead of, before, or after this Policy. It should be noted that the definitions of academic misconduct in University's Good Academic Practice policy and research misconduct in this Policy overlap partially but are not equivalent.
9. Financial fraud or other misuse of research funds or research equipment may alternatively be addressed under the University's Fraud Response Policy instead of under this Policy.
10. Where a Respondent is under investigation by a regulatory body for research and/or other appropriate organisation, such as the police, regarding an offence that may have been committed, and also constitutes research misconduct, this Policy will apply separately to any such investigations. In all such cases, advice will be sought from Human Resources before taking action.

Responsibilities

11. Researchers are responsible for:
 - i. making themselves aware of and observing the standards of research conduct as per the Principles of Good Research Conduct (Policy). In the handling and investigation of allegations of research misconduct, professing ignorance of the formal expectations, professional standards, regulations or contractual requirements relating to one's research activity is not a defence and may be considered as gross negligence; and
 - ii. reporting research misconduct where they have good reason to believe it is occurring.
12. The University is responsible for:

- i. providing guidelines on good research conduct, a clear definition of research misconduct, and a policy and procedure for handling and investigating allegations of research misconduct;
- ii. supporting researchers to be aware of these; and
- iii. handling all allegations of research misconduct in accordance with this Policy.

13. Individuals responsible for enacting any part of this Policy are responsible for:

- i. ensuring that they are familiar with, and conduct themselves in line with, this Policy.

Definition of research misconduct

Further definitions of terms used within this Policy are provided in paragraphs 46 to 59 at the end of this Policy.

14. This definition is based on existing norms and best practice. Committing one of the following acts, via commission or omission, as a result of intention and/or recklessness and/or gross negligence, in any aspect of the research endeavour (e.g. obtaining funding, planning research, undertaking research, documenting and communicating the findings, reviewing the work of others)¹

- i. **Misappropriation** of the materials, resources or work of others, including plagiarism, misquoting, taking undue credit or the unethical use of privileged material (for example, material seen in reviewing, examining or refereeing).
- ii. **Fabrication and/or falsification** in proposing (including applications for funding), carrying out or reporting the results of research (including reporting to research funders). This includes explicit and implicit misrepresentation of credentials, qualifications and/or experience.
- iii. **Misrepresentation, suppression or inappropriate manipulation** of research findings/data, individuals' involvement/contributions (such as 'ghost' and/or 'guest' authors) or the conflicting/competing interests of either the researchers/funders involved with the work.
- iv. **Failure to comply with relevant legal and ethical requirements (including those placed on researchers by organisations other than the University)**, including obtaining and adhering to ethical approvals, licenses or legally-binding agreements such as research funding contracts.
- v. **Failures to comply with relevant University policies, follow accepted procedures/protocols or exercise due care**, particularly if such failure results in unreasonable risk of harm to humans, or lasting harm to animals or the environment. This includes behaviour of serious consequence that falls significantly short of the standards of research conduct set out in: the University's Principles of Good Research Conduct (Policy); relevant University guidelines; or in guidelines published by professional bodies and/or learned societies.
- vi. **Ethically and/or morally inappropriate use of research data** (such as deliberately attempting to re-identify people from their data) **or the outcomes of research.**
- vii. **Collusion in, or deliberate concealment of, research misconduct by others.**
- viii. **Making an unfounded allegation of research misconduct against another individual in bad faith.**

¹ Students' research-related activity is bound by this Policy and the Principles of Good Research Conduct (Policy). The University expects all individuals undertaking research under the auspices of the University, including students, to understand and observe good research conduct in any research-related activity. These expectations reach beyond activity that meets the [Good Academic Practice policy's](#) definition of academic misconduct: they apply irrespective of whether, or the degree to which, the research-related activity is related to "work submitted" as part of "a required component of a module or degree programme" or in pursuit of gaining "an academic allowance or advantage". Where an allegation of misconduct is made against a student, it will be handled using whichever policy and procedure is considered to be most suitable, given the details of the allegation.

