



University of  
St Andrews

## Research Misconduct Policy Annexe

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1. The Vice-Principal (Research and Innovation), Investigator, and Panel may seek assistance in the administration and operation of this procedure, and seek confidential advice from persons with relevant expertise, as per paragraphs 17 and 18 of the Research Misconduct Policy (henceforth 'the Policy'). All such individuals will be made familiar with, and operate in line with, the Policy including the provision for conflicts of interest, confidentiality and non-disclosure agreements at paragraphs 17, 18, and 30 to 36.
2. For the avoidance of doubt: the Policy and this procedure describe an investigative process, not a disciplinary process: the 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 may be referred to, and used in evidence for, appropriate disciplinary procedures that will consider allocating responsibility for the act and appropriate sanctions.

### ***Raising a concern or asking a question***

3. The University encourages individuals, including employees of the University, with questions or concerns about the research conduct of any individuals performing research under the auspices of our University to raise them.
4. The University will always consider the scope for, and if possible encourage, addressing issues through education and training or another approach, such as mediation, rather than through this procedure or other formal processes.
5. For individuals working within the University, the recommended and preferred first step is to contact their School's integrity contact point (Director of Research or other identified individual), who may, if desired, contact [researchintegrity@st-andrews.ac.uk](mailto:researchintegrity@st-andrews.ac.uk) for advice. Where the School's integrity contact point has a conflict of interest, they should contact [researchintegrity@st-andrews.ac.uk](mailto:researchintegrity@st-andrews.ac.uk). A member of staff or a student may choose to raise a concern in the first instance with 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. Those who are approached with a concern should discuss it with the individual, clarifying whether the issue falls within scope of this Policy; if it is, the person approached should inform the individual of the research integrity webpages to access relevant policies and guidance on raising concerns/allegations, and, if possible, offer the individual ideas for informal resolution of the issue.
6. For those outwith the University, contact [researchintegrity@st-andrews.ac.uk](mailto:researchintegrity@st-andrews.ac.uk).

### ***Making a formal allegation***

7. Any persons considering making a formal allegation should read the Policy and this procedure in full.
8. This procedure asks persons to make any allegations in their own name. Allegations which are anonymous or where there is no specific Complainant (for example, allegations raised in the public domain arising from unknown sources) will only be considered at the discretion of the Vice-Principal (Research and Innovation), taking into account: the seriousness of the allegations raised, the credibility of the allegations, and the likelihood of confirming the allegations from alternative and credible sources.
9. Allegations of research misconduct regarding research under the University's auspices must be written on the proforma provided on our research misconduct webpage<sup>1</sup>. The proforma (plus any appended documents) must be emailed to the Vice-Principal (Research and Innovation) at [researchintegrity@st-andrews.ac.uk](mailto:researchintegrity@st-andrews.ac.uk). The proforma can alternatively be emailed (plus any appended documents) to [whistleblowing@st-andrews.ac.uk](mailto:whistleblowing@st-andrews.ac.uk), if the Vice-Principal (Research and Innovation) is personally associated with the allegation or has any other conflict of interest and/or the Complainant wishes to remain anonymous; it will be received by the Convenor of the University's Audit & Risk Committee and passed to the Vice-Principal (Governance). The Vice-Principal (Governance) will then take on the role of the Vice-Principal (Research and Innovation) as regards the conduct of this procedure and they will hereafter be responsible for fulfilling all the duties allocated to that role by this procedure. By submitting the proforma, the Complainant is consenting to their allegation being confidentially shared unedited (Complainant name redacted) with all those involved in handling and investigating the allegation and with the Respondent. It is therefore the responsibility of the Complainant to draft their allegation bearing this in mind. The identity of the Complainant will normally be kept confidential until a Formal Investigation is launched unless: it is already known to the Respondent, for example as a result of informal resolution having already been attempted; it is incompatible with a fair and thorough investigation; and/or there is an overriding reason for disclosure.
10. If at any stage of this procedure, 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 may be handled and investigated under this procedure as separate matters, or jointly, depending on the circumstances.
11. This procedure allows for self-referral, meaning when an individual uses the Policy and this procedure to proactively address an act of research misconduct relating to themselves.

