



University of
Salford
MANCHESTER

Policy and Procedure for Dealing with Allegations of Misconduct in Research

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Issued by Research and Enterprise

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Legal implications (LPG)	2. Assessment by Dr Joanne Cresswell (Associate Director Research & Enterprise) and Nicola Kettