

Code of Practice

Oxford Brookes University

Code of Practice for Academic Integrity, including Procedures for Investigating Allegations of Misconduct in Research

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Part 1

1. General Principles

1.1. As an academic community, Oxford Brookes University has a responsibility to encourage and nurture the highest possible standards of intellectual honesty and integrity. Good research practice is essentially an attitude of mind that becomes an attitude to work. It is about the way in which research is planned and conducted, the results are recorded and reported, and the fruits of research are disseminated, applied and exploited. Good research practice will allow ready verification of the quality and integrity of research data, provide a transparent basis for investigating allegations of misconduct and lead to better research.

1.2. This document sets out the procedures of Oxford Brookes University with respect to the promotion of good practice in academic research and the investigation of allegations of academic misconduct. It applies to all employees, students and visiting academics of the University, including persons with honorary positions, conducting research within, or on behalf of, the University. It also details the processes that exist to support the delivery of good research conduct by emphasising the supporting roles that exist within Faculties and the wider University.

1.3. In addition to the guidance in this document, the University has a Code of Practice setting out Ethical Standards for Research involving Human Participants and many professional associations also have ethical codes and guidelines for the conduct of research. University staff are expected to comply with such standards. All researchers should be aware of the legal requirements which regulate their work.

1.4. Research misconduct is least likely to arise in an environment where good research practice is encouraged and where there is adequate supervision and systems of support at all relevant levels. It is a responsibility of Faculty Deans, through their research co-ordinators, to convey clearly the standards and protocols for research in their Faculties and to ensure that adherence to those standards is a matter of course. However, individual researchers remain responsible for their own conduct and all staff should be familiar with the Standards of Professional Behaviour in Research and Principles of Good Scientific Practice in Research which are set out in this document.

2. Standards of Professional Behaviour in Research

All researchers within Oxford Brookes University have a duty to society, to their profession, to the University and to those funding their research to conduct their research in the most conscientious and responsible manner possible.

3. Principles of Good Practice in Research

3.1. The Nolan Committee on Standards in Public Life identified seven principles which have relevance to best practice in the conduct of research: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Together, these principles provide a foundation for the personal integrity that should be reflected in the professional conduct of research.

3.2. Honesty

At the heart of all research endeavour is the need for researchers to be honest in respect of their own actions in research and in their responses to the actions of other researchers. This applies to the whole range of research work, including research design, generating and analysing data, financial management of projects, applying for funding, publishing results and acknowledging the direct and indirect contribution of colleagues, collaborators and others. Researchers should declare and manage any real or potential conflicts of interest.

3.3. Openness

The University encourages researchers to be as open as possible in discussing their work with other researchers and with the public. However, researchers need to be sure that before any disclosure of results, they have determined that the Intellectual Property Rights of the University are secured and that the rights of research sponsors, others with legitimate interests in their work and the researchers' own interests are protected. Once results have been published, the University expects researchers to make available relevant data and materials to others, on request, where this is appropriate.

3.4. Leadership and Co-operation in Research Groups

3.4.1. Individuals in authority must set the culture and tone of procedures within any organisation. Within the University it is the responsibility of the Vice-Chancellor, Pro Vice-Chancellor (Research), Deans of Faculties and research co-ordinators within Faculties to ensure that a climate is created that allows research to be conducted in accordance with good research practice.

3.4.2. Within a research group, responsibility lies with the group leader. University staff members in leadership or supervisory positions have an obligation to foster personal integrity in the conduct of staff and students under their direction. They are also responsible for the ethical basis of the research and its funding, and for the safety of all involved in the research process. Research group leaders should create an environment of mutual co-operation, in which all members of a research team are encouraged to develop their skills and in which the open exchange of ideas is fostered. The steps that may be needed to ensure good research practice include monitoring the training and supervision of new research students and staff and their continuing professional development. Each Faculty should also establish a mechanism for monitoring the effectiveness of the University's policy on good research practice, for example, tracking back a random selection of research studies from conclusions to conception to ensure that all necessary paper/electronic 'trails' are in place.