## **Screening**

12. Should the Vice-Principal (Research and Innovation) receive an allegation directly for which they believe themselves to have a conflict of interest, they will declare that conflict to the Vice-Principal (Governance). The Vice-Principal (Governance) will decide whether they should be excluded from involvement in the investigation and record the reasons for the decision in writing. If the Vice-Principal (Research and Innovation) is excluded, the Vice-Principal (Governance) will then take on their role as regards the conduct of this procedure and will be responsible for fulfilling all the duties allocated to that role by this procedure.
13. The Vice-Principal (Research and Innovation) will review the allegations with reference to the scope of - and definition of research misconduct in - the Policy.
14. If the Vice-Principal (Research and Innovation) determines that the allegations fall outside of the scope of - and definition of research misconduct in - the Policy, they will inform the

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<sup>1</sup> <https://www.st-andrews.ac.uk/research/integrity-ethics/research-integrity>

Complainant in writing as to: the reasons why the allegation cannot be investigated using this procedure; which process might be appropriate for handling and investigating the allegation (if any) and/or, if appropriate, which external body; and to whom the allegation should be reported. In cases where an allegation is of a serious nature but does not fall under the definition of research misconduct, the Vice-Principal (Research and Innovation) may choose to refer the matter to an appropriate University procedure (including a disciplinary procedure) to address the allegation, or inform an appropriate external body such as a statutory regulator or professional body. If the allegation relates to financial fraud or other misuse of research funds or research equipment, the Vice-Principal (Research and Innovation) may choose to refer it to the Finance Director for investigation under the University's Fraud Response Policy, rather than investigate the allegation using this procedure.

15. If the Vice-Principal (Research and Innovation) determines that the allegations fall within the scope of - and definition of research misconduct in - the Policy, they will then determine whether the allegation is supported by sufficient evidence to warrant a Preliminary Investigation. If not, the allegation will proceed no further. If so, the Vice-Principal (Research and Innovation) will consider the appropriateness of, and if possible encourage, addressing the issue through education and training or another approach, such as mediation, rather than through the next stage of the procedure or other formal processes. In cases of co-authorship disputes, mediation options will always be exhausted before progressing the allegation further in this process, in line with national level guidance for handling co-authorship disputes<sup>2</sup>. If informal resolution is not appropriate, the Vice-Principal (Research and Innovation) will then:
- i. decide that an allegation requires a Preliminary Investigation
  - ii. decide whether immediate action needs to be taken to address any risk to staff, participants, other persons, animals or the environment. This may require notifying legal or regulatory authorities or relevant professional bodies.
  - iii. decide whether any information and/or evidence may need to be secured at this point.
  - iv. decide whether there are grounds to request, until the investigation has been completed, to refuse to endorse any new applications for funding by the Respondent(s), and/or that the Respondent(s) are temporarily barred from access to: part, or all, of the premises of the University; research data; and/or computer hardware. In such cases, the Respondent's supervisor/line manager may be confidentially informed of the existence of the investigation.
  - v. determine whether the research project to which the allegation relates includes contractual obligations that require the University to undertake prescribed steps in the event of an allegation of research misconduct being made, and take any actions that may be necessary to meet such obligations. Such obligations might be contained within, for example: a contract/agreement or guidance on research conduct from a funding organisation; a partnership contract/agreement/Memorandum of Understanding; or an agreement to sponsor the research.
  - vi. write to the Complainant, acknowledging receipt of the allegation, informing them that the allegation will be investigated under this procedure, and providing a copy of the procedure.
16. Allegations involving the following will be handled as described here, observing confidentiality:
- i. A collaborative project, and/or projects undertaken within the NHS: where allegations have been made against several individuals across more than one institution, the Vice-Principal (Research and Innovation) will, in the first instance, seek to assume a coordinating role for liaison between the institutions. Where appropriate, one institution should be appointed to take the lead in the investigation and assume a coordinating role.

