

UNIVERSITY RESEARCH ETHICS COMMITTEE
THE PRINCIPLES OF INTEGRITY IN RESEARCH
&
PROCEDURES FOR DEALING WITH ALLEGATIONS
OF RESEARCH MISCONDUCT
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Table of Contents

Safeguarding integrity in research and dealing with allegations of misconduct in research	
1. Introduction	2
Section One - Principles of Integrity in Research	
1.1 Good Research Practice	3
2. Leadership and organisation	3
3. Education of new researchers	3
4. Retention of primary data	4
5. Responsibility for publications	4
6. Responsibility for integrity of externally submitted research applications	4
7. Standards in public life	5
Section Two - Dealing with Allegations of Research Misconduct	
1. Introduction	6
2. What is research misconduct?	6
3. Confidentiality	7
4. Stage 1 - Initial Review	7
5. Stage 2 - Assessment	9
6. Stage 3 - Formal Investigation under the University's Research Misconduct Policy and Procedures	10
7. Findings	11
8. Appeals	12
Section Three - Research Funding from External Sources	
1. Introduction	13
2. Potential Issues	13
3. Principles	13
4. Responsibilities	14
Appendices	
Appendix 1 Diagrammatic overview of the three stage process to investigating allegations of research misconduct	15
Appendix 2 References	18

Safeguarding integrity in research and dealing with allegations of misconduct in research

1 Introduction

- 1.1 In the wake of recommendations made by an international committee for the safeguarding of scientific integrity, a number of UK and international research funding bodies have sought to impose guidelines on recipients of research funding. Following the US example, the Association of Medical Research Charities, the Research Councils UK, and the Wellcome Trust, amongst others, have mandated the adoption of self-regulatory codes of scientific practice broadly based on the above recommendations, by research organisations in receipt of their funds. Many have also issued specific recommendations related to their fields and indicated that sponsorship will be conditional upon the implementation of key elements of the code within recipient organisation. Indeed, some have stated that sanctions will be imposed on those that fail to do so. The principles are also applicable other areas of research and the terms 'scientific misconduct' and 'research misconduct' are used interchangeably in this document.
- 1.2 There is little evidence of significant occurrence of scientific misconduct in the UK. Nevertheless, in addition to the importance of satisfying research funding bodies, it is also incumbent to train and develop both new staff and students in good research practice.
- 1.3 Furthermore, the potential for scandal that can surround the incidence or alleged incidence of, scientific misconduct suggests that it would be prudent for the University to have in place procedures designed to minimise the negative impact of such occurrence. Therefore, this paper also draws on a wide consensus across the UK research sector for proposals in respect of good practice for dealing with scientific misconduct, should this occur.
- 1.4 Consequently, this policy is divided into two sections:
Section One - The Principles of Integrity in Research
Section Two - Procedures for dealing with Allegations of Research Misconduct.

Section 1 applies to all research undertaken by the University, including research undertaken by students. However, section 2 does not apply to allegations of research misconduct against undergraduate students or students on taught masters' level courses, which will be dealt with in accordance with the Academic Misconduct Regulations for students. Allegations of research misconduct against doctoral or research masters students will be dealt with under the Policy and Procedures for Dealing with Allegations of Research Misconduct against Doctoral or Research Masters Students In cases where members of staff are also registered for research degrees, the appropriate procedure will be determined by whether or not the research in question is related to the research degree.

Section One Principles of Integrity in Research

1.1 Good Research Practice

Good Research practice includes fundamentals of research work such as;

- maintaining professional standards;
- documenting results;
- questioning one's own findings;
- attributing honestly the contribution of others;
- Leadership and co-operation in research groups;
- Taking special account of the needs of new researchers;
- Securing and storing primary data;
- Acknowledging and addressing any conflicts of interest.

- 1.2 These principles should be widely disseminated within the University and should be integrated into academic teaching, research training of post-graduate students and training of research supervisors and research managers. These principles, and those elaborated on below, are supplementary to standards issued by professional societies and to international standards such as the Helsinki Declaration, and the University's Ethics Policy for research involving human participants.

2. Leadership and organisation

It is the responsibility of the University's senior management, Pro Vice-Chancellors of Faculties and Directors of Research Institutes and Centres to ensure that a climate is created that allows research to be conducted with the principles of good research practice.

Whilst adherence to principles of good research practice is the responsibility of each individual, the University and each of its research units has a responsibility to provide an environment conducive to such good practice. This includes:

- Providing an environment that allows for mutual trust in conversations, discussion and even disagreements;
- Ensuring that managerial pressures do not influence the research process;
- Development of a division of labour within research groups must allow reciprocal criticism and verification of new findings within the group;
- Research group leaders should maintain an awareness of activity within their group and the leadership chain in any group should not become too long;
- Ensuring that commercial pressures do not unduly influence research outcomes and that integrity is maintained;
- Requiring research staff to declare any potential conflicts of interest with regard to their research and ensuring that these are managed within research groups;
- Introducing adequate induction programmes and training provision for new or experienced research staff and for all research students and their supervisors;
- Providing working environments that adhere to University policy and guidance and ensuring work practices meet with UK legislative requirements including, but not limited to, Health and Safety, Equality and Diversity and Data Protection requirements as specified by the University.

3. Education of researchers

The continuing education and development of all researchers needs special attention. Faculties, Research Institutes and Centres should ensure that responsibility for mentoring researchers is clear, with special attention given to early career researchers or those new to the University.

- 3.1 Each researcher should have a more senior researcher primarily responsible for his or her progress and should receive appropriate supervision.
- 3.2 The Postgraduate Research Tutor in each Faculty will act as a confidential independent source of information and advice for early career researchers if they are experiencing difficulties in their immediate research team.
- 3.3 It is important to ensure that students and early career researchers are not put under unwarranted pressure to produce results at any cost. This could result from an over emphasis on producing publishable results for future employability for example or to gain additional funding from sponsors.

