1 INTRODUCTION
Allegations of research misconduct must be investigated objectively, impartially and comprehensively, in order to uphold academic integrity and retain confidence in the University. As a body in receipt of public funds the University is required to develop agreed procedures to facilitate thorough and just investigation in cases of suspected research misconduct.

2 SCOPE
This Code of Practice outlines the procedure that must be followed for the investigation of allegations of misconduct in research. It applies to all members of staff of the University, including but not limited to academic and academic-related staff; research fellows, assistants and associates; visiting researchers as well as all those with honorary contracts; conducting research within, or on behalf of, the University of Kent.

Once an investigation into an allegation of research misconduct has been initiated, it must continue until a conclusion is reached in order to uphold the reputation of the University, fulfil contractual obligations and protect the interests of any relevant funding bodies or publishers.

This Code of Practice must also be followed for allegations of research misconduct received in the context of the University’s whistle-blowing policy.

Any conflicts of interest, real or perceived, must be avoided and those who have any personal interest in the allegation should be disqualified from acting as Screener or Investigator in its investigation.

3 DEFINITIONS
3.1 Research: for the purposes of this Code of Practice, research shall be understood to encompass any activity conforming to the various definitions generally accepted, including the Frascati definition, the HEFCE RAE definition and the Department of Health definition for the Research Governance Framework.\(^1\)

3.2.1 Complainant: the person, or persons, bringing an allegation of research misconduct. The Complainant may or may not be a member of the University.

3.2.2 Respondent: the person, or persons, against whom the allegation of research misconduct is made.

3.2.3 Screener: the person nominated by the Dean to investigate the allegation and determine whether there is a *prima facie* case for a formal investigation.

\(^1\) Appendix 1
3.2.4 *Prima facie* case: a case where a preliminary investigation has already taken place and the Pro-Vice-Chancellor Research has concluded, on the decision of the Screener and the Dean of the faculty to which the Respondent belongs, that it is necessary to instigate disciplinary proceedings.

## 4 RESEARCH MISCONDUCT

Examples of research misconduct to which this Code of Practice applies include, but are not restricted to, the following:

4.1 Piracy by the exploitation of the ideas of others without permission or acknowledgement including the piratical use of material that has been provided in a privileged way for review, examination, assessment or appraisal.

4.2 Plagiarism by the misappropriation of ideas, data or text without adequate acknowledgement or citation.

4.3 Fraud by the manipulation of data or findings with an intention to deceive, including the fabrication of data and the falsification of data.

4.4 Collusion by the deliberate participation in the research misconduct of another person, or concealment of such action by others.

4.5 Non-compliance with statutory or institutional regulations and legislation, or terms and conditions in order to receive public or private funds from outside the University.

4.6 Interference by the intentional damage to, withholding or removal of, the research-related property of another person.

4.7 Negligence by the culpable serious departure from contemporary legal, institutional and ethical practices in research which involves human or animal subjects, including unjustifiable departure from accepted practices, procedures and protocols.

4.8 Failure to declare or resolve a conflict of personal interest in research.

4.9 Breach of confidentiality required by external research contractors.

4.10 False accounting in research.

## 5 PROCEDURE

5.1 **Initial allegation**

5.1.1 An allegation of research misconduct must be made in writing, supported by a detailed written statement, to the Dean of the Faculty to which the Respondent belongs. The Dean will immediately inform the Pro-Vice-Chancellor Research and the relevant Head of Department.

5.1.2 If the Dean judges that the allegation constitutes a minor offence it will be dealt with under Statute XXIV, Part III, Paragraph 13 (1).
5.1.3 The identity of the Complainant shall be kept confidential. Exceptionally, if the Dean judges that revelation of the identity of the Complainant is essential to the fairness of the proceedings, then the Complainant will be asked to agree to the disclosure of his/her identity, or to withdraw the allegation.

5.2 Screening
5.2.1 The Dean will send the Complainant’s statement to a nominated Screener who will investigate the allegation and assess whether there is substance to the allegation. The Screener may be the Chair of the relevant Faculty Research Committee or another person appointed for the purpose by the Dean. The Screener must have no personal interest in the allegation and must be separate from the line management of both the Complainant and the Respondent.

5.2.2 The Screener will inform the Respondent of the allegation and the procedures under which it is being investigated, and give him/her ten working days in which to respond in writing.