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<sup>2</sup> Accessible at <https://ukrio.org/ukrio-resources/authorship/>

- ii. Research conducted under the auspices of another organisation by a Respondent who is currently employed by the University: where the University has received such an allegation of research misconduct (e.g. where publications are affiliated with the other organisation), the Vice-Principal (Research and Innovation) will contact the equivalent post at the other organisation at the commencement of a Preliminary Investigation. Employees of that organisation may be invited to be involved in the investigation of the allegation.
- iii. Research conducted under the auspices of the University by a Respondent who is currently employed elsewhere: such allegations may be referred to the Respondent's current employer if they have not been already. Where another organisation has received such an allegation of research misconduct (including where publications are affiliated with the University) every reasonable effort will be made by the University to comply with the requests of the investigation, e.g. by providing material and/or data.
- iv. Research conducted with the involvement of United States Public Health Service funds, as detailed in the University's 'Statement on Dealing with Allegations of Research Misconduct Under United States Public Health Service (USPHS) Research related Activities for Foreign Institutions'<sup>3</sup>.

17. The above actions should take place as soon as is practicable upon receipt of an allegation, normally within ten working days, provided this does not compromise the Principles of the Policy and the full and fair investigation of the allegation. Any delays to this timescale will be explained to the Complainant in writing, presenting an estimated revised date of completion.

### ***Preliminary Investigation***

18. The following will be informed, at different points and to different levels of detail, of the existence and/or outcome of a Preliminary Investigation (further individuals, including the Principal, may be notified at the discretion of the Vice-Principal (Research and Innovation)): the Complainant; each Respondent individually; for staff Respondents, the Head of School and the School's Human Resources Business Partner; for postgraduate student Respondents, the Head of School and the School's Director of Postgraduate Studies; for undergraduate student Respondents, the Head of School and the School's Director of Teaching; and in cases where appropriate contractual/legal obligations exist, external bodies.

19. The purpose of the Preliminary Investigation is to:

- i. determine whether there is sufficient evidence of research misconduct and sufficient grounds to believe that the misconduct may have been a result of intention and/or recklessness and/or gross negligence to warrant a Formal Investigation of the allegation; and
- ii. make recommendations, for consideration by the appropriate University authorities, regarding any further action necessary by the University and/or other bodies.

20. The Vice-Principal (Research and Innovation) will appoint an Investigator. The Investigator will not make any comment on the allegation or its Investigation unless formally requested by the University or otherwise required to by law. They will treat all information concerning the allegation and its Investigation as confidential. This will happen as soon as is practicable after the decision to undertake a Preliminary Investigation has been made, normally within ten working days. Any delays to this timescale will be explained to the Complainant and Respondent in writing, presenting an estimated revised date of completion. The Investigator will be:

- i. normally - the Head of, or a senior member of staff from, a different but cognate School to that (or those, if multiple Schools) in which the misconduct is alleged to have

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<sup>3</sup> Accessible at <https://www.st-andrews.ac.uk/research/integrity-ethics/research-integrity/research-misconduct/>

- occurred, who is not personally associated with the work to which the allegation relates or has any conflict of interest;
- ii. in cases where the Vice-Principal (Research and Innovation) considers it appropriate, for example for a particularly complex allegation, a Preliminary Investigation Panel appointed by the Vice-Principal (Research and Innovation), in accordance with the following:
    - a. The Preliminary Investigation Panel will normally consist of three persons drawn from senior members of the University's academic staff.
    - b. The Vice-Principal (Research and Innovation) may choose to appoint one or more members of the Preliminary Investigation Panel from outside the University.
    - c. The Vice-Principal (Research and Innovation) will select one of the members of the Preliminary Investigation Panel to be its Chair.
    - d. When appointed, a Preliminary Investigation Panel will take on the role of the Investigator as regards the conduct of the Preliminary Investigation, and its members will be responsible for fulfilling all the duties allocated to that role by this procedure.
21. The Investigator will make a written declaration of conflicts of interest to the Vice-Principal (Research and Innovation). 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 persons chosen to act as Investigator. Any such conflicts of interest or concerns will be considered by the Vice-Principal (Research and Innovation), who will decide whether they warrant the exclusion of any individual from the procedure. The Vice-Principal (Research and Innovation) will, in writing, record the reasons for their decision and inform the person(s) concerned, and as appropriate, the Respondent and/or Complainant.
22. All relevant information obtained in previous stages will be transferred to the Investigator.
23. The Investigator will inform the Respondent in writing that: an allegation of research misconduct has been made against them, providing a copy of the allegation; it will be investigated under this procedure, providing a copy of this procedure; and that they must provide a written response to the allegation, appending any supporting evidence. If an allegation is made against more than one Respondent, if possible and appropriate, the Investigator will inform each individual separately and not divulge the identity of any other Respondent. 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 in the procedure to identify which group members are, or are not, subject to the investigation.
24. The Investigator will consider the evidence available concerning the allegation, including: the allegation and any supporting evidence from the Complainant; the written response to the allegation and supporting evidence from the Respondent; and any other documentation and background information that the Investigator identifies as being relevant to the allegation.
25. The Investigator will consider whether it is necessary to interview the Complainant, the Respondent and any other persons the Investigator considers appropriate. If the Investigator interviews the Respondent, they shall be given the opportunity to verbally respond to the allegation made against them, set out their case and to present evidence. If interviewed, the Complainant and Respondent may be accompanied at such meetings in accordance with paragraph 29 of the Policy.
26. At the end of the Preliminary Investigation, the Investigator will conclude whether the allegation of research misconduct:

- i. is unfounded and will be dismissed, determining whether the allegation was made in bad faith, and the Vice-Principal (Research and Innovation) will consider potential actions to take; or
- ii. warrants referral, by the Vice-Principal (Research and Innovation), directly to: the University's Disciplinary procedures (e.g. in situations where there is insufficient evidence of research misconduct to continue with this procedure, but sufficient evidence of a type of misconduct that is handled by the University's Disciplinary procedures); another relevant University process; or to an external organisation, including but not limited to statutory regulators or professional bodies; or
- iii. has some substance but due to the lack of sufficient grounds to believe that the misconduct may have been a result of intention and/or recklessness and/or gross negligence, or due to its minor nature, will be addressed through education and training or another approach, such as mediation, rather than through the next stage of the procedure or other formal processes; or
- iv. is sufficiently serious and there is sufficient evidence of research misconduct to warrant a Formal Investigation of the allegation.

27. The Investigator may also make recommendations, for consideration by the appropriate University authorities, regarding any further action necessary by the University and/or other bodies. Such recommendations might include but are not limited to:

- i. whether procedural or organisational matters should be addressed by the University or other relevant bodies through a review of the management of research; and/or
- ii. other matters that should be investigated, including allegations of research misconduct which are either unrelated to the allegation in question or alleged to have been committed by persons other than the Respondent and/or other forms of alleged misconduct.

28. The Investigator will produce a draft written report of their Investigation, stating their conclusions and appending all the documentation and evidence collected. The Investigator will make the draft report and appendices available to the Vice-Principal (Research and Innovation), who will then forward it to the Respondent and Complainant for comment on its factual accuracy. To protect confidentiality, the Vice-Principal (Research and Innovation) may redact any of the report's contents that they deem to be sufficiently confidential and/or personally sensitive, meaning that the Respondent and Complainant may receive a non-equivalent version of the report. The Respondent and Complainant should submit any concerns about errors of fact to the Investigator in writing. The Investigator will decide whether any concerns about errors of fact raised by the Respondent and/or the Complainant warrant the revision of the draft report and inform the Respondent and/or the Complainant, as appropriate, of their decision in writing.

29. The Investigator will then forward the final report and appendices to the Vice-Principal (Research and Innovation), and to the Complainant and Respondent. The work of the Investigator is then concluded, although they may be: asked by the Vice-Principal (Research and Innovation) to clarify any points in the final report of the Preliminary Investigation; asked to attend any subsequent Formal Investigation and/or disciplinary procedure, including being asked to clarify any points in the final report of the Preliminary Investigation; and/or consulted by the Vice-Principal (Research and Innovation) regarding any subsequent actions taken under this procedure or other University processes.

30. In cases where it is concluded that the allegation will be addressed through education and training or another approach, such as mediation, rather than through the next stage of the procedure or other formal processes, the Vice-Principal (Research and Innovation) will work with relevant University staff to establish a programme of training or supervision in conjunction



with the Respondent and their line manager. This programme may include measures to address the needs of staff and/or students working with the Respondent. The use of this procedure will then conclude at this point.

31. The Investigator will normally aim to complete the Preliminary Investigation within 30 working days following instruction from the Vice-Principal (Research and Innovation), provided this does not compromise the Principles of the Policy and the full and fair investigation of the allegation. Any delays to this timescale will be explained in writing by the Investigator to the Complainant, Respondent and Vice-Principal (Research and Innovation), presenting an estimated revised date of completion.