4. Retaining of primary data

The University has a Research Data Management Policy concerned with promoting the highest standards of integrity, impartiality and respect for data. Effective research data

management through the research life cycle is a key component of good research conduct and contributes to a culture of research excellence. Primary data produced at the University as the basis for publication should be stored at the University, for a period at least as long as that required by any sponsor that has funded the research or as set out in the University Records Retention Schedule.

- 4.1 Storage of primary data is essential for reproducibility, both internally and by external laboratories, and is therefore an indispensable condition of good research. The loss of primary data is common to cases of scientific misconduct and justifies a prima facie assumption of dishonesty or negligence.
- 4.2 Retention of data is also a key to working efficiency. It becomes all the more important where the published results are challenged by others. Data may be stored on space saving techniques, where appropriate but it is important that data is retained in the University Research Data Archive even following relocation of principle investigators to other institutions, irrespective of statutory or professional obligations.
- 4.3 In addition, the maintenance of laboratory notes is increasingly important for the protection of intellectual property (detailed advice on this and booklets on keeping laboratory notes are available from the Intellectual Property team in the Research and Innovation Office).

5. Responsibility for publications

The University has an Open Access Publication Policy that is committed to making the outputs of its research as widely available as possible and supports the principles of open access to make the outputs of publicly-funded research available through unrestricted online access. Authors of research publications must abide by the Policy and are always responsible for the content of their publications. So-called 'honorary authorships' are not permissible. All authors must be able to identify their specific contributions to a paper.

- 5.1 Other contributions to the work from which the publication arises, including significant ones such as listed below, are not by themselves regarded as sufficient to justify authorship:
 - Responsibility for obtaining the funds for the research;
 - The contribution of important materials;
 - The training of co-authors in certain methods;
 - Involvement in the collection and assembly of data;
 - Directing an institution or working unit in which a publication arises.
- 5.2 Where there are a large number of contributors to a piece of research, it may be advisable to produce a written agreement to clarify the authorship and other rights. In this context, it is also important to note that, normally, only the person who produces the research text will have copyright in the work (which may then be vested in the University).

6. Responsibility for integrity of externally submitted research applications

Principal Investigators and those responsible within Faculties and Research Centres for authorising external applications are responsible for taking all reasonable measures to ensure accuracy of information included in funding applications.

- 6.1 The University acting through its officers - primarily through those authorised to sign-off external applications such as Deans of Faculties, Assistant Deans for Research and Innovation and the Pro Vice-Chancellor Research and Innovation - also have a responsibility to ensure that research misconduct does not occur.

- 6.2 In this respect, Faculties and Research Institutes should also seek to encourage the practice of internal and/or external peer review as appropriate to the subject content over and above the signing off of applications by the appropriate director.
- 6.3 When undertaking external peer review of research proposals or publications academic and research staff should strictly adhere to the guidelines provided by the sponsoring body or, where external guidance does not exist, University guidance.

7. Standards in public life

Attention should also be drawn to the recommendations of the Nolan Committee on Standards in Public Life. The Committee sees higher education as one of the key areas of public life and the seven principles outlined by the committee have relevance to best practice in the conduct of research, namely: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Section Two - Dealing with Allegations of Research Misconduct

Scope

This policy and associated procedures apply to all employees, visiting researchers and fellows working at the time the misconduct is alleged to have occurred within the University establishments and teams. Where allegations of misconduct are made by an individual or body external to the University, that individual or body will be made aware of the University's procedure and of the University's expectation that they will comply with its requirements.

1. Introduction

1.1 If a prima facie case of research misconduct arises within the University, the matter will be dealt with by the following procedure. This procedure has been informed by the recommendations of:

- The Commission of Professional Self-Regulation in Science;
 - The Report of the Royal College of Physicians on Fraud and Misconduct in Medical Research;
 - The MRC's Policy and Procedure for Inquiry into Allegations of Scientific Misconduct;
 - The Scottish Universities' Research Policy Consortium's recommendations in respect of scientific integrity in research;
 - Engineering and Physical Sciences Research Council's (EPSRC) Good Practice and Engineering Research and Scientific Misconduct Policy
 - The Wellcome Trust guidelines on Good Research Practice;
 - The report on Active Risk Management in Education;
 - The Missenden Centre Code of Practice for Ethics and Accountability;
 - The Biotechnology and Biological Sciences Research Council (BBSRC) Issues of Public Concern;
 - ESRC guidelines;
 - Science Form's, Investigating Research Misconduct Allegations in International Collaborative projects: A Practical Guide;
 - Organisation of Economic Co-operation and Development Global Science Forum;
 - Research Councils UK Policy and Guidelines on the Governance of Good Research Conduct;
 - Sheffield Hallam University Problem Resolution Framework¹
- and conforms to the UK Research Integrity Office Procedure for the Investigation of Misconduct in Research in Health and Biomedical Sciences.

1.2 The majority of the above recommend a three stage approach, as is adopted below, involving the following stages:

- Initial Review - which aims to clarify that there is an issue and informally resolves issues if possible.
- Assessment - establishes whether the issue is serious enough to warrant a formal investigation and informally resolves less serious issues if possible.
- Formal Investigation.

1.3 The procedure below also adopts a delegated approach. The procedures will operate independently of the project management and the line management of the researcher(s) allegedly involved. The principles to be followed throughout are those of **fairness, integrity, confidentiality, prevention of detriment** and **balance**. Each stage of the process involves different individuals making the judgments but continuity is assured by

¹ The University Problem Resolution Framework will apply to most staff apart from those who transferred into the university under conditions applicable in their previous institution, where these will still apply

assigning responsibilities to oversee the process and ensure that the process is adequately documented to one named individual. This named individual is required to have knowledge and experience of research and its ethical conduct and cannot be the Vice Chancellor, the Pro Vice-Chancellor Research and Innovation or the Director of Human Resources. The Head of Research Ethics or the deputy chair of the University Research Ethics Committee, if there is a conflict of interest, will be the named person and have responsibility to receive allegations of research misconduct, initiate and oversee the investigative process and correspond on behalf of the university with the accused and the accuser. The Vice Chancellor (or nominee) will hear the final Appeal so is not involved in the earlier stages but is kept informed.

