CODE OF PRACTICE FOR THE INVESTIGATION OF ALLEGATIONS OF MISCONDUCT IN RESEARCH

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 and collaborators; as well as all those with honorary contracts; conducting research within, or on behalf of, the University of Kent. This Code of Practice also applies to student researchers.

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 REF definition and the Department of Health definition for the Research Governance Framework1.

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 Faculty 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 Fabrication: making up results and other outputs (e.g. artefacts) and presenting them as if they were real.
4.2 Falsification: manipulating research processes of changing or omitting data without good cause.
4.3 Plagiarism: the misappropriation of ideas, data or text without adequate acknowledgement or citation.
4.4 Failure to meet ethical, legal and professional obligations: for example failure to declare competing interests; misrepresentation of involvement or authorship; misrepresentation of interests; breach of confidentiality; lack of informed consent; misuse of personal data; and abuse of research subjects or materials.
4.5 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.
4.6 Fraud by the manipulation of data or findings with an intention to deceive, including the fabrication of data and the falsification of data.
4.7 Collusion by the deliberate participation in the research misconduct of another person, or concealment of such action by others.
4.8 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.
4.9 Interference by the intentional damage to, withholding or removal of, the research-related property of another person.
4.10 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.
4.11 Failure to seek ethical approval from an appropriate body before initiating research that requires it.
4.12 Failure to declare or resolve a conflict of personal interest in research.
4.13 Breach of confidentiality required by external research contractors.
4.14 False accounting in research.
4.15 Improper dealing with allegations of misconduct: failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistleblowers.

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 Faculty Dean judges that the allegation constitutes a minor offence it will be dealt with under Ordinance 39, or the equivalent for students under the appropriate academic discipline procedures.

5.1.3 Allegations that are not minor offences must continue to the Screening stage. In accordance with Research Council UK requirements\(^2 \) the relevant Research Council should be notified of an allegation of research misconduct at the stage that it is decided to undertake an informal inquiry. The Faculty Dean should inform the Research Ethics & Governance Officer of allegations that will continue to the Screening stage, and she will arrange for appropriate notification to the relevant Research Council.

5.1.4 The identity of the Complainant shall be kept confidential. Exceptionally, if the Faculty 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 Faculty 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 Faculty 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 Faculty Dean together with any documentation collected during the investigation and any written comments submitted by the Respondent. The report will advise the Faculty Dean either:

5.2.4.i the allegation has no substance, or:
5.2.4.ii the allegation has substance.

5.3 Findings

5.3.1 The Faculty Dean will review the advice of the Screener and will decide whether:

\(^2\) See: RCUK Policy and Guidelines on Governance of Good Research Conduct (updated 1 April 2017) http://www.rcuk.ac.uk/documents/reviews/grc/rcukpolicyguidelinesgovernancegoodresearchconduct.pdf (viewed 22.05.17)
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 Ordinance 39, or the equivalent for students under the appropriate academic discipline procedures, or:
5.3.1iii the allegation has substance, a \textit{prima facie} case is established and may constitute good cause for dismissal or removal from office under Ordinance 39, or the equivalent for students under the appropriate academic discipline procedures.

5.3.2 Procedures for appeals against penalties applied under these disciplinary procedures are set out in Ordinance 45. Procedures for appeals for students are set out in the appropriate academic discipline procedures.

5.3.3 If the Faculty Dean decides that the allegation is malicious then s/he may invoke appropriate disciplinary action against the Complainant under Ordinance 39, or appropriate student policies, or legal action if the Complainant is not a member of the University.

5.3.4 The Faculty 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 \textit{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, \textit{Statement on Safeguarding Good Scientific Practice}, 2013

Council for Science and Technology, \textit{Universal Ethical Code for Scientists}, 2005

Joint Statement by the Director General of the Research Councils and the Chief Executives of the UK Research Councils, \textit{Safeguarding Good Scientific Practice}, 1998

Kings College London, \textit{Guidance on Good Practice in Academic Research}, 2004


Research Councils UK Policy and Guidelines on the Governance of Good Research Conduct, 2017
St Andrews University, *Good Research Practice*, 2007


Universities UK Concordat to Support Research Integrity, 2012


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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*Approved by the Research Ethics & Governance Committee*
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 Excellence Framework**
“Research” for the purpose of the REF is defined as a process of investigation leading to new insights, effectively shared. It includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship; 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. It includes research that is published, disseminated or made publicly available in the form of assessable research outputs, and confidential reports.’

**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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1 Scholarship for the REF 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.
APPENDIX 2

For students, appropriate academic discipline procedures should be followed in place of Ordinance 39.