### ***Formal Investigation***

32. The following will be informed, at different points and to different levels of detail, of the existence and outcome of a Formal Investigation (further individuals, including the Principal, may be notified at the discretion of the Vice-Principal (Research and Innovation)): the Complainant; each Respondent individually; for staff Respondents, the Head of School and the School's Human Resources Business Partner; for postgraduate student Respondents, the Head of School and the School's Director of Postgraduate Studies; for undergraduate student Respondents, the Head of School and the School's Director of Teaching; and in cases where appropriate contractual/legal obligations exist, external bodies.

33. The purpose of the Formal Investigation is to:
- i. review all the relevant evidence and, on the balance of probabilities, 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, in which case the matter would be referred to a disciplinary process, or to dismiss the allegation; and
  - ii. make recommendations, for consideration by the appropriate University authorities, regarding any further action necessary by the University and/or other bodies.

34. The Vice-Principal (Research and Innovation) will appoint a Formal Investigation Panel. Once it has concluded its work, members of a Panel will not make any comment on the allegation or its Investigation unless formally requested by the University or otherwise required to by law. They will treat all information concerning the allegation and its Investigation as confidential. The Panel will normally be appointed within 30 working days of the completion of the Preliminary Investigation stage. Any delays to this timescale will be explained to the Complainant, the Respondent and other relevant parties in writing, presenting an estimated revised date of appointment. The Panel:

- i. should consist of at least three impartial investigators, of which at least one will be from outside the University;
- ii. will contain at least two members that, in the opinion of the Vice-Principal (Research and Innovation), have expertise relevant to the allegation, who may include individuals from outside the University;
- iii. for allegations involving research being conducted in conjunction with a partner organisation, may contain a representative of that organisation; and
- iv. for allegations involving other organisations, may contain representatives from those organisations.

Members of the Panel will not have previously been involved in the handling and/or investigation of the allegation.

35. The Vice-Principal (Research and Innovation) will select the Chair of the Panel from its members. The Chair will normally be a senior member of the University from outside the

discipline in which the misconduct is alleged to have taken place. At the discretion of the University, the Chair may be selected from the member(s) of the Panel from outside the University. In a case which involves complex legal issues, the Vice-Principal (Research and Innovation) may select an external lawyer or other suitably qualified person to act as Chair and/or provide legal assistance to the Panel.

36. Each member of the Panel will make a written declaration of conflicts of interest to the Vice-Principal (Research and Innovation). 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 persons chosen to conduct the Formal Investigation. Any such conflicts of interest or concerns will be considered by the Vice-Principal (Research and Innovation), who will decide whether they warrant the exclusion of any individual from the procedure. The Vice-Principal (Research and Innovation) will, in writing, record the reasons for their decision and inform the person(s) concerned, and as appropriate, the Respondent and/or Complainant.
37. All relevant information obtained in previous stages will be transferred to the Panel.
38. The Panel will consider the evidence available concerning the allegation and will be free to seek out any information that it identifies as being relevant to the allegation. Both the Complainant and Respondent will have the right to submit evidence to the Panel and respond to the evidence presented by others. Both the Complainant and Respondent may be accompanied at such meetings in accordance with paragraph 29 of the Policy.
39. The Panel shall be free to widen the scope of its Investigation if it considers that necessary, subject to keeping the Respondent(s) informed, in writing, of the increased scope of the Investigation.
40. In carrying out the Formal Investigation the Panel cannot work to a prescribed timetable. The Panel should conduct the Formal Investigation as quickly as possible without compromising the Principles of the Policy and the full and fair investigation of the allegation. The Chair will report the progress made by the Investigation Panel to the Vice-Principal (Research and Innovation) monthly. The Vice-Principal (Research and Innovation) will then provide appropriate information on the progress of the Investigation, in confidence, to the Complainant and Respondent, and to other interested parties as appropriate. To protect confidentiality, the Vice-Principal (Research and Innovation) may redact any information that they deem to be sufficiently confidential and/or personally sensitive, meaning that the Respondent and Complainant may receive non-equivalent information.
41. At the end of the Formal Investigation, the Panel will conclude, using the standard of proof of 'on the balance of probabilities', giving the reasons for its decision and recording any differing views, whether:
  - i. 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, and the Panel will state whether it considers the matter sufficiently serious to warrant referral to an appropriate disciplinary procedure; or
  - ii. to dismiss the allegation, because:
    - a. it is unfounded, determining whether the allegation was made in bad faith, and the Vice-Principal (Research and Innovation) will consider potential actions to take; and/or
    - b. there is a lack of sufficient grounds to believe that the misconduct may have been a result of intention and/or recklessness and/or gross negligence.