- 1.4 Attention is also drawn to the Public Interest Disclosure Act, 1998 which states that employees who disclose information on certain matters in good faith will be legally protected from being disciplined, dismissed or victimised by their employer as a result. Staff who believe there to be a serious case of research misconduct are encouraged to use the following procedure. Further information can be found in the University policy on 'Whistle blowing' which is contained in the University's Managers Handbook, located on the HR Directorate Intranet pages.

2. What is research misconduct?

In the context of this procedure, the term 'Research Misconduct' includes the following:

- **Fabrication** - the deliberate invention of data;
- **Falsification** - the deliberate and selective rejection of undesired results, the distortion of conclusions or misrepresentation of results of other researchers;
- **Plagiarism** - the deliberate presentation of documented words or ideas of another as one's own work, without attributions or making use of ideas in breach of confidentiality associated with peer review or supervision;
- **Misrepresentation** of research data and/or interests/expertise and or involvement in the research;
- **Non-compliance** - the wilful failure to comply with statutory obligations and/or to follow accepted research procedures or to behave appropriately with regard to their responsibilities to:
 - avoid unreasonable risk or harm to humans or animals used in research and the environment,
 - handle privileged or confidential information on individuals collected during research in an approved manner.
 - follow approved procedures when dealing with biohazards materials.
- **Duplicate publication** - reporting exactly the same data in two or more publications, so-called "**salami-publication**" where one study that shares the same hypotheses, population and methods is broken up into slices (papers) with no acknowledgment of the earlier paper(s) that use the same data set. With large publically available data sets, or data collected longitudinally researchers may produce more than one paper but failure to acknowledge the source of the data set and reference earlier papers produced from it constitutes research misconduct.
- **Conducting research in a way that may threaten national or international security.**
- **Facilitating misconduct by collusion or concealment** - deliberately failing to challenge or choosing to ignore unethical research practices amongst colleagues or students;
- **Failure to ensure that appropriate ethical scrutiny of their students' research occurs or to take reasonable steps to assure the integrity of the research they are supervising.**
- **Improper dealing with allegations of misconduct**

It does not include honest error or honest difference in methodological approach, research design, interpretations or judgements of data. For the judgment of research misconduct to

be made, there needs to be evidence of wilful intention to commit the misconduct or recklessness or disregard for established procedures.

3. Confidentiality

An allegation of research misconduct is serious and potentially defamatory, and therefore could be actionable in law. Consequently, for the protection of the person making the allegation and the person against whom the accusation is made, all information submitted in relation to an allegation of misconduct will be dealt with confidentially and will only be disclosed to those parties involved in the investigation and judgement of the allegation, or as is necessary to progress the accusation, or as required by law.

4. Stage 1 - Initial Review

- 4.1. Initial allegations should be made to the Head of the Research Ethics (HRE) who shall immediately consider the allegation to determine whether it falls within the scope of this procedure and whether an assessment is warranted using the definition in section 2. Allegations will normally only be pursued if the individual(s) making the allegations agrees to the allegation being recorded in written format and the source being identified by name. Allegations of research misconduct are potentially very serious hence the need for detailed records from the initial allegation onwards. The HRE will acknowledge receipt of the written statement and outline the approach to be followed to the party making the allegations. The initial review aims to determine whether the allegation falls within the procedures and appears to have an evidential basis or whether the allegation is mistaken, frivolous, malicious and /or vexatious. This will involve discussion with the party making the allegations and a review of the basis for the complaint and its history. The HRE can take advice as necessary from members of an Advisory Group consisting of a nominated senior representative from Human Resources, the relevant Faculty Assistant Dean Research and Innovation and a senior representative from the Finance Department. The HRE may in addition seek confidential, legal or other expert advice to assist in such a determination. Should the Head of Research Ethics be unavailable or there be a conflict of interest in her /him undertaking the initial review; the Deputy Chair of the University Research Ethics Committee will undertake the role. Administrative support will be provided by the Secretariat. The aim at this stage is to determine whether the allegation:
- i) can be dismissed as being without substance,
 - ii) is a minor issue or difference of opinion that can be resolved informally through mediation
 - iii) is a concern but does not fall within the scope of this policy
 - iv) appears to have an evidential base and is serious enough to require further investigation.

If there is no substance, the HRE should dismiss it and inform both parties accordingly. If it is a genuine issue but falls outside the scope of this procedure, the party making the allegations will be informed of alternative systems that are more appropriate for addressing the complaint.

In compliance with RCUK guidance, for research funded by any of the UK research councils when the decision is made to undertake an informal inquiry at Stage 1, the relevant research council will be notified.

- 4.2. If the allegations cannot be immediately dismissed, the HRE with a representative from Human Resources should set up a confidential meeting with the individual responsible for the alleged misconduct to inform him/her of the allegation but, at this stage, not identify the source of the allegations. The individual may be accompanied by a work colleague or trade union representative. This is in line with the University's Problem Resolution Framework. The individual shall be given a written copy of the allegation, details of the procedure to be followed, an outline timetable for the assessment stage and details of potential sources of

support including the UK Research Integrity Office. If allegations are made against several researchers, they will be seen individually. The meeting will also be used to determine the primary employer of the accused as in the case of honorary contracts or partnerships. If the university is not the primary employer of the accused, the HRE with support from the Human Resources Department will ensure that the complaint is handed over to the primary employer but the university will require to be kept informed and will cooperate fully. The accuser will be notified should this occur. The Pro Vice-Chancellor Research and Innovation will also be informed. The allegation and the identity of the individual should not at this stage be disclosed to anybody else other than as part of the HRE seeking confidential advice or in the case of the University not being the main employer of the accused.