3.5. Education of New Researchers

Proper induction programmes are important for researchers who are new to the research community. Responsibility for ensuring that students and other new researchers understand

good research practice lies with all members of the community, but particularly with Deans of Faculties, research co-ordinators within Faculties and research group leaders. In this respect, the University requires that all Faculties have programmes in place which ensure that new student and staff researchers are taken through the University's regulations and codes of practice as well as their expected patterns of research behaviour.

3.6. Documenting Results and Storing Primary Data

Researchers are required to keep clear and accurate records of the research procedures followed and of the results obtained, including interim results. This is necessary not only as a means of demonstrating proper research practice, but also in case questions are subsequently asked about either the conduct of the research or the results obtained. For similar reasons, data generated in the course of research must be kept securely in paper or electronic form as appropriate. The University requires such data to be securely held for a period of 10 years after the completion of a research project, except where funders require a longer period.

3.7. Publishing Results

It is usually a condition of research funding that the results are published in an appropriate form, subjected to peer review and made available for public scrutiny. Anyone listed as an author on a paper should accept responsibility for ensuring that they are familiar with the contents of the paper and can identify their contribution to it. The practice of honorary authorship is unacceptable. The contribution of formal collaborators and all others who directly assist or indirectly support the research should be properly acknowledged.

3.8. Integrity in Submitting Proposals for External Support

Applicants submitting proposals for Research Council or other support must take all reasonable measures to ensure the accuracy of information contained in applications for funding.

3.9. Integrity in Undertaking and Managing Research Projects

3.9.1. In applying for or accepting external research support, staff should pay close attention to the conditions under which funding is offered (NB The Guidelines and associated Code, 'Integrity, Clarity and Good Management' (RCUK, 2009) are a requirement of all Research Council grants and awards): where these do not provide conditions for research to be conducted to the highest professional standards, support should not be sought or accepted. Staff should ensure that sponsors and/or funders appreciate the obligations that members of the University have not only to them, but also to research participants, professional colleagues, the academic community and society as a whole. Research should be undertaken with a view to providing information or explanation and should not be constrained to reach particular conclusions or prescribe particular courses of action.

3.9.2. Where the nature or conditions of funding raise ethical issues or the researchers are concerned that they might raise ethical issues, these should be discussed and a response agreed with the University Research Ethics Committee. When research is undertaken, researchers and staff managing research projects should take all reasonable measures to ensure compliance with sponsor, institutional, financial, legal, ethical and moral obligations in managing projects.

3.10. Integrity in Undertaking Peer Review

When undertaking peer review, staff should ensure that there is no conflict of interest and they comply with the principles of fairness, impartiality and academic rigour.

Part Two

4. Good Research Conduct Code

4.1. Context

This code is relevant to all individuals involved in research, irrespective of the subject of research, including:

- **Researchers**
- **Research Support Staff**
- **Students**
- **Research Managers and Administrators**

4.1.1. All are expected to observe the highest standards of research integrity both in the practice and publication of research. They must operate honestly and openly in respect of their own actions and in response to the actions of others involved in research.

4.1.2. The spectrum of inappropriate behaviour is wide, ranging from minor misdemeanours which may happen occasionally and inadvertently, to significant acts of misappropriation or fabrication. This code concentrates on entirely unacceptable types of research conduct. Individuals involved in research must not commit any of the acts of research misconduct specified below.

4.2. Unacceptable Research Conduct

Allegations should be investigated by the individual's employer and proven case must be notified to the research funder.

4.2.1. Unacceptable conduct includes:

- **Fabrication** - this includes the creation of false data or other aspects of research, including documentation and participant consent.
- **Falsification** - this includes the inappropriate manipulation and/or selection of data, imagery and/or consents.
- **Plagiarism** - this includes the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission.
- **Misrepresentation** - this includes:
 - * Misrepresentation of data, for example suppression of relevant findings and/or data, or knowingly, recklessly or by gross negligence, presenting flawed interpretation of data;
 - * Undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publications;
 - * Misrepresentation of qualifications and/or experience, including claiming or implying qualifications or experience which are not held;
 - * Misrepresentation of involvement, such as inappropriate claims to authorship and/or attribution of work where there has been no significant contribution, or the denial of authorship where an author has made a significant contribution.
- **Mismanagement or inadequate preservation of data and/or primary materials, including failure to:**

- * Keep clear and accurate records of the research procedures followed and results obtained including interim results;
 - * Hold records securely in paper or electronic form;
 - * Make relevant primary data and research evidence accessible to others for reasonable periods after the completion of the research: data should normally be preserved and accessible for 10 years, but for projects of clinical or major social, environmental or heritage importance, for 20 years or longer;
 - * Manage data according to the research funder's data policy and all relevant legislation;
 - * Wherever possible, deposit data permanently within a national collection;
 - * Responsibility for proper management and preservation of data and primary materials is shared between the researcher and the research organisation.
- **Breach of duty of care, which involves deliberately, recklessly or by gross negligence:**
 - * Disclosing improperly the identify of individuals or groups involved in research without their consent, or other breaches of confidentiality;
 - * Placing any of those involved in research in danger, whether as subjects, participants or associated individuals, without their prior consent, and without appropriate safeguards even with consent; this includes reputational danger where that can be anticipated;
 - * Not taking all reasonable care to ensure that the risks and dangers, the broad objectives and the funder/sponsor of the research are known to participants or their legal representatives, to ensure appropriate informed consent is obtained properly, explicitly and transparently;
 - * Not observing legal and reasonable ethical requirements or obligations of care for animal subjects, human organs or tissue used in research, or for the protection of the environment;
 - * Improper conduct of peer review of research proposals or results (including manuscripts submitted for publication); this includes failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material provided in confidence for peer review purposes;

4.2.2. If any person believes that a member of staff, University research student or honorary or visiting staff or research student is behaving in ways that constitute academic misconduct, then he or she has a duty to report that behaviour.

5. Procedure for Investigating and Acting upon Allegations of Misconduct

5.1. The University is committed to ensuring that all allegations of research misconduct are investigated thoroughly, fairly and expeditiously, and with care and sensitivity. To this end, the procedure for handling allegations of research misconduct is separated into two stages: first, an initial assessment to determine whether there is a prima facie case for an investigation; secondly, a formal investigation to examine and evaluate all the relevant facts and determine whether research misconduct has been committed. Where appropriate, the University will take legal advice on implementing these procedures to ensure that they comply with all legal obligations for the conduct of such investigations from time to time in force.

5.2. The identity of any individual or individuals reporting suspected misconduct shall be kept confidential, if so requested and in so far as it is consistent with the proper assessment and investigation of the allegation, and except where the allegation is so serious that the University is obliged to pursue the matter even if confidentiality is breached. In such an event every reasonable effort shall be made to agree a way forward with the complainant but in certain

circumstances, for example, allegations of criminal activity, it may be necessary to proceed nonetheless.

5.3. The need to conduct all stages of the procedure as efficiently and expeditiously as possible is recognised and the times specified below represent the maximum number of working days by which each stage must be completed; it is expected that in many cases the procedures can be completed much more swiftly.

5.4. The Conduct of the Procedure will adhere to the following principles:

- Information relating to the identity of the individual or individuals about whom a complaint is made and matters arising from this shall only be divulged to others to the extent that it is necessary to conduct a proper investigation. Any individual who takes part in the assessment or the investigation shall keep confidential the matters that have been discussed.
- Any individual who is interviewed in the course of the investigation may be accompanied by a friend or representative if they so choose.
- In all cases the public presumption of innocence is maintained until the investigation process is complete.

5.5. Initial Allegation of Research Misconduct

5.5.1 Any member of the University who believes that an act of research misconduct has occurred or is occurring should notify the Dean of the appropriate Faculty. If, for any reason, this is not possible or appropriate, the individual should contact the Pro Vice-Chancellor (Research). Any person or organisation external to the University wishing to report suspected research misconduct should contact the Pro Vice-Chancellor (Research).

