



# Research Misconduct Policy

**Core Documentation Cover Page**

# Research Misconduct Policy

Version number	Dates produced and approved (include committee)	Reason for production/ revision	Author	Location(s)	Proposed next review date and approval required
V1.0	March 2017 Academic Council	New Policy – Approved to clarify and enhance research governance.	Research Administrator & Deputy Vice-Chancellor (Research)	J:\0 Quality Team - Core Documentation  Intranet	March 2019
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**Equality Impact**

Positive equality impact (i.e. the policy/procedure/guideline significantly reduces inequalities)	
Neutral equality impact (i.e. no significant effect)	x
Negative equality impact (i.e. increasing inequalities)	

**If you have any feedback or suggestions for enhancing this policy, please email your comments to: [quality@uco.ac.uk](mailto:quality@uco.ac.uk)**

## RESEARCH MISCONDUCT POLICY

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## 1. SCOPE

- 1.1 The aim of this policy is to delineate the expectations the University College of Osteopathy (UCO) holds of those involved in research activities reflecting the right to academic freedom and in compliance with the Concordat to Support Research Integrity. The policy aims to provide guidance to allow a proportionate and timely response to allegations in relation to potential research misconduct; to enable a conclusion to be reached about such allegations and the provision of related recommendations. It contains the definition of Research Misconduct and sections on the principles and procedures for dealing with allegations of research misconduct.
- 1.2 The UCO expects all researchers, including academics, research staff, honorary post holders, undergraduate and postgraduate students and anyone else carrying out or supporting research under the UCO's auspices, to maintain the highest of integrity in all aspects of research and follow the principles of good research practice.
- 1.3 Allegation of research misconduct may be made by any individual or body either internal or external to the UCO. Such allegations should adhere to this policy's requirements.
- 1.4 The UCO is only empowered to investigate activities that have occurred within the UCO or undertaken as part of work the UCO undertakes or sponsors. It does not include research work undertaken by external agents who may have only sought research ethics approval from the UCO's Research Ethics Committee where another individual or organisation is acting as sponsor. Undergraduate and master's level students are expected to adhere to this policy. Matters of research misconduct related to student research related work will be addressed through the Academic Discipline Policy and Procedure. Research degree students are expected to adhere to this policy. Matters of research misconduct will be addressed through the University of Bedfordshire's policies and procedures where students are registered with the University of Bedfordshire. Where a student is also a member of staff at the UCO, the student procedures will be followed in parallel with the procedures below.
- 1.5 In circumstances where ethical concerns predominate, such as adverse event reporting or changes to Research Ethics Committee approved projects, the Chair and Secretary of the Research Ethics Committee will be consulted. Researchers addressing ethical revisions or concerns rather than research misconduct will be given the opportunity to amend or reapply to the Research Ethics Committee for further approval.

## 2. POLICY STATEMENT

- 2.1 The UCO is responsible for ensuring that the research it supports is carried out legally, in the public interest and in accordance with best practice. The UCO has a duty to the research community to investigate allegations of research misconduct; serious potential risks are incurred by the UCO in terms of reputation and funding as well as the safety of those involved in research if such allegations are not dealt with effectively.
- 2.2 All staff, students and honorary staff members of the UCO have a duty to the public, to themselves, to the UCO and funders to conduct research in the most conscientious and responsible manner possible. All employees of the UCO and individuals permitted to work in the UCO have the responsibility to report any cases of suspected research misconduct. All those individuals undertaking research at the UCO are obliged to comply with this procedure.

### 3. PRINCIPLES

- 3.1 In dealing with allegations of research misconduct and following the procedures outlined in this policy, employees are urged to keep in mind the following basic principles:
- a) All members of the academic community have a responsibility to report what they believe to be research misconduct and to cooperate in investigations of research misconduct; this duty of cooperation includes the obligation to provide all documentation reasonably requested by those charged with investigatory responsibilities herein.
  - b) The UCO will take seriously all allegations of research misconduct relating to the work of any employee, student, or anyone else involved in research within the UCO.
  - c) No detrimental action of any kind will be taken against any person making an allegation through this policy in good faith, in line with the UCO's Public Interest Disclosure (Whistleblowing) Policy and Public Interest Disclosure Legislation.
  - d) Any allegations made will be investigated promptly, thoroughly, objectively and fairly, and in accordance with the highest standards of integrity, accuracy and fairness.
  - e) Investigations will be carried out in such a way as to safeguard the confidentiality of the interested parties. The rights and reputation of all parties involved in allegations of research misconduct, including those suspected of research misconduct and those who report research misconduct in good faith, are to be protected from retaliation.
  - f) Bearing in mind the confidentiality of personal matters, the outcome of the investigation will be made known as quickly as possible to all parties with a legitimate interest in the case.
  - g) Anonymous allegations will not normally be investigated under this policy and will only be considered at the discretion of the Deputy Vice Chancellor (Research) in discussion with another member of the Vice Chancellor's group. The seriousness and credibility of the concern raised and the likelihood of obtaining relevant evidence will be taken into account when considering anonymous allegations of research misconduct.
  - h) Those involved with the investigation and hearing of any research misconduct matters should not make any statements about the case verbally or in writing to any third party whilst the allegations in question are being processed.