If the individual is an employee at the University, he/she should be advised that substantiation of allegations will result in the case being referred to the Research Misconduct Panel and may lead to formal action being taken in line with the University's Problem Resolution Framework. (Panel details at 7.2)

- 4.3. If the member of staff wishes to admit to the allegations at this point he or she may do so, and if admitted in full, after consultation with the PVC Research and Innovation and the Human Resources Department the case may be referred directly to the Research Misconduct Panel and a recommendation made in line with the University's Problem Resolution Framework which may lead to disciplinary action. Possible actions are outlined in 7.2.
- 4.4. If potentially unsafe practices have been uncovered, the HRE after consultation with the Pro Vice-Chancellor Research and Innovation takes any necessary actions to protect research participants and avoid risks to health and safety. If illegal activity is involved it may be necessary to notify the relevant authorities and proceed to an external investigation. Internal proceedings should be suspended pending the outcome of any external inquiries.
- 4.5. Initial scrutiny will normally be completed within 10 working days and a report produced. When the decision is that there is a case to assess, all relevant research documentation will be secured and any other necessary actions taken as outlined under 4.6 and 4.7 if this has not happened previously.
- 4.6. The HRE working with the members of the Advisory Group will ascertain the contractual status of the individual and the contractual basis of the research and funding status to ascertain whether the funding organisation or research sponsors require to be notified or in the case of individuals where the university is not the primary employer, what action needs to be taken. With the Advisory Group, the HRE will consider whether the nature of the allegations requires actions to be taken to prevent further harm occurring. It may be necessary to notify regulatory or legal authorities and to recommend that the research is suspended pending further investigation. This could include requesting temporary suspension of the individual on full pay, temporary barring of the accused from parts of university premises such as research laboratories, and/or restricting contact with other staff or organisations. These recommendations will be relayed to the Pro Vice-Chancellor Research and Innovation by the HRE. Any decision to suspend an individual must be authorised by the Vice Chancellor via the Director of Human Resources.
- 4.7. After consultation with the Pro Vice-Chancellor Research and Innovation, the HRE will arrange for all necessary documentation and material (inc. electronic records) to be secured, suspend the research if necessary and notify any external bodies or legal authorities as required. If the allegation involves a group of researchers, the process will apply to each individual in the group separately. The HRE will notify the individual in writing that the allegation is to proceed to the Assessment Stage and the process to be followed

will be outlined against a time line. At this point the individual shall be given the opportunity to explain any apparent inconsistencies or irregularities which may have become apparent from the receipt of the allegation. This should take the form of a confidential written communication between the HRE and the individual on the understanding that it will be only be shared with those involved in the investigation. This stage will normally be completed within 10 working days.

- 4.8 The HRE then proceeds to the Assessment Stage. At this point the HRE shall immediately inform the Vice Chancellor, the Pro Vice-Chancellor Research and Innovation, the Director of Human Resources and the Director of Finance that an allegation of research misconduct requiring investigation has been received. They will be informed in confidence of the identities of the complainant and respondent, funding sources for the research, names of research collaborators, and any other relevant information.

5 Stage 2 - assessment

- 5.1 The purpose of this stage is to determine whether there is a prima facie evidence of misconduct, not to reach a final conclusion unless guilt is admitted.
- 5.2 Once the Pro Vice-Chancellor Research and Innovation has been informed by the process outlined in 4.4 he/she shall then appoint an Assessment Panel consisting of three acknowledged experts, including at least one who is fully familiar with the area of research concerned, to advise him/her, under conditions of strict confidence. The precise composition of the Assessment Panel shall be at the discretion of the PVC, possibly including a member who is external to the University. The HRE shall ensure that all documentation is made available to the Assessment Panel. The Assessment Panel chaired by the Pro Vice-Chancellor meets with the individual against whom the allegations are made and the party making the allegations and should report within 30 working days. Both parties may be accompanied by a work colleague or trade union representative at all meetings.
- 5.3 There are four possible outcomes for the Assessment Panel:
1. They dismiss the allegations as being mistaken, malicious, vexatious or frivolous. Then both parties shall be informed and the case shall be dismissed. The Assessment Committee can recommend that formal proceedings are initiated against the party making the allegation, if the allegation is frivolous, malicious or vexatious, which may result in disciplinary action being taken. The problem resolution framework would then apply and all documentation will be transferred to the Human Resources Department. If necessary, steps may be taken to support the person against whom the allegation was made and protect their reputation. If the allegation was made in good faith, there will be no penalty and support may be offered to either party if necessary.
 2. They decide that while there is a case to answer it is relatively minor in nature and/or it did not involve a deliberate attempt to deceive and may recommend dealing with it through further education and training. The HRE will ensure that this is implemented.
 3. The decision is that there is a clear case to answer and guilt is admitted fully and the case is then referred directly to Research Misconduct Panel where a recommendation is made and the case with the recommendation is then referred to the university disciplinary processes. The problem resolution framework would then apply and all documentation will be transferred to the Human Resources Department.
 4. The Assessment Panel may decide that the allegations are serious enough to warrant formal investigation under the University's Research Misconduct Procedures.

- 5.4. The PVC produces a draft report of findings and the conclusion and sends it to the HRE for forwarding to the accused and their representative if this has been agreed, for checking for factual accuracy. Only errors of factual accuracy will be addressed by the Chair after consultation with the Assessment Panel. The final report is then sent to the person making the allegation, the person(s) against whom the allegation is made, their representatives if this has been agreed previously and the HRE.
- 5.5. If the decision is to move to a formal investigation under the University Research Misconduct Policy and Procedures, the HRE will inform, both parties involved, the Vice Chancellor, the Director of Human Resources and the Director of Finance and any partner organisations that may be involved. The person making the allegation and the person against whom the allegation is made will be informed that depending on the outcome of the investigation, disciplinary action in line with the University Problem Resolution Framework may be applicable.