42. The Panel may also make recommendations, for consideration by the appropriate University authorities, regarding any further action necessary by the University and/or other bodies. Such recommendations might include but are not limited to:
- i. whether the allegation should be referred to another University process or the University's Fraud Response Plan; and/or
  - ii. what external organisations should be informed of the findings of the Investigation, with appropriate confidentiality, including but not limited to statutory regulators, relevant funding bodies, partner organisations and professional bodies; and/or
  - iii. whether any action will be required to correct the record of research, including but not limited to informing the editors of any journals that have published articles concerning research linked to the allegation of research misconduct and/or by a person against whom the allegation was made; and/or
  - iv. whether procedural or organisational matters should be addressed by the University or other relevant bodies through a review of the management of research; and/or
  - v. informing research participants or patients or their doctors; and/or
  - vi. other matters that should be investigated, including allegations of research misconduct which are either unrelated to the allegation in question or alleged to have been committed by persons other than the Respondent and/or other forms of alleged misconduct.
43. The Panel will produce a draft written report of its Investigation, stating its conclusions and recommendations and appending all the documentation and evidence. The Panel will make the draft report available to the Vice-Principal (Research and Innovation), who will then forward it to the Respondent and Complainant for comment on its factual accuracy. To protect confidentiality, the Vice-Principal (Research and Innovation) may redact any of the contents of the draft report that they deem to be sufficiently confidential and/or personally sensitive, meaning that the Respondent and Complainant may receive a non-equivalent version of the report. The Respondent and Complainant should submit any concerns about errors of fact to the Panel in writing. The Panel will decide whether any concerns about errors of fact raised by the Respondent and/or the Complainant warrant the revision of the draft report and inform the Respondent and/or the Complainant, as appropriate, of its decision in writing.
44. The Panel will then forward the final report and appendices to the Vice-Principal (Research and Innovation). The work of the Panel is then concluded and it should be disbanded, although its members may be: asked by the Vice-Principal (Research and Innovation) to clarify any points in the final report of the Formal Investigation; asked to attend by any subsequent Formal Investigation and/or disciplinary procedure, including being asked to clarify any points in the final report of the Formal Investigation; and/or consulted by the Vice-Principal (Research and Innovation) regarding any subsequent actions taken under this procedure or other University processes.

### ***Subsequent actions***

45. The Vice-Principal (Research and Innovation) will consider the final report of the Formal Investigation and potential subsequent actions and in the following situations, will involve the following individuals in those considerations: if staff of the University are involved, the Master and Director of HR; if students of the University are involved, the Proctor or Provost, and Registrar (as appropriate); if individuals are involved who are neither staff nor students of the University, the Principal.
46. If the Panel has concluded that the alleged act of research misconduct occurred (detailing the nature and extent of the misconduct) 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:

- i. if the Panel states that it considers the matter sufficiently serious to warrant referral to an appropriate disciplinary procedure, to make that referral;
  - ii. if the Panel states that it considers the matter insufficiently serious to warrant referral to an appropriate disciplinary procedure, to consider actions in accordance with paragraph 47 of this procedure;
  - iii. decide whether any other action needs to be taken, considering any recommendations made by the Panel; and/or
  - iv. consider actions to prevent detriment in accordance with paragraph 43 of the Policy.
47. If the allegation of research misconduct has been dismissed, the Vice-Principal (Research and Innovation) will:
- i. consider actions to prevent detriment in accordance with paragraph 44 of the Policy; and/or
  - ii. if it is to be addressed through education and training or other approach, such as mediation, rather than other formal processes, decide on work with relevant University staff to establish a programme of training or supervision in conjunction with the Respondent and their line manager. This programme may include measures to address the needs of staff and/or students working with the Respondent; and/or
  - iii. decide whether any other action needs to be taken, considering any recommendations made by the Panel.
48. The Vice-Principal (Research and Innovation) will:
- i. notify the Complainant and Respondent in writing of the outcome of the Formal Investigation and the actions that they have decided to take; and
  - ii. carry out the actions that they have decided to take, liaising, as appropriate, with relevant committees and staff of the University and with other bodies to ensure any necessary courses of action are taken.
49. The Vice-Principal (Research and Innovation) will do the following, but when an allegation is referred to a disciplinary procedure, may delay the following until that disciplinary procedure, including any appeal stage, is completed:
- iii. take any administrative actions that may be necessary to: meet all legal and/or ethical requirements; protect the funds and/or other interests of grant- or contract-awarding bodies; and/or meet all contractual commitments, including any relating to disclosure of the outcome of the Formal Investigation and subsequent actions taken; and
  - iv. in cases where they deem it appropriate, confidentially inform other persons or bodies in writing of the outcomes of the Formal Investigation and subsequent actions taken.