- ix. **Reprisals against individuals who have raised a concern about, or made an allegation of, research misconduct.**
- x. **Actions outside of this Policy and Procedure (Annexe) that attempt, directly or indirectly, to influence that Procedure or its outcome.**

15. For the avoidance of doubt, the following are NOT defined as research misconduct:

- i. Unintentional error
- ii. Debate, discussion or professional differences in interpretation or judgement
- iii. Holding and disseminating controversial and/or unpopular opinions
- iv. Pre-submission disputes about authorship

Principles

General

16. Research misconduct is a serious matter. Equally, the investigation of allegations of research misconduct must be conducted in accordance with the highest standards of fairness, confidentiality and integrity, and in a manner that strives to prevent detriment. Those responsible for enacting this Policy must be aware that balance has to be struck in the application of the Principles: if there is conflict between the application of different principles or conflict between their application to Complainant and Respondent. For example, in certain circumstances it may prove impracticable to undertake a detailed Preliminary Investigation of the allegations without releasing the Complainant's identity to the Respondent. The Vice-Principal (Research and Innovation) will be responsible for resolving any such conflicts between the Principles, keeping in mind that the principal aim of this Policy is safeguarding the integrity and credibility of the research record by concluding whether an alleged act of research misconduct has occurred.
17. The Vice-Principal (Research and Innovation), Investigator and Formal Investigation Panel will be assisted in the operation of all aspects and stages of this Policy by: staff from the Research Policy and Ethics Office; for allegations involving staff, staff from Human Resources; for allegations involving students, staff from the Proctor's Office; and/or suitable administrative and/or other support where appropriate. Where any of the University personnel named as having responsibilities under this Policy are unavailable, their responsibilities may be delegated in their absence. Such delegation of duties would be proposed by Research and Innovation Services in writing and approved by a Vice-Principal in writing. All such individuals will be made familiar with, and conduct themselves in line with, this Policy.
18. If required to facilitate a full and fair investigation and/or the operation of any aspect of this Policy, the Vice-Principal (Research and Innovation), Investigator and/or Formal Investigation Panel shall be free to seek confidential advice from persons with relevant expertise, both within the University and/or outside it, for example: experts in particular disciplines of research; experts in particular aspects of the conduct of research, such as statisticians or editors of academic journals; experts in addressing research misconduct and/or poor practice; representatives of University Schools, Departments, Units or services; or legal advisers. All such individuals will be made familiar with, and conduct themselves in line with, this Policy.
19. An investigation comprises multiple stages, all of which are described in detail in the Procedure (Annexe). The Preliminary Investigation stage consists of an initial assessment of an allegation of research misconduct to determine whether there is sufficient evidence to warrant a Formal Investigation of the allegation. The Formal Investigation stage is an inquiry to review all the relevant evidence and conclude whether the alleged act of research misconduct occurred in full

or in part (i.e. detailing the nature and extent of the misconduct) and whether there are sufficient grounds to believe that the misconduct may have been a result of intention and/or recklessness and/or gross negligence, or to dismiss the allegation. The standard of proof used in the Formal Investigation is that of 'on the balance of probabilities'. Reports generated by an investigation under this Policy may be used in evidence by subsequent investigations under this Policy or by other University processes, such as disciplinary procedures. The scope for informal resolution will always be considered, and if it exists, will be exhausted before commencing a Preliminary Investigation.

20. If at any stage of an investigation, a Respondent or other person raises a counter-allegation of research misconduct or an allegation of research misconduct unrelated to the matter under investigation, such allegations will be forwarded to the Vice-Principal (Research and Innovation) for consideration, who will then decide whether they should be handled as a new and separate allegation, or submitted as further evidence to an ongoing investigation.

Integrity

21. The investigation will be conducted as quickly as possible, provided this does not compromise these Principles and the full and fair investigation of the allegation, and allowing for reasonable adjustments where appropriate (for example when individuals may be overseas with limited internet access). Therefore, the timescales set out in this Policy are not binding upon the University and can be extended where reasonably required. The Complainant(s) and Respondent(s) will be notified in writing of any such extension and the reason for it.

22. The investigation will be impartial:

- i. All individuals involved in the handling of the allegation must: conduct themselves in accordance with this Policy; sign a confidentiality agreement; and pass a conflict of interest check. This check will require the individual to make a written declaration to the Vice-Principal (Research and Innovation) regarding any potential conflict of interest related to any aspect of the allegations, the investigation, the area(s) of research in question, or any of the persons involved. The Vice-Principal (Research and Innovation) will give the Respondent and Complainant the opportunity to raise in writing any concerns that they may have about the individuals chosen to act as Investigator and/or Panel. The Vice-Principal (Research and Innovation) will decide whether the individual's declaration, or a concern from the Complainant or Respondent, warrants the individual's exclusion from involvement in the investigation and record the reasons for the decision in writing. Where the Vice-Principal (Research and Innovation) has any interest that might constitute a conflict, they will declare immediately any such conflicts to the Vice-Principal (Governance), who will decide whether they should be excluded from involvement in the investigation, recording the reasons for the decision in writing.
- ii. Anyone asked to take part in the processes as an Investigator or a Panel member should make sure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised. All such individuals must have completed unconscious bias and diversity training within 5 years of the start of their involvement in the Investigation.
- iii. A person may not be both an Investigator and a member of the Formal Investigation Panel and, if they have been involved in either, they cannot be a member of a subsequent Disciplinary Panel.
- iv. Those who give evidence should do so honestly and objectively and will be provided with a copy of this Policy before giving evidence.