6. Stage 3 - Formal Investigation under the University's Research Misconduct Policy and Procedures

- 6.1 Only allegations of misconduct in research that are assessed as sufficiently serious and substantial warrant formal investigation. The purpose of this stage is to determine whether research misconduct has been committed, and if so the responsible person(s) and the seriousness of the misconduct and what actions require to be taken. The formal Investigation panel must be set up in a timely fashion following receipt of the assessment panel report.
- 6.2 The HRE after consultation is responsible for the nomination to the Vice Chancellor of an Investigation Panel of at least three members giving due consideration to:
- the need for specialist knowledge or expertise;
 - any potential conflicts of interest;
 - any previous contact with the research;
 - any links with the accuser or accused;
 - the requirement for one member external to the university.

If more than three members are deemed necessary, the panel should always have an odd number of members to prevent tied decisions. The Vice-chancellor or his nominee may veto nominations with the reasons recorded in writing. Individuals involved at the assessment stage are excluded from the formal investigation panel as is the HRE. The UK Research Integrity Office may be contacted for external nominees from their Register of Advisers. For research funded by the UK Research Councils, RCUK may wish to observe the procedures in serious cases of alleged misconduct which could impact on the reputation of the research council(s). Administrative support will be provided from the Secretariat to document the process. Given the nature of the investigation panel, it is important that confidentiality is maintained to avoid possible defamation and, given the quasi-judicial nature of the procedure, to ensure that natural justice is maintained. Advice in this respect may be obtained from the University Secretary and other experts as appropriate. All members will be bound to abide by the principles and procedures, especially respecting the confidentiality of the proceedings and will sign a declaration to this effect.

- 6.5 The investigation panel will elect a chair from within their number. The chair is responsible for ensuring that accurate records are kept of the proceedings and that these are kept securely. The HRE will notify the person (s) against whom the allegation(s) have been made and the person making the allegations and their representatives of the composition

of the investigation panel and he or she shall have the right to share any concerns they have with the HRE but they do not have the right to veto members of the panel.

- 6.6 The person against whom the allegation is made and the person making the allegation can elect to be accompanied by one other person. However, the person against whom the allegation is made and the person making the allegation may not have legal representation without the prior consent of the chair of the investigation panel, which will only be granted in exceptional cases.
- 6.7 The investigation panel shall endeavour to conduct the investigation so as to retain the confidence of both the person making the allegation and the person against whom the allegation is made. The panel shall:
- Review all the documentation collected at the earlier stages including the reports on Stages 1 and 2.
 - Collect any additional background information deemed necessary.
 - Conduct a Formal Hearing which allows the person against whom the allegation is made to present their case and respond to the allegations made. The person against whom the allegation is made and /or their representative may present evidence, call witnesses, ask questions and raise points about information provided by other witnesses.
 - The person making the allegation or other relevant staff may be invited to provide evidence
 - The investigation panel may call on others for expert advice.
 - The panel can also elect to consult the UK Research Integrity Office for advice.

The panel should endeavour to set a date for completion of the investigation ensuring that sufficient time has been allowed for a thorough investigation but should try not to prolong the exercise unnecessarily. The HRE should receive regular monthly reports on progress from the Chair. The HRE will then notify other interested parties of progress as required.

7. Findings

- 7.1 After reviewing all the evidence and the formal hearing the panel may conclude that on the balance of probabilities the allegations of misconduct are in their opinion:
- Not upheld
 - Partially upheld
 - Fully Upheld.

A majority decision is required. The panel produce a final report summarising the procedures followed, the decision reached, with the rationale for them, any dissenting views with their rationale and identifying any procedural issues. In addition the panel may recommend that Disciplinary action may be appropriate. They may also require the records of the research, including publications to be corrected and they may recommend changes to organisational practices or raise other relevant issues with the aim of preventing future research misconduct.

If the investigation uncovers further instances of research misconduct by the person against whom the allegation is made unrelated to the incident under investigation or research misconduct by another person or persons, these allegations should be submitted in writing to the HRE along with supporting evidence for further consideration in a new investigation.

The final report of the panel is sent to the HRE for actioning. If the allegations of serious scientific misconduct are partially or fully upheld, the Research Misconduct Panel is convened to decide on disciplinary action.

7.2 **Research Misconduct Panel**

This comprises Pro Vice-Chancellor Research and Innovation, the Director of HR, the HRE, and/or other Senior Staff nominees as appropriate. The panel will decide, bearing in mind the panel recommendations from earlier stages, what action needs to be taken. This might include one or more of the following sanctions:

- Letter of reprimand
- Withdrawal of funding
- Requiring the withdrawal or correction of pending or published abstracts and papers emanating from the research in questions
- Changes to the staffing of the particular project
- Special monitoring of future work

Disciplinary action under the University's Problem Resolution Framework may also be instigated and may give rise to sanctions up to and including dismissal.

- 7.3 Where the research has been externally funded, the funding body will be notified of the outcome and the sanctions imposed by the university. If appropriate, relevant professional bodies will also be informed of the outcome and the sanctions being applied. Funding and professional bodies may also impose sanctions in these circumstances.
- 7.4 If it is found that misconduct has not occurred but serious research errors have been made, the matter will be dealt with internally within the institution, at the direction of the Pro Vice-Chancellor Research and Innovation and the HRE. Action may be required to correct errors, for example by publication of a retraction, or correction of data or information, in the journal where the original work was published. In research involving human participants the appropriate research ethics committees shall be informed.
- 7.5 If it is found that no misconduct has occurred, steps should be taken to preserve the good reputation of the individual, and in any event to protect the party making the allegations from any adverse repercussions (save where the allegation has been made maliciously). If the investigation concludes that the allegation appears to have been made maliciously, the matter will be referred to the university's problem resolution framework for action. If the case has received publicity, the researcher subject to investigation shall be offered the opportunity of having an official statement released to the media and the University may wish to comment anyway.

8. **Appeals**

Any appeals regarding the findings of the Formal Investigation under the University's Research Misconduct Policy and Procedures shall be made directly to the Vice Chancellor, within 20 working days of the accused being informed of the outcome. The Vice Chancellor's decision shall be final. If disciplinary action has been sanctioned under the University's Problem Resolution Framework, the appeals procedures in the framework will apply and the individuals will be informed of the appropriate appeals procedure.

For further information please contact the Secretary to the University Research Ethics Committee, Research Support Team, Research and Innovation Office, City Campus (researchsupport@shu.ac.uk).

Research Funding from External Sources

1. Introduction

- 1.1 The University encourages its staff and students to engage with the external world, to be innovative and risk-taking, and to seek funds from a diverse range of sources. It is to be expected that, sometimes, researchers will undertake work where both the questions and the answers are controversial and challenge vested interests. On such occasions the University should be vigorous in protecting the integrity of knowledge and its own independence. However, there may be circumstances in which particular funding or collaboration is unethical, imprudent or otherwise against the interests of the University as a corporate body.
- 1.2 It is beyond the scope of this statement to give examples of what may or may not be acceptable. What it aims to do is raise the key issues, outline some broad principles and identify responsibilities for decision making.

2. Potential Issues

Some of the circumstances where there may be concern can be categorised as follows:

- Sponsors may put pressure on researchers to suppress or alter results which do not further, and indeed may damage, their interests. This may infringe a researcher's intellectual property rights and ultimately their employability.
- The University may decide that the practices of a potential sponsor are so inimical to its own mission and character that it should not accept funding from that source.
- The University may decide that collaboration would be so damaging to its reputation that it would not be prudent to accept funds.
- A research project may involve collaborating with institutions and organisations in other parts of the world which may not adhere to similar ethical and environmental codes. For example they may not have equal opportunities and disability legislation.

3. Principles

- 3.1 The first of the categories listed above is, perhaps, the most straightforward to deal with as such problems should be covered by the contract authorisation process and the policies on safeguarding integrity in research and the ethical conduct of research involving human participation.
- 3.2 The other areas are more difficult and delicate. Decisions should be based on the following broad principles.
- The expectation should be that the University will accept funds from any legal source for sound research where that funding meets the requirements of current financial and contractual policies.
 - In responding to the exclusion policies of sponsors (see 2 above), the University should, where possible, seek to agree a common response and position with other UK Universities. It should also take into account the balance of damage to the University and the strength of the ethical argument of the body imposing conditions.
 - Any refusal to accept funds on ethical grounds (see 3 above) should only take place where there is a clear and major conflict of values.
 - Any refusal to accept funds because of potential damage to reputation (see 4 above) should only take place where there is a strong possibility that the damage will be so great that it will seriously undermine a significant part of the University's activities.

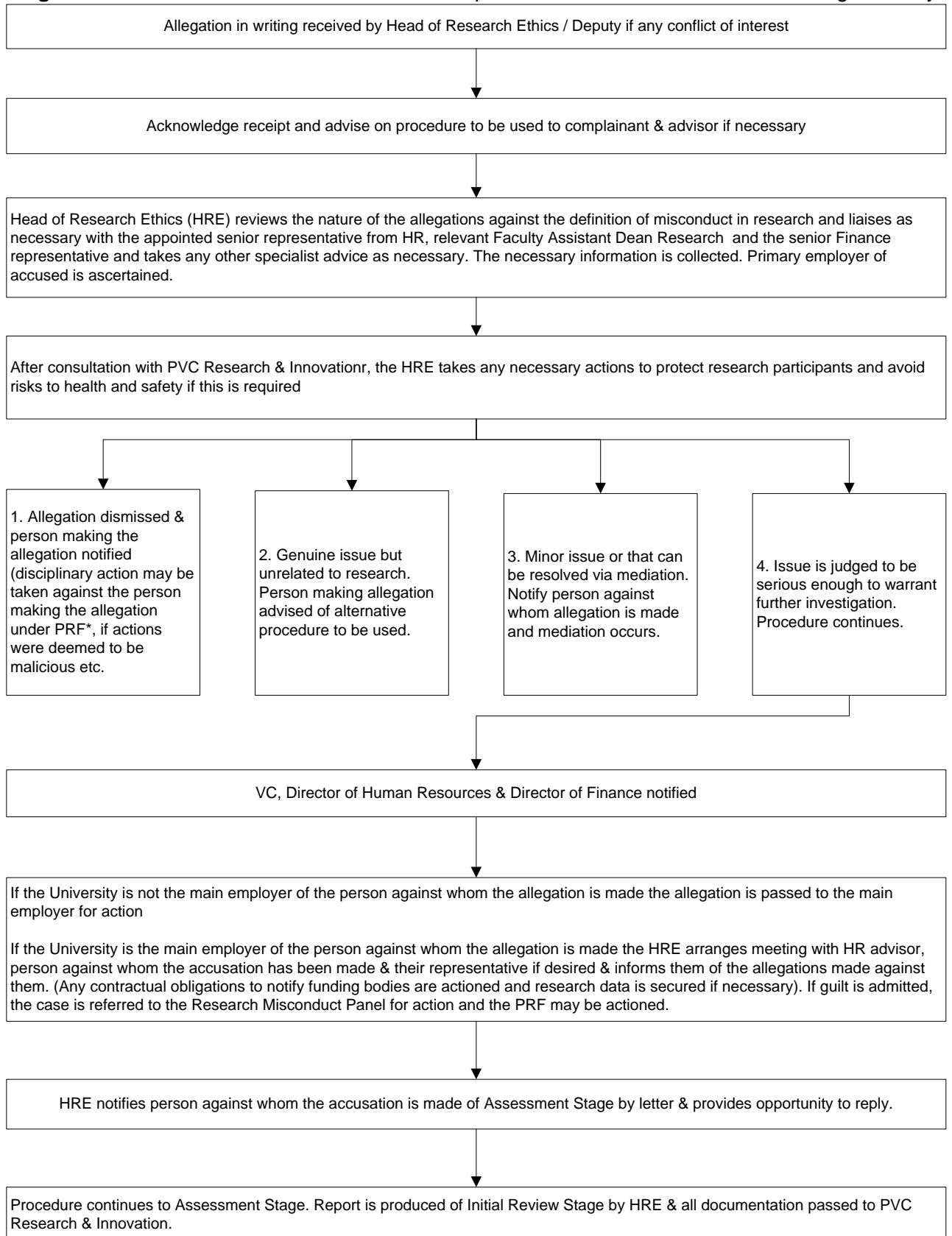
- 3.3 With regards to collaborating with institutions and organisations in other parts of the world which may not adhere to similar ethical and environmental codes, it is suggested that collaborating organisations in such circumstances should agree to develop a plan of action that will eventually bring their policies and practices in line with the University policy. (The Nuffield Council on Bioethics, the Missenden Centre Code of Practice for Ethics and Accountability and the Guidelines on Ethical Trading produced by a consortium of trade unions, Oxfam and Marks and Spencer are useful sources of practical advice in this area).