5.2.3 The Screener will collect relevant documentary evidence from the Complainant and the Respondent. This may include, but will not be limited to, laboratory notebooks, papers, witness statements and computer records. If necessary, the Screener may seek advice in writing from experts both within the University and from outside.

5.2.4 Within thirty working days of receipt of the allegation the Screener will submit a confidential written report to the Dean together with any documentation collected during the investigation and any written comments submitted by the Respondent. The report will advise the Dean either:
5.2.4i the allegation has no substance, or:
5.2.4ii the allegation has substance.

5.3 Findings
5.3.1 The Dean will review the advice of the Screener and will decide whether:
5.3.1i the allegation has no substance and is dismissed, or:
5.3.1ii the allegation has substance and can be dealt with under procedures leading to an oral or written warning, under Statute XXIV, Part III, Paragraph 13(2) in the cases of academic or academic-related staff, or the equivalent for other staff, or:
5.3.1iii the allegation has substance, a prima facie case is established and may constitute good cause for dismissal or removal from office under Statute XXIV, Part III, Paragraphs 14–20, in the cases of academic or academic-related staff, or the equivalent for other staff.

5.3.2 Procedures for appeals against penalties applied under these disciplinary procedures are set out in Statute XXIV, Part V.

5.3.3 If the Dean decides that the allegation is malicious then s/he may invoke appropriate disciplinary action against the Complainant under Statute XXIV, Part III, or legal action if the Complainant is not a member of the University.

5.3.4 The Dean will notify both the Complainant and the Respondent in writing of his/her decision within thirty working days. S/he will also notify the Pro-Vice-Chancellor Research and the relevant Head of Department of the decision.
5.3.5 The Pro-Vice-Chancellor Research will ensure that appropriate administrative action is taken as necessary, if a *prima facie* case is established, to protect the interests of any relevant funding bodies or publishers and to meet all contractual obligations.

5.3.6 All documents relating to the investigation must be collected and forwarded to Research Services to be filed for a period of six years. The data will be kept securely and in accordance with the rights of the data subjects.
6  REFERENCES
The following documents have been considered during the writing of this document:

Biotechnology and Biological Sciences Research Council, *Statement on Safeguarding Good Scientific Practice*
http://www.bbsrc.ac.uk/publications/policy/good_scientific_practice.pdf#search=%22misconduct%22


Joint Statement by the Director General of the Research Councils and the Chief Executives of the UK Research Councils, *Safeguarding Good Scientific Practice*, 1998


St Andrews University, *Good Research Practice*, 2007


University of Brighton, *Procedures for Investigating and Resolving Allegations of Misconduct in Research*


University of Liverpool, *Code of Practice for Dealing with Allegations of Misconduct in Research*, 2002

University of Manchester, *Code of Practice for Dealing with Allegations of Misconduct in Research*, 2006


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APPENDIX 1

At present there is no simple or universal definition of research that is applicable to all circumstances. The main three are as follows:

**Frascati Definition**

‘Research and experimental development (R&D) comprise creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications.

‘R&D is a term covering three activities: basic research, applied research, and experimental development. Basic research is experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundation of phenomena and observable facts, without any particular application or use in view. Applied research is also original investigation undertaken to acquire new knowledge. It is, however, directed primarily towards a specific practical aim or objective.

‘Experimental development is systematic work, drawing on existing knowledge gained from research and / or practical experience, that is directed to producing new materials, products or devices, to installing new processes, systems and services, or to improving substantially those already produced or installed.’

**HEFCE for the Research Assessment Exercise**

‘Research’ for the purpose of the RAE is to be understood as original investigation undertaken in order to gain knowledge and understanding. It includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship²; the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction. It excludes routine testing and routine analysis of materials, components and processes such as for the maintenance of national standards, as distinct from the development of new analytical techniques. It also excludes the development of teaching materials that do not embody original research.

**The Department of Health’s Research Governance Framework**

‘Research can be defined as the attempt to derive generalisable new knowledge by addressing clearly defined questions with systematic and rigorous methods. This includes studies that aim to generate hypotheses as well as studies that aim to test them.’

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² Scholarship for the RAE is defined as the creation, development and maintenance of the intellectual infrastructure of subjects and disciplines, in forms such as dictionaries, scholarly editions, catalogues and contributions to major research databases.