### ***Disciplinary procedures***

50. If the Panel states in its report that it considers the matter sufficiently serious to warrant referral to an appropriate disciplinary procedure, the Vice-Principal (Research and Innovation) will make that referral.

### **For staff of the University**

51. The Vice-Principal (Research and Innovation) will refer the allegation to the University's Disciplinary procedure for All Staff, contacting the Director of Human Resources for appropriate arrangements to be made. All relevant information obtained in previous stages will be included in the Disciplinary procedure as evidence.
52. The Vice-Principal (Research and Innovation) will write to the Respondent and Complainant in the first instance to inform them of the decision to proceed under the University's Disciplinary procedure for All Staff and that whilst this procedure is ongoing, most contact will come from Human Resources.

53. In line with the University Disciplinary procedure, an Investigation Manager will be appointed to undertake an investigation in accordance with the relevant provisions of the Disciplinary procedure. The Investigation Manager will take the report of the Formal Investigation Panel as expert evidence and ascertain any responsibility for the acts of misconduct that the Panel concluded had occurred. In accordance with the Disciplinary procedure, a Disciplinary Panel will then be convened which will take the reports of the Formal Investigation and Disciplinary Investigation as evidence, and may call the Chair of the Formal Investigation Panel as an expert witness to any subsequent Disciplinary Hearing.

#### **For students of the University**

54. The Vice-Principal (Research and Innovation) will refer the allegation to the Deans' Office, who will make arrangements for the appropriate disciplinary (misconduct) procedure. All relevant information obtained in previous stages will be included in the Disciplinary procedure as evidence.

#### ***Use of information arising from this procedure***

55. For the purposes of producing anonymised equality and diversity monitoring data, the names of employees and students who have been Complainants and/or Respondents will be provided annually and in confidence to the University's Equality and Diversity Officer.

56. Anonymous data on the number, type of misconduct alleged, and outcome of enquiries, concerns and investigations will be recorded and used for the purposes of internal and external reporting, and for internal training purposes.

57. Reports generated by investigations under this procedure may be circulated, in confidence, on an annual basis to the University Ethics and Research Integrity Assurance Group, as may follow-up reports relating to any actions taken following the conclusion of Investigations. All such reports will be anonymised and/or have content redacted if deemed appropriate, the decision to be made by the Vice-Principal (Research and Innovation) in consultation with any other relevant officers of the University. Discussion of such reports will be briefly minuted in a fully anonymous manner. With the specific agreement of the Vice-Principal (Research and Innovation), suitably anonymised and/or redacted accounts of completed investigations may be used for internal training purposes on a confidential basis.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
V1.0				01/01/2019
V1.1	Minor changes made following review in 2021, adjustment of paragraphs 15 and 20		Richard Malham, Head of Research Policy, Integrity and Governance, Research and Innovation Services	25/06/2021
V1.2	Policy renewed for 6 months to allow completion of review		Richard Malham, Head of Research Policy, Integrity	02/05/2023

			and Governance, Research and Innovation Services	
V1.3	Policy renewed for another 6 months to allow completion of review		Richard Malham, Head of Research Policy, Integrity and Governance, Research and Innovation Services	01/08/2023
V1.4	Policy renewed for another 6 months to allow completion of review		Richard Malham, Head of Research Policy, Integrity and Governance, Research and Innovation Services	01/05/2024