4. Responsibilities

- 4.1 The Research and Innovation Office will be the repository for decisions so that it may inform University enquirers of any relevant precedent.
- 4.2 If a researcher has any doubt as to the acceptability of a particular source, he or she owes a clear duty of care to the University and must seek advice from the relevant Pro Vice Chancellor of Faculty or Director of Research Institute.
- 4.3 In cases where the difficulties cannot be resolved following 4.1 or 4.2, queries should be referred to the Pro Vice-Chancellor for Research and Innovation. He or she may seek the advice of the University Research Ethics Committee and may consult with the University Secretary and the Vice Chancellor if appropriate.

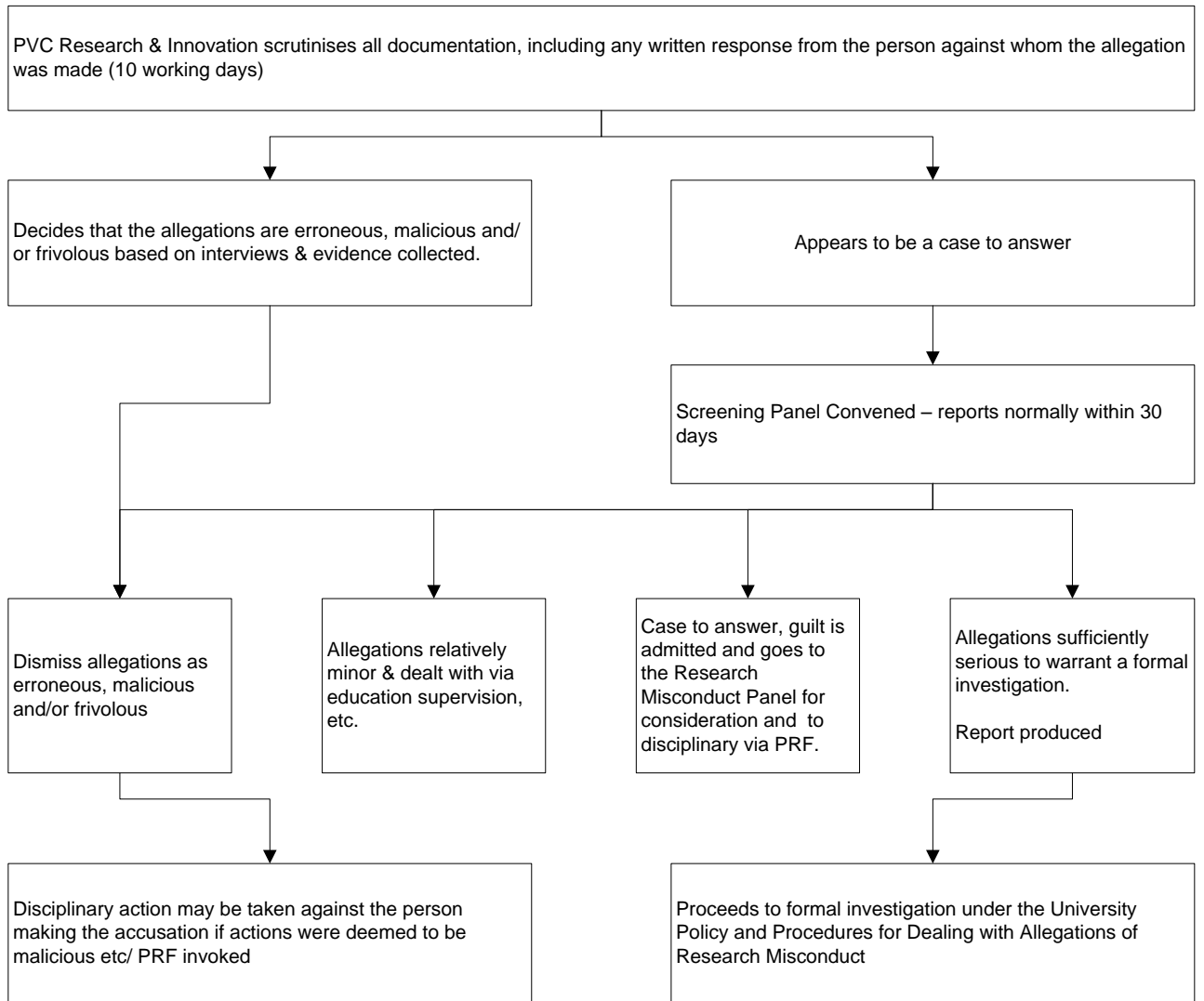
Appendix 1 - Diagrammatic Overview of the three stage approach to investigating allegations of research misconduct