23. Detailed and confidential records will be maintained throughout, including minutes of all formal meetings convened under the Procedure (Annexe), reports, correspondence, transcripts of

meetings or other documentation, in accordance with the provisions for personnel files detailed in the University's Principles of Records Management.²

24. Concerns relating to failure to follow this Policy should be first addressed to the Vice-Principal (Research and Innovation). Appeals on the grounds of failure to follow this Policy should be addressed to the University's complaints handling procedure.³ The final conclusions reached by the Investigator and the Panel will be based on their academic judgement and therefore not open to appeal. Any Respondent whose case progresses to a disciplinary procedure will have a right of appeal in accordance with that procedure.

25. The Principal or their nominee has, in accordance with relevant University policies, the right to suspend a member of staff or student during an investigation.⁴

Fairness

26. All individuals involved in the investigation will be provided with a copy of this Policy. Any ongoing investigation will continue to use the version of this Policy provided at the beginning of that investigation, irrespective of whether newer versions of those documents are released between the start and end of the investigation.

27. The Respondent will be given the full allegation in writing, and the opportunity to set out their case and respond to the allegation against them by asking questions, presenting information/evidence in their defence, including witnesses, and raising points about any information/evidence presented by the Complainant.

28. Using their relevant experience, the Investigator and Panel will judge allegations of research misconduct by the standards prevailing in the discipline in question and at the date that the alleged misconduct took place. The Investigator and Panel will present and explain their final conclusions in writing, which will be made available to the Complainant and Respondent.

29. The Respondent and/or Complainant may be accompanied at any meeting convened under this Policy and will be informed of that right in any correspondence by the following individuals:

- i. If a student of the University, they may be accompanied as described in the Good Academic Practice policy. All other Respondents and Complainants, including staff, may be accompanied by an employee of the University or a recognised trade union representative.
- ii. It may be advisable, particularly in complex cases, for those selected to accompany the Respondent or Complainant to be an academic specialist in the discipline(s) in which the misconduct is alleged to have taken place.
- iii. If the Respondent/Complainant has a disability, it may be appropriate to allow them to be accompanied by a suitable person because of their disability, in addition to any chosen companion.
- iv. If the Respondent's/Complainant's first language is not English, it may be appropriate to allow them to be accompanied by someone who can provide support with communication in English, in addition to any chosen companion.

Respondents and Complainants must provide advance notice of their intention to be accompanied, providing the name of the companion and the capacity in which they are attending. The chosen companion will be allowed to address the meeting in order to put the case of the Respondent or Complainant, sum up their case, and respond on behalf of them

² <https://www.st-andrews.ac.uk/staff/policy/recordsmanagement/principalsofrecordmanagement/>

³ <https://www.st-andrews.ac.uk/terms/complaints/>

⁴ Section 5 of the [staff Disciplinary Procedures](#) allows for suspension "on full pay at any stage before, during or after an investigation where the allegations against the employee are serious"; the [Policy on Student Conduct Risk Management](#) states that "Outcomes of a risk assessment can include...Compulsory Leave of Absence from the University" which "equates to temporary suspension".

to any view expressed at the meeting. The companion does not have a right to answer questions on behalf of the Respondent or Complainant.

