

POLICY ON HANDLING ALLEGATIONS OF RESEARCH MISCONDUCT



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Approval Body: University Research Ethics & Governance sub-committee/Committee for Research & Innovation Strategy (CRIS) & SENATE

Policy Owner: Research Engagement and Innovation Services

Policy Author: Various

Summary & Purpose:

The ***Concordat to Support Research Integrity*** defines misconduct as behaviours or actions that fall short of the standards of ethics, research and scholarship required to ensure that the integrity of research is upheld. The University is a signatory to the Concordat, and as an employer of researchers, the University is expected to have clear, well-articulated and confidential mechanisms for reporting allegations of research misconduct alongside having robust, transparent and fair processes for dealing with such allegations should they arise.

The Policy on Handling Allegations of Research Misconduct was originally drafted and approved by Senate in July 2015. This policy has been revised taking into account further guidance from UKRIO, UKRI, and Russell Group statement of Cooperation with respect to cross-institutional research misconduct allegations and investigations.

Scope and Exemptions

The policy on handling allegations of research misconduct will also be used to investigate and deal with allegations relating to misappropriation or misuse of research funds and equipment.

This Policy can be used in conjunction with the 'University Policy on Whistleblowing' and the 'University Code of Practice on Authorship'.

1. Definition of Research Misconduct

The [Research Council UK](#) definition of **Research misconduct** is **fabrication, falsification, plagiarism or other serious deviation from commonly accepted practices in research** for proposing, performing, or reviewing research, or in reporting research results.

Fabrication is making up data or results and recording or reporting them. **Falsification** is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Misrepresentation including

- Misrepresentation of data, for example suppression of relevant findings and/or data, including the researchers own ideas, or knowingly, recklessly or by gross negligence,

presenting a flawed interpretation of data.

- Undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication.
- Misrepresentation of interests, including failure to declare material interests, either of the researcher or of the funder's of the research.
- 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 (improper authorship).

Breach of duty of care, whether deliberately, recklessly or by gross negligence:

- Disclosing improperly the identity of individuals or groups involved in research without their consent, or other breach 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 sponsors 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 in 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; and breach of confidentiality or abuse of material provided in confidence for peer review purposes.

Research misconduct does not include honest error or differences of opinion. Unlike poor research practice which needs to be identified and dealt with through training and mentoring, research misconduct needs to be investigated and dealt with appropriately through the disciplinary procedures.

2. Key Principles:

This policy on research misconduct will also be used to investigate and deal with allegations relating to misappropriation or misuse of research funds and equipment.

The University is committed to operating on the following principles while investigating allegations of research misconduct:

1. Misconduct in research is a serious matter.
2. Investigation of allegations of misconduct in research will be conducted in accordance with the highest standards of integrity, accuracy and fairness.