Stage 1 Initial Review. Completed within 10 working days

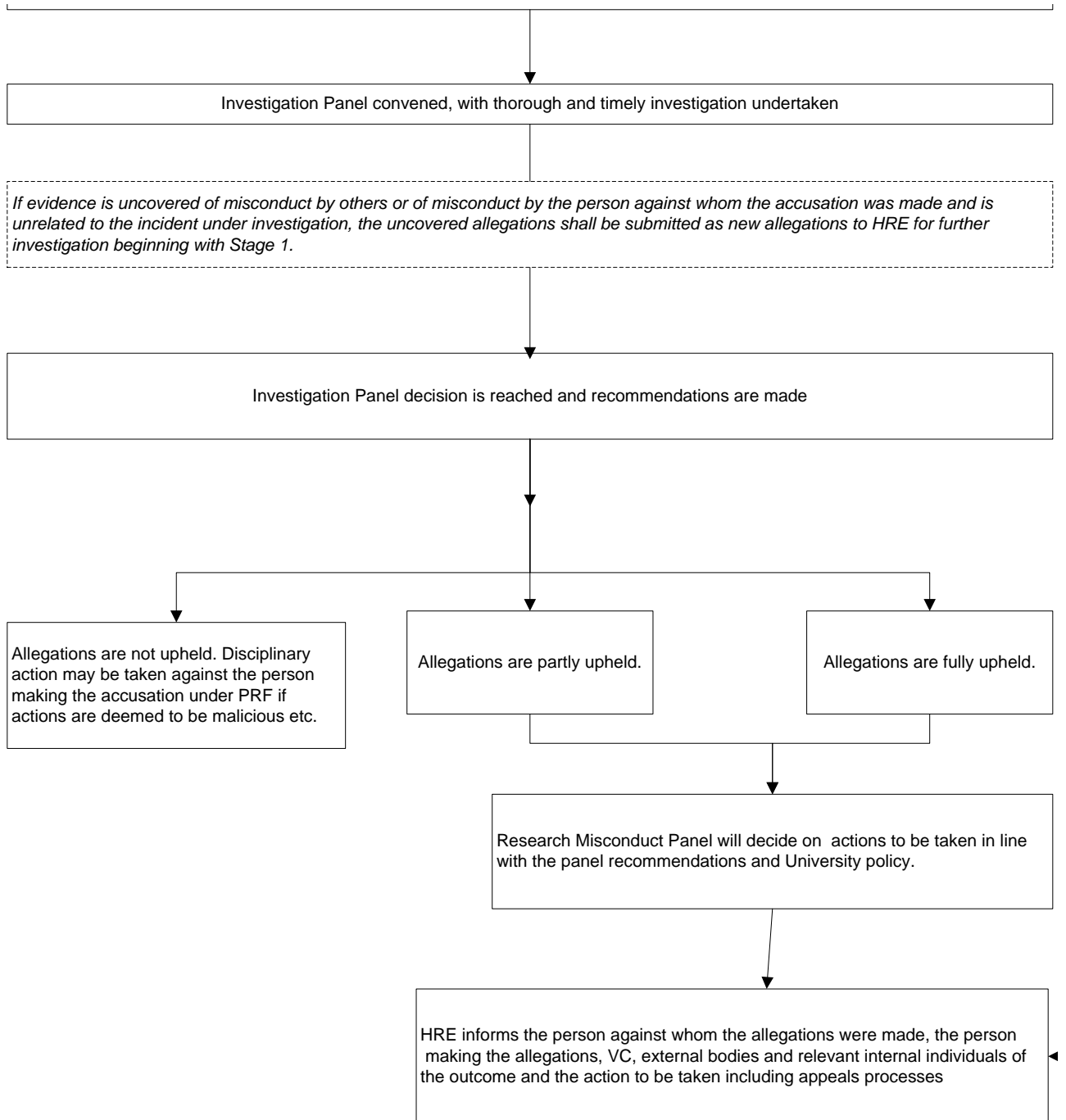


* PRF refers to the University Problem Resolution Framework. This will apply to most staff apart from those who transferred into the university under conditions applicable in their previous institution, where these will still apply.

Stage 2 Assessment. Completed within 40 working days



Formal Investigation under the University's Research Misconduct Policy and Procedures.
No set timetable but as quickly as is feasible to allow for a thorough process



Appendix 2 - References

The following documents have been taken into consideration and/or referred to for the policy review.

Policy and Procedure for Inquiring into Allegations of Scientific Misconduct Medical Research Council. Accessed November 2008.

Research regulation and ethics - MRC position. Issued: 09 May 2005

The MRC.s series of publications on ethics and best practice and on clinical trials.

MRC Ethics Guide: Medical research involving children. Medical Research Council, 2004

Nuffield Council on Bioethics. The ethics of research related to healthcare in developing countries, 2002; and Follow-up discussion paper, 2005

Economic and Social Research Council, Research Ethics Framework 2005

MRC Position Statement on Bioterrorism and Biomedical Research, 2005

Organisation for Economic Co-operation and Development Global Science Forum, Best Practices for Ensuring Scientific Integrity and Preventing Misconduct

Research Councils UK Code of conduct and Policy on the Governance of Good Research Conduct. 2008

UK Research Integrity Office (UKRIO) Draft Code of Practice for Research, 2007

Universal Ethical Code for Scientists, 2006.

BBSRC Statement on safeguarding good scientific practice, revised, 2007

European Science Foundation: Stewards of Integrity: Institutional Approaches to promote and Safeguard Scientific Practice in Europe, 2008

Mental Capacity Act, October 2007.