5.5.2 Where the act of research misconduct involves staff, honorary staff or research students of the University, the allegation of misconduct will be investigated according to the following procedures. Where the act of research misconduct involves undergraduate or master's students, the allegation of misconduct will be referred to the appropriate Academic Conduct Officer to determine how to proceed according to the University's Student Conduct Regulations and Procedures.

5.6. Preliminary Review.

5.6.1. Within three days of receiving a report of research misconduct, the Dean of Faculty (or Pro Vice-Chancellor (Research).if required as above) will complete an initial review to determine if the allegations are clearly mistaken, minor or frivolous.

- Where the conclusion is that the allegations are clearly mistaken or frivolous, or where the alleged misconduct is of a minor nature suitable for informal resolution, the complainant and respondent will be informed and no further formal action taken

5.6.2. Where the conclusion is that the allegations are not minor, mistaken or frivolous, the Dean will consider the appropriate avenue for further investigations.

- Where the allegations fall within criminal law, the Dean will immediately refer the matter to the police to deal with and inform the complainant and respondent
- Where the allegations involve misconduct which falls outside criminal law and outside the notion of research misconduct as described in **4.2. Unacceptable Research Conduct**, the Dean will refer to the matter to the Director of Human Resources to determine how to proceed, according to the University's Disciplinary Procedures, and inform the complainant and respondent.
- Otherwise, the Dean will:
 - ask the complainant to submit in writing a detailed statement in support of the allegations.
 - identify any external funding sources for the research which is the subject of the allegations and any external collaborators.

- inform the Pro Vice-Chancellor (Research) of the need to take the investigation further

5.7. Assessment Panel

5.7.1 The Pro Vice-Chancellor (Research) will appoint, within three working days of notification by the Dean, an Assessment Panel to undertake a preliminary investigation of the allegations and to advise on whether there is a prima facie case to answer and a formal investigation warranted

5.7.2. Assessment Team will consist of individuals who have no conflicts of interest in the case, are unbiased, and have expertise to evaluate the appropriate research issues. Where feasible, the Assessment Team will comprise:

- one senior person with appropriate subject knowledge from within the Faculty where the alleged academic misconduct occurred,
- one senior person from another Faculty;
- in exceptional circumstances, a third person may also be appointed from elsewhere in the University.

The person appointed from outside the Faculty in which the research was carried out will act as chairperson.

5.7.3. The assessment should be regarded as a 'light touch' procedure. The Assessment Team will specifically limit its scope to that of evaluating the facts only in order to determine whether there is sufficient evidence of research misconduct to warrant an investigation and will keep proper records of their proceedings.

5.7.4. The respondent will be informed in writing by the Pro Vice-Chancellor (Research) of the allegation and the membership of the Assessment Team as soon as it has been appointed. The respondent will be given a copy of the University's Code of Practice for Academic Integrity, including Procedures for Investigating Allegations of Misconduct in Research.

5.7.5. The assessment will normally involve the Assessment Team examining relevant research records and materials and may involve taking written evidence from key parties including the respondent.

5.7.6. The Assessment Team will complete the assessment and submit its report in writing to the Pro Vice-Chancellor (Research) within a maximum of 10 working days from the date the team is appointed. The report should state what evidence was reviewed, summarise relevant evidence and draw conclusions as to whether there is a prima facie case to answer and a formal investigation is warranted.

5.7.7. The Pro Vice-Chancellor (Research) will consider the report, determine what action to take and inform the respondent, complainant, Assessment Team and Dean of the relevant Faculty of the decision, in writing, within three working days of the receiving the report.. The Pro Vice-Chancellor (Research) may determine that

- There is no prima facie case to answer, the allegation should be dismissed, and no further action taken
- There is no prima facie case to answer, but other appropriate action should be taken, and the matter referred to the Director of Human Resources to consider
- There is a prima facie case to answer and a formal investigation is warranted

5.8. Formal Investigation Panel

5.8.1. Where there is a prima facie case to answer, the Pro Vice Chancellor (Research) will appoint, within five working days, an Investigation Panel to examine and evaluate all relevant facts and to determine whether research misconduct has been committed and, if so, the responsible person(s) and the seriousness of the misconduct.

5.8.2. The Investigation Panel will consist of at least three individuals who have no conflicts of interest in the case, are unbiased, and have expertise to evaluate the appropriate research issues. No member of the Assessment Team may serve on the Investigation Panel. The Investigation Panel should comprise:

- one senior person from within the Faculty where the alleged academic misconduct occurred,
- one senior person from elsewhere in the University
- one peer academic or professional external to the University.
- a secretary provided by the Research and Business Development Office

The University member who is not from the Faculty in which the research was carried out will chair the Panel. The Panel must keep meticulous records of the proceedings.

5.8.3. As soon as the Investigation Panel is appointed, the Pro Vice-Chancellor (Research) will notify the respondent in writing of the allegation, the membership of the Panel and of the Panel's intended procedure, and invite him or her to respond to the allegation and the composition of the Panel.

- The respondent may request, within five working days, a change to the membership of the Formal Investigation Panel and the Pro Vice-Chancellor (Research) may, at his or her discretion, alter the Panel as appropriate.

5.8.4. It is essential to limit circulation of details of the allegation strictly to those who have a real interest, and to protect the identity of the potentially innocent respondent. However, where appropriate, the Pro Vice-Chancellor (Research) will notify other interested parties (eg external funding bodies and other collaborators) of the allegations and the steps being taken to investigate them. .

- Several Research Councils and research charities have clauses stating that they should be notified of any cases of suspected misconduct and kept informed of developments. At the initial stages of the investigation the funding body would not normally suspend the grant or contract if adequate steps are taken to proceed with the investigation.
- In the case of honorary or visiting staff, the employer will be informed that an investigation is taking place
- In the case of a visiting research student, the institution at which he or she is registered will be informed that an investigation is taking place.

5.8.5. The Investigation Panel will determine its own detailed procedure. Specifically, it will:

- interview the respondent and such other parties as it chooses, including the complainant;
- require the respondent - and if it judges it necessary, other members of the University - to produce files, notebooks and other records;
- make a formal written record of each interview and agree it with the respondent.

It may also:

- widen the scope of its investigation if it considers that necessary;
- seek evidence from other parties.

5.8.6. The Investigation Panel will complete its investigation and submit a report of its findings and recommendations to the Pro Vice-Chancellor (Research), within 30 working days. The report should describe the investigative process, summarise relevant evidence and set out whether, on the balance of probabilities, the Investigation Panel found the allegations proven, in whole or in part, and give reasons for its conclusions.

5.7.7. The Pro Vice-Chancellor (Research) will consider the report, determine what action to take and inform the respondent, complainant, Investigation Panel and Dean of the relevant Faculty of the decision, in writing, within three working days of the receiving the report. The Pro Vice-Chancellor (Research) may determine that

- The allegations have not been upheld and no further action will be taken
- The allegations have not been upheld, but other disciplinary or remedial action is recommended and the matter will be referred to the Director of Human Resources to consider
- The allegations have been upheld and the respondent will be referred to the Director of Human Resources for formal disciplinary proceedings. The Pro-Vice Chancellor will also inform the respondent that he or she may request an independent review, to be made in writing within 10 working days

5.8.7. The Pro Vice-Chancellor (Research) will, at the same time, provide a copy of the Panel's Report to the respondent, the complainant, the relevant Dean of Faculty and, where appropriate, external funding bodies and collaborators.

5.8.8. Where the allegations have been upheld, the Investigation Panel may also make recommendations for changes in University guidance, procedures or policy to prevent a recurrence of misconduct or allegations of misconduct similar to that which has been investigated.

5.9. Independent Review

5.9.1. If the respondent is dissatisfied with the outcome of the investigation, and the above procedure has been exhausted, he or she may request that the matter be reviewed by an independent person appointed for the purpose. The request must be made in writing to the Pro Vice-Chancellor (Research), and lodged within 10 working days of the respondent being given the report of the Investigation Panel and the decision of the Pro Vice-Chancellor (Research).

5.9.2. Where the respondent requests an independent review, the Pro Vice-Chancellor (Research) will appoint an Independent Reviewer within three working days of receiving the request to consider whether the investigation has been adequately handled; and whether the response to the allegation was reasonable in all the circumstances

5.9.3 The Independent Reviewer will be a senior academic with the necessary skills to conduct the review, from within the University but with no previous contact with the investigation,

5.9.4. The review will not entail oral hearings but the Independent Reviewer will have the right to interview the complainant, the respondent and any other persons, including those involved in the investigation of the allegations. New evidence or relevant material may be considered at the discretion of the individual conducting the appeal.

5.9.5. The Independent Reviewer will provide a written report, within 10 working days of appointment, to the Pro Vice-Chancellor (Research). The Report should describe the conduct of the review, set out his or her conclusions as to whether the conclusions of the original Investigation Panel were sound and give reasons for those conclusions.

5.9.6. The Pro Vice-Chancellor (Research) will consider the report of the Independent Reviewer, determine what action to take and inform the respondent, complainant, Investigation Panel and Dean of the relevant Faculty of the decision, in writing.

- Where the conclusions of the Investigation Panel were found to be sound, the respondent will be informed of this in writing within three working days and referred to the Director of Human Resources for formal disciplinary proceedings
- Where the conclusions of the Investigation Panel were found to be not sound, the Pro Vice-Chancellor (Research) will determine within five working days whether:
 - to conclude that allegations have not been upheld and no further action is required
 - to refer the allegations to a new Investigation Panel for further investigation
 - to take other action as appropriate

5.10. Subsequent Action

5.10.1. Where the allegations are upheld by the Investigation Panel and, where relevant, by the Independent Reviewer, the Pro Vice-Chancellor (Research) will refer the respondent to formal disciplinary proceedings. For staff, these are described in the University's Disciplinary Procedures and for students in the Student Conduct Regulations and Procedures (including Appendices). On the basis of the previous Reports; the Pro Vice-Chancellor (Research) will determine what other actions are to be taken; and inform the respondent, the complainant, and the Dean of the relevant Faculty, in writing within five working days.

5.10.2. The Pro Vice-Chancellor (Research) will also ensure that the outcomes of the investigations are conveyed to any relevant professional or external funding bodies or any other public body with any interest including the editors of any journals which have published articles on the work involved in the allegations and, in the case of honorary or visiting staff or research student, their employer or the institution at which they are registered;

5.10.3. Where the allegation has not been upheld, the Pro Vice-Chancellor (Research) will ensure that all reasonable and appropriate steps are taken to preserve the good reputation of the respondent and to protect the complainant from victimisation. If the case has received any publicity, the respondent shall be offered the possibility of having an official statement released by the University to the press or other relevant parties, or both.

5.9.4. If the complainant's allegation was found to be malicious, the Pro Vice-Chancellor (Research) may recommend that action be initiated under the University's Disciplinary Procedures for Staff or the Student Conduct Regulations and Procedures.

5.9.5. The Pro Vice-Chancellor (Research) will provide a statement of the subsequent action to be taken, in writing, to the respondent, the complainant, the relevant Dean of Faculty and any other persons or bodies as he or she deems appropriate.

6. Literature Use

6.1. In formulating this Code of Practice, the University has drawn heavily upon the BBSRC's Statement on Safeguarding Good Scientific Practice and on the University of Glasgow's draft Code of Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research. The University also wishes to acknowledge the use of the following documents:

- University of Glasgow, Code of Good Practice in Research.
- University of Kent at Canterbury, Good practice and misconduct in academic research: a policy document.
- University of Oxford, Academic Integrity in Research: Code of Practice and Procedure.
- British Sociological Association, Proposed new statement of ethical practice for the British Sociological Association, March 2002.
- Department of Health, Research Governance Framework for Health & Social Care.
- Engineering and Physical Sciences Research Council, Good Practice in Scientific and Engineering Research.
- ESRC, Safeguarding Good Scientific Practice.
- Medical Research Council, Policy and Procedure for Inquiring into Allegations of Scientific Misconduct.
- Medical Research Council, Good Research Practice.
- Safeguarding Good Scientific Practice: A joint statement by the Director General of the Research Councils and the Chief Executives of the UK Research Councils, December 1998.
- RCUK Policy and Code of Conduct on the Governance of Good Research Conduct: Integrity, clarity and good management, July 2009.
- The Wellcome Trust, Guidelines on Good Research Practice.

**Approved by the Research and Knowledge Transfer Committee
December 2010**

Appendix 1: Flow chart of Procedures for Investigating and Acting upon Allegations of Misconduct

5.5. Initial Allegation of Research Misconduct

1. **Complainant** (named or anonymous) submits initial report of concern to **Dean of Faculty** (or **PVC Research** if Dean is unavailable or inappropriate)

5.6 Preliminary Review

2. Preliminary review undertaken by **Dean** (or **PVC Research** if Dean implicated) to determine whether or not the concern is clearly frivolous or mistaken. [decision made within 3 working days]

If Yes

Inform complainant and individual against whom the allegations have been made (respondent) accordingly and take no further

If No

Consider potential avenues for further investigation

Does the allegation falls within criminal law?

If Yes – Refer immediately to the police to deal with and take no further action

If No – Consider whether allegation involves misconduct which falls outside misconduct in research

If Yes – Does this involve staff or research students?

If No – Inform PVC Research, who will proceed with step 3

Refer to Director of Human Resources to determine how to proceed (Disciplinary Procedures)

5.7 Assessment Panel

3. Where conclusion of Preliminary Review is that the concern is not clearly frivolous or mistaken, **PVC Research** appoints an Assessment Panel consisting of one senior academic with subject specific knowledge and one from another Faculty (in exceptional circumstances a third may be appointed) and informs respondent of the complaint and membership of the Assessment Panel. [appointed within 3 working days]

4. **Assessment Panel** conducts 'light touch' review of research records and/or written statements from key parties to determine whether or not there is a prima facie case to answer and reports to PVC Research. [reports within 10 working days]

5. **PVC Research** considers the report and determines whether there is a prima facie case to answer and a formal investigation is warranted [3 days]

If Yes

PVC Research informs complainant and respondent accordingly and proceeds to step 6. [within 3 working days of receiving report]

If No

PVC Research considers whether report indicates that any alternative disciplinary or remedial action should be taken

If Yes – PVC Research refers complaint to appropriate individual to deal with, informs complainant and respondent accordingly and takes no further action [within 3 working days of receiving report]

If No - PVC Research Informs complainant and respondent that there is no case to answer and takes no further action [within 3 working days of receiving report]

5.8 Formal Investigation Panel

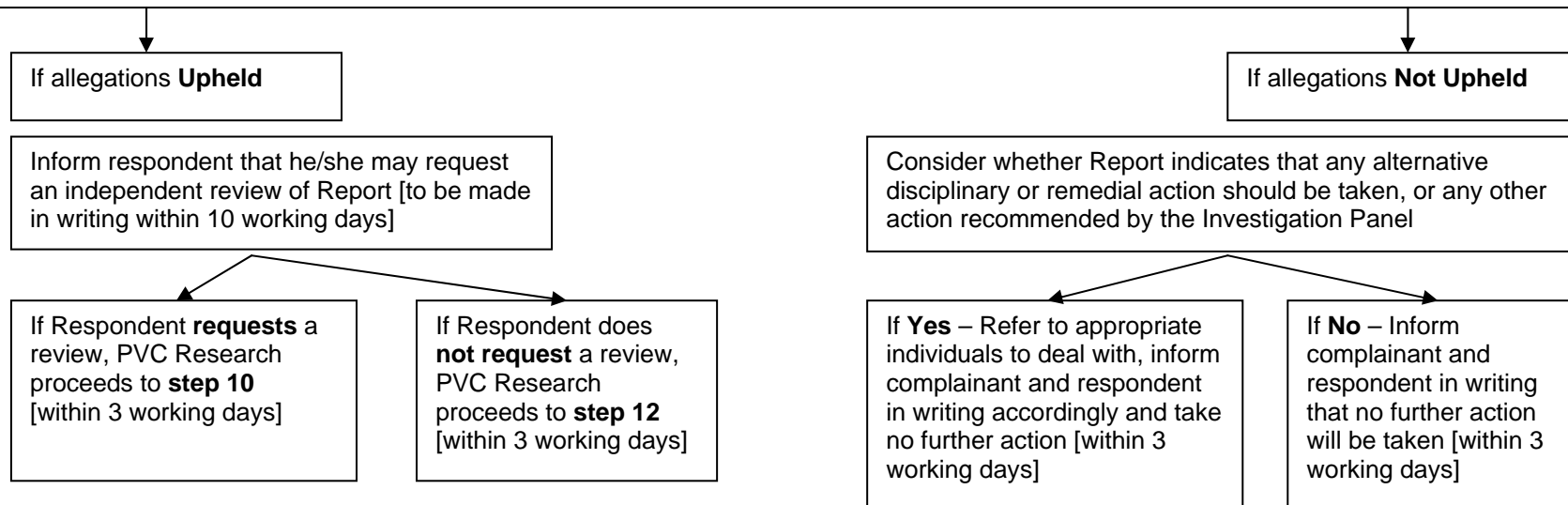
6. Where the conclusion from the report by the Assessment Panel is that there is a prima facie case to answer, **PVC Research** appoints an Investigation Panel consisting of three senior academics with expertise to evaluate the research issues, including one from another Faculty and one from outside the University, and a secretary provided by Research and Business Development Office [appointed within 5 working days]

7. **PVC Research** notifies respondent in writing of the allegations, membership of Investigation Panel and Panel's intended procedures and invites respondent to respond within 5 working days. [notified within 3 working days]

The **respondent** may request [within 5 working days] and the **PVC Research** may make, alterations to the membership of Panel

8. **Investigation Panel** conducts investigation, including research records and evidence from other parties, making a written record of any oral evidence, and submits to the PVC Research a Report of its findings, conclusions as to whether or not, on the balance of probabilities, the allegations are upheld, and any other recommendations. [reports within 30 working days]

9. **PVC Research** provides a copy of the Report to the respondent, the complainant and the relevant Dean. [within 3 working days]



5.9 Independent Review

10. Where respondent requests an independent review, **PVC Research** appoints as Independent Reviewer a senior academic with the necessary skills, from within the University but with no previous contact with the investigation, to consider whether the investigation was adequately and appropriately handled and whether the response to the allegations was reasonable in the circumstances. [appointed within 5 working days]

11. **Independent Reviewer** considers the Report and any other relevant material and/or conducts interviews with key parties including complainant, respondent and members of Investigation Panel and submits to the PVC Research a Report of his/her conclusions and reasons for those conclusions. [reports within 10 working days]

If conclusions of Investigation Panel found to be **Sound**

PVC Research informs complainant and respondent accordingly and proceeds to step 12 [within 3 working days of receiving report]

If conclusions of Investigation Panel found to be **Not Sound**

PVC Research determines whether to take further action

If **Yes** –Either (1) refer the allegations for further investigation by a new Investigation Panel, (2) take other action deemed appropriate, and inform respondent and others in writing accordingly [within 5 working days of receiving report]

If **No** – Inform respondent and in writing accordingly and proceed to step 13 [within 5 working days of receiving report]

5.10 Subsequent Actions

12. Where the allegations are upheld by the Investigation Panel and, where relevant, by the Independent Reviewer, the **PVC Research** refers the respondent to formal disciplinary proceedings, which for staff are the described in the University's **Disciplinary Procedures** and for students are described in the **Student Conduct Regulations and Procedures (including Appendices)** and, on the basis of the previous Reports; determines what other actions are to be taken; and informs the respondent and complainant in writing accordingly. [within 5 working days]

13. Where the allegations are not upheld by the Investigation Panel or, where relevant, by the Independent Reviewer and PVC Research, the **PVC Research** will take all reasonable and appropriate steps to preserve the good reputation of the respondent and to protect the complainant from victimisation. Where the complainant's allegation was found to be malicious, the PVC Research may recommend action be initiated under the University's Disciplinary Procedures for Staff or Student Conduct Regulations and Procedures.