3. The University wishes to enable all stakeholders (including funders, sponsors, regulators, staff, scientific publishers, students, research participants and patients) to have confidence that high standards of research integrity are upheld by the University at all times, and that allegations of research misconduct are treated seriously and investigated as confidentially as is reasonably practicable.
4. The University will ensure that those responsible for carrying out investigations of alleged misconduct in research will act with integrity and sensitivity at all times.
5. The University will ensure that investigators of such cases will conform to the statutory obligations of the University and the rights of the employees according to current law along with any rights and obligations bestowed to employees by its ordinances and statutes.
6. Anyone accused of misconduct in research is entitled to the presumption of innocence.
7. It is acknowledged that allegations may be made for what appears to be malicious reasons.
8. Where anyone is formally accused of misconduct in research, that person will be given full details of the allegations in writing, and will be given the opportunity to set out his/her case and respond to the allegations against him/her.
9. The University is committed to protecting the reputation of those suspected of, or alleged to have engaged in, misconduct, when the allegations or suspicions are not confirmed.
10. Staff undertaking research will be able to exercise their right to academic freedom under the University Statutes, but must also take responsibility in ensuring that the integrity of research is upheld, and that they are aware of the legal requirements that regulate their work.
11. All employees and students and any individuals authorised to work in the University, its facilities or otherwise undertaking research on behalf of the University, are obliged and have a responsibility to report to the University any concerns about potential research misconduct, whether witnessed, or where there is reasonable belief that this is, has, or is likely to occur.
12. Employees and students who raise such concerns in line with this policy will not be penalised or suffer detriment by the University for doing so, provided that they do so in confidence and reasonably believe that potential research misconduct is, has or is likely to occur.
13. The basis for reaching a conclusion that an individual is responsible for misconduct in research relies on a judgment that there was an intention to commit the misconduct and/or negligence in the conduct of any aspect of research undertaken and that the burden of proof required is that of 'on the balance of probabilities.'
14. Where appropriate, issues may be resolved through informal discussions, advice, guidance, or agreed mediation, without the requirement for a formal investigation.
15. If the route of investigation is undertaken, then depending upon the outcome of the investigation, other relevant formal procedures may be initiated including for example the University's disciplinary or capability procedures.
16. In such cases the information/findings of an investigation may be used in whole or in part, to form the investigation element of such procedures.
17. All parties involved are under an obligation to inform the 'Named Person' (Pro Vice Chancellor Research & Innovation) immediately of any conflict of interest.
18. In such circumstances, the Pro Vice Chancellor (R&I) should decide if a declared interest warrants exclusion from involvement in the investigation.

19. In the case where the Pro Vice Chancellor (declares an interest his/her nominated alternate should decide if he/she should be excluded from involvement.

Practices / Code of Conduct

All allegations of research misconduct will be received and processed in accordance with the 'Procedure of receiving allegations of Research Misconduct'. A copy of this is available as part of the 'University Policy Framework on Research Integrity' and can be accessed through the Research Integrity web pages <https://staff.swansea.ac.uk/media/P1415-956-Research-Integrity---Policy-Framework-updated-Jan-2020.pdf>)

A copy of the procedure will be provided to the Complainant, Respondent and the Screening & Investigation Panel members prior to the commencement of any research misconduct procedure.

Compliance

Failure to comply with this policy will be addressed according to the University statutes and ordinances.

Policy History

Revision Date	Author	Description
July 2015	Anjana Choudhuri/ Vice Chancellor's Office	Policy on Handling Allegations of Research Misconduct drafted and approved by University Research Committee, University Research Ethics & Governance sub- committee & Senate.
January 2020	Anjana Choudhuri/ Research Engagement & Innovation Services	<ol style="list-style-type: none"> 1. Inclusion of further guidance from UKRIO, UKRI and Russell Group statement of Cooperation with respect to cross-institutional research misconduct allegations and investigations. 2. Change of 'Named Person' from the Registrar to the Pro Vice Chancellor (Research & Innovation)

Appendix 1

Definitions

Named Person	<p>The 'Named Person' is the individual in the University who is responsible for:</p> <ul style="list-style-type: none"> • receiving any allegations of misconduct in research • initiating and supervising the procedure for investigating the allegations • maintaining information and records during the investigation and • taking decisions at key stages of the procedure, and working as an adjudicator when required. <p>Named person for Swansea University: Pro Vice Chancellor (R&I)</p>
Complainant:	<p>the Complainant is the person making the allegations of misconduct of research against one or more Respondents</p>
Respondent	<p>The 'Respondent' is the person (s) against whom the allegations of misconduct in research have been made. He/She must be a present or past employee of the University</p>
Disciplinary process	<p>The 'Disciplinary process' refers to the University's mechanism for resolving disciplinary issues of staff</p>
Formal Investigation	<p>The Formal Investigation is the procedure intended to examine the allegations of misconduct in research, hear and review the evidence, determine whether the alleged misconduct occurred and take a view on who was responsible.</p>
Screening Stage	<p>The Screening Stage is part of the procedure and intended to determine whether there is prima facie evidence of misconduct in research. The screening stage does not determine whether misconduct occurred or who might be responsible.</p>