Confidentiality

30. In order to protect the Complainant, the Respondent and others involved in the investigation, it will be conducted as confidentially as is reasonably practicable, provided this does not compromise the full and fair investigation of an allegation of research misconduct, any requirements of health and safety or any issue related to the safety of participants in research. Certain individuals will be informed by the Vice-Principal, at different points and to different levels of detail, of the existence and outcome of the preliminary and formal investigation stages, in accordance with paragraphs 18 and 32 of the Procedure (Annexe).
31. University staff involved with handling the investigation will, in confidence, know the identities of the Complainant and Respondent.
32. The identity of the Complainant will normally be kept confidential until a Formal Investigation is launched, and beyond this point if requested, unless this is incompatible with a full and fair investigation or there is an overriding reason for disclosure. The Complainant will be informed in writing if their identity is not to be kept confidential, and why.
33. The Respondent, Complainant and/or any witnesses can seek advice and assistance from anyone of their choosing but they shall only do so in private, not in any public forum or professional network, and in strict confidence and on the basis that that person undertakes not to discuss the case with any other person. Any other individuals involved in handling or investigating the allegation will not comment on or discuss the allegations, or identities of any individuals involved in the investigation, with any third parties, unless required to by law, or in one of the following situations:
- i. in order to carry out a full and fair investigation;
 - ii. as part of providing internal and/or external notifications regarding the existence and progress of the investigation;
 - iii. as part of any action taken against a person who has made an allegation in bad faith; or
 - iv. as part of any action taken following a Preliminary or Formal Investigation under this Policy, such as a referral to the relevant University Disciplinary Procedure or other appropriate processes.

For staff and students, breaching confidentiality may lead to disciplinary action, unless covered by the Public Interest Disclosure Act and/or the University's Whistleblowing Procedure. Any disclosure to a third party of the identity of the Complainant or Respondent, or of any other details of the investigation, will be made subject to them signing a confidentiality agreement, which will contain means of redress should the confidentiality be breached.

34. The University reserves the right to inform third party and/or regulatory bodies, including insurers, publishers, statutory bodies regulating professions, or grant- or contract-awarding bodies or partner organisations, of the commencement and/or outcomes of a Preliminary and/or Formal Investigation. In some cases, the University has contractual/legal obligations requiring this: for example, as a condition of research funding, research funders may contractually require that the University report to them regarding the existence, progress and outcome of investigations into allegations of research misconduct involving researchers funded by them, and/or engaged with them, and may take action in response to that information.⁵ In any such case, this will be done at the appropriate time through the correct processes, always keeping in mind the legal rights of those persons involved in the allegations.

⁵ For example, [UK Research and Innovation's \(Research Councils UK's\) Policy and Guidelines on the Governance of Good Research Conduct](#) and [Wellcome Trust's statement on research misconduct](#)

35. Information that is shared will be limited to that which is necessary to perform the function at hand without undermining the transparency of the investigation for those involved.
36. If the research to which the allegation relates is deemed to be commercially sensitive, it may be appropriate for all individuals involved in the investigation to sign a Non-Disclosure Agreement. However, the terms of any such Non-Disclosure Agreement must not compromise the full and fair investigation of the allegation, nor the ability for recommendations to be made and subsequently actioned by the University and/or other bodies.

Prevention of Detriment

37. It is recognised that individuals may feel very uncomfortable raising a concern or making an allegation directly: individuals may choose to, in the first instance, approach a Head of School or Unit, line manager, a trades union representative, a sabbatical officer or employee of the Students' Association, or a colleague and ask that person to bring the matter forward on their behalf.
38. Allegations can be made using the University's Code on public interest disclosure ("Whistleblowing").
39. Anyone alleged to have perpetrated an act of research misconduct is entitled to the presumption of innocence: it will be made clear that any actions taken in enacting this Policy are in line with this presumption, and are not to be regarded as, a disciplinary action.
40. It is acknowledged that allegations may be made for what appear to be malicious and/or vexatious reasons. Such allegations will be handled in accordance with this Policy to establish whether they are of sufficient substance to warrant investigation.
41. If a research group is named as the Respondent, the Principal Investigator will be informed in the first instance, and efforts will be made at this and all subsequent steps to identify which group members are, or are not, subject to the investigation.
42. In using this Policy, and in any action taken as a result of using this Policy, care must be taken to protect:
- i. the position and reputation of those alleged to have perpetrated an act of research misconduct, if the allegations are unfounded; and
 - ii. the position and reputation of those who make allegations of research misconduct not in bad faith
43. If it is concluded that the alleged act of research misconduct occurred and that there are sufficient grounds to believe that the misconduct may have been a result of intention and/or recklessness and/or gross negligence, the Vice-Principal (Research and Innovation) will decide on steps to take, as are appropriate in the light of seriousness of the allegation, to sustain the reputation of the Complainant. If the case has received any publicity, the Complainant may be offered the possibility of having an official statement released to the media. Care may need to be taken, and appropriate advice sought, regarding the wording of any such statement and the timing of its release, to avoid prejudicing actions being taken by the University and/or other bodies.
44. If it is concluded that allegations are unfounded, they will be dismissed, and it will be determined whether the allegation was made in bad faith. If the allegation was not made in bad faith, the Vice-Principal (Research and Innovation) will then decide on steps to take, as are appropriate in the light of seriousness of the allegation, to sustain the reputation of the