### 4. DEFINITION OF RESEARCH MISCONDUCT

- 4.1 For the purposes of this policy, research misconduct is characterised as behaviour or actions that fall short of the expected high standards of research integrity.
- 4.2 Research Misconduct may include, but is not limited to the following:
- a) Fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting the results of research.
  - b) Deliberate, dangerous or negligent deviation from accepted practice or agreed protocols in carrying out research, and failure to avoid risk or harm to humans used in research, and the environment where appropriate.
  - c) Failure to obtain appropriate informed consent

- d) Misuse of personal data including inappropriate disclosures of the identity of research participants and other breaches of confidentiality
  - e) Facilitating misconduct in research or collusion in, or concealment of, such actions by others.
  - f) Intentional and unauthorised use, disclosure of, removal of or damage to research related property of another researcher, including:
    - i. Intellectual property
    - ii. Writings
    - iii. Data
    - iv. Apparatus
    - v. Materials
    - vi. Hardware
    - vii. Software
    - viii. Any other substances or devices used in or produced whilst conducting research
  - g) Improper conduct of peer review of either proposed research or of manuscripts submitted for publication.
  - h) Misquoting or misappropriation of the work of others and, for example, the unethical use of material provided in a privileged way for review or assessment.
  - i) Failure to disclose conflicts of interest or inadequate disclosure of clearly limited competence.
  - j) Inappropriate claims to authorship or attribution of work and denial of authorship to persons who have made appropriate contributions to merit authorship.
  - k) Duplicate submission of outputs for publication.
- 4.3 For the avoidance of doubt, misconduct in research can include acts of omission as well as acts of commission.
- 4.4 It excludes genuine errors or differences in interpretation or judgement in evaluating research methods or results, or misconduct unrelated to research processes.

## 5. PROCEDURES

### 5.1 REPORTING ALLEGATIONS

- 5.1.1 Any individual who suspects research misconduct should report it to the Head of Research. Allegations should, wherever possible, be made in writing.
- 5.1.2 Where UCO is not the Respondent's substantive employer, the Head of Research will notify the relevant responsible officer of the Respondent's substantive employer and inform him/her of the allegations. A case meeting will normally be held involving the Head of Research or Deputy Vice Chancellor (Research), a representative of the Respondent's substantive employer, and any other relevant parties to establish who will take responsibility for investigating the allegations (provided that UCO reserves the right to undertake its own investigations in any circumstances it sees fit). It is normally for the substantive employer to

implement an investigation of any allegations of research misconduct in line with their respective organisation's procedure.

- 5.1.3 Where the allegations of research misconduct also involve one or more other Respondents who are employed at other institutions, the Head of Research or Deputy Vice Chancellor (Research), will contact the relevant responsible officer of the other Respondent's substantive employer and inform him/her of the allegations. A case meeting will normally be held involving the Head of Research or Deputy Vice Chancellor (Research), a representative of the Respondent's substantive employer, and any other relevant parties to establish who will take responsibility for leading on investigating the allegations.
- 5.1.4 If the matter concerns the Head of Research, or if there is a potential conflict of interest, the matter should be referred to the Deputy Vice-Chancellor (Research). If the complainant is uncertain how to proceed or who to make their allegation to, they can seek support from their manager or from the HR manager.
- 5.1.5 Allegations of plagiarism against students will be considered and handled in accordance with the UCO's Academic Discipline Policy and Procedure.
- 5.1.6 Research misconduct allegation against students will also be considered under the UCO's Academic Discipline Policy and Procedure.

## 5.2 INITIAL INQUIRY

- 5.2.1 Where the allegations concern a member of staff the Head of Research will meet with an impartial senior member of staff to establish whether there is sufficient basis for an investigation. Acknowledgement of the concern raised will be given within 10 days of receipt of the matter.
- 5.2.2 Clearly mistaken, frivolous, vexatious and/or malicious allegations will be eliminated at this stage. If the Head of Research considers that the circumstances require immediate action he/she may require the research in question to be suspended pending completion of the Proceedings. If the case has substance in that at this point it is not considered that the allegation is mistaken, vexatious and/or malicious then it will progress to the Investigation Stage.
- 5.2.3 The Head of Research will keep a record of allegations that that are not progressed to the investigation stage and note the reason for not progressing the allegation.
- 5.2.4 Where a decision is made to investigate the allegation further the Head of Research will appoint an investigator.

## 5.3 INVESTIGATION STAGE

- 5.3.1 The investigator should follow the UCO's Guidance to Investigations procedure.
- 5.3.2 The investigations should:
  - a) Conduct an assessment of the initial evidence including an examination of any text-matching report in relation to plagiarism and interviewing the Respondent, Complainant or other relevant persons where deemed necessary
  - b) Maintain a record of evidence and conclusions reached
  - c) Produce a final written report to be submitted to the Head of Research

- d) Where a suspected research misconduct allegation concerns a serious breach of research ethics, the Head of Research may request that the Chair of the Research Ethics Committee or appointed representative carries out the investigation.

5.3.3 The Report should recommend whether:

5.3.4 The allegation is sufficiently serious and has sufficient substance to justify a disciplinary panel hearing.

5.3.5 The allegation has some substance but due to a lack of intent to deceive or due to their relatively minor nature, should be addressed through guidance and training or other non-disciplinary action rather than requiring a Formal Panel Hearing.

5.3.6 The allegation is mistaken, frivolous or vexatious in which case no action is required with regard to the Respondent but a recommendation may be made in relation to the Complainant.

5.3.7 The Head of Research will consider the report alongside an independent senior colleague and the manager to determine the next course of action. Where the determination involves convening a disciplinary panel, the Disciplinary and Capability Procedure for Staff will be used.

## 5.4 DISCIPLINARY PANEL - RESEARCH MISCONDUCT

5.4.1 The disciplinary panel will follow the Disciplinary and Capability Procedure for Staff.

5.4.2 The panel will make recommendations that may include:

- a) That no offence has been committed
- b) That any offence is minor and should be dealt with outside of formal disciplinary processes
- c) That appropriate disciplinary action be taken against the Respondent in line with UCO's Disciplinary & Capability Procedure for Staff. This includes 4 stages of potential action:

**Stage 1** is the first formal stage and is a verbal warning although put in writing. The fact that a warning has been given, by whom, when, and for what reason will be recorded on the employee's personnel file. The employee will be advised of the standards of conduct required, the consequences of a failure to maintain them (usually implementation of stage 2) and their right of appeal

**Stage 2** is a first formal written warning. A copy of the warning will be placed on the employee's personnel file. The warning will specify: a) the matters of complaint against the employee, b) relevant previous disciplinary action, c) the improvements in conduct required to be achieved and maintained, d) duration of the warning, e) the consequences of a failure to respond as required and the right of appeal

**Stage 3** is a final written warning. The details of the warning will be as at stage 2, but will also make it clear that further misconduct, breaches of rules or failure to comply with the warning will lead to the risk of dismissal.

**Stage 4** is dismissal. Only a member of the Senior Management Team not involved in the previous disciplinary action (and not including the Vice-Chancellor) has the authority to dismiss. Dismissal will be reserved for cases where acceptable standards of conduct from the employee have not been attained, or cases of gross misconduct or serious breaches of the rules, or action indicating unfitness for the responsibilities held by the particular employee concerned. Examples of cases justifying dismissal or a first and final warning are given in the Disciplinary & Capability Procedure For Staff. This list is not exhaustive,

and some items are not directly relevant to cases of research misconduct. Conduct not covered may nevertheless be so self-evidently unacceptable as to justify dismissal without prior disciplinary warnings. Dismissal will take effect immediately (without prejudice to the employee's rights of appeal).

- d) That the Panel's findings be conveyed to any relevant professional body, relevant grant awarding body, or any other relevant public body, and the editors of any journals which have published articles (relevant to the Findings) by the Respondent.

5.4.3 In addition, the panel may make recommendations to the Deputy Vice-Chancellor, (Research) and Head of Research, supervisors or others arising from the hearing.

## 6 RIGHT OF APPEAL

Appeal processes will follow those of the Disciplinary and Capability Procedure and should be made within 10 working days of the issue of the formal notification of panel's decision. The appeal should specify reasons why process in handling the matter is flawed or clearly identify new evidence.