Respondent and the relevant research project(s), and of the Complainant. If it is determined that the allegation was made in bad faith, the Vice-Principal (Research and Innovation) will consider what action to take: in the case of a staff and/or student Complainant, they will consider making an allegation of misconduct regarding the Complainant; in any other case, the Vice-Principal (Research and Innovation) will consider what courses of action are available and pursue them at their discretion.

45. The Vice-Principal (Research and Innovation) may, at any point, notify the University Press Office, in confidence and at their discretion, of the existence and nature of an allegation of research misconduct being handled and investigated under this Policy. The purpose of this notification will be for the Press Office to make appropriate confidential preparations for the possibility of issuing a press release proactively or reactively regarding the Complainant, Respondent, allegation and/or its investigation by the University.

Further definitions of terms used within this Policy

46. Bad faith: a Complainant makes an allegation in bad faith when they do not have a reasonable belief that it is true.

47. Complainant(s): the person(s) making an allegation of research misconduct.

48. Formal Investigation: an inquiry to review all the relevant evidence and conclude whether the alleged act of research misconduct occurred in full or in part (i.e. detailing the nature and extent of the misconduct) and whether there are sufficient grounds to believe that the misconduct may have been a result of intention and/or recklessness and/or gross negligence, or to dismiss the allegation. The standard of proof used in the Formal Investigation is that of 'on the balance of probabilities'. A Formal Investigation may conclude that an allegation is unfounded and will be dismissed. In such cases, the Formal Investigation will determine whether the allegation was made in bad faith.

49. Formal Investigation Panel/the Panel: the persons appointed under this Policy to conduct a Formal Investigation. The Panel does not have disciplinary powers.

50. Ghost author: someone who has done a substantial amount of work, contributions that certainly warrant authorship - but whose name does not appear as an author, perhaps not even in the acknowledgements.

51. Guest author: someone who has made little or no contribution to the work but is listed as an author.

52. Investigator: the person appointed under this Policy to conduct a Preliminary Investigation of an allegation of research misconduct. At the discretion of the Vice-Principal (Research and Innovation), a Preliminary Investigation Panel may be appointed to conduct a Preliminary Investigation rather than a single person.

53. Research misconduct: see paragraphs 14 and 15.

54. Research: 'a process of investigation leading to new insights', excluding 'routine testing and routine analysis' and 'the development of teaching materials that do not embody original research'.⁶

⁶ This definition is taken from Annex C of the REF2014 Assessment framework and guidance on submissions

55. Researcher: any person conducting research under the auspices of the University, whether solely or in conjunction with others in the University or other organisations, including but not limited to:
- i. a member of staff, including those on a joint clinical or honorary contract;
 - ii. a student;
 - iii. an independent contractor or consultant;
 - iv. a person with visiting or emeritus status; or
 - v. any other person conducting research under the auspices of the University (e.g. research volunteers).
56. Respondent(s): the person(s) against whom an allegation of research misconduct is made.
57. Preliminary Investigation Panel: at the discretion of the Vice-Principal (Research and Innovation), a Preliminary Investigation Panel may be appointed to conduct a Preliminary Investigation, rather than a single person (the Investigator). When appointed, a Preliminary Investigation Panel will take on the role of the Investigator as regards the conduct of a Preliminary Investigation and its members will be responsible for fulfilling all of the duties allocated to that role by this Policy.
58. Unfounded: mistaken, frivolous and/or otherwise without substance (e.g. insufficient evidence).
59. The University: the University of St Andrews.

Acknowledgements and bibliography

We wish to acknowledge the use of the following documents in the development of this Policy, listed in no particular order.

Procedure for the Investigation of Allegations of Research misconduct. University of Sussex, 2016 (v2.0).

Procedure for the investigation of research misconduct. The UK Research Integrity Office (UKRIO), 2008.

RCUK Policy and Guidelines on the Governance of Good Research Conduct. Research Councils UK, 2017.

Research misconduct. Wellcome Trust, 2017.

Code of Policy and Procedures for Investigating Allegations of Research misconduct. University of Glasgow, 2016 (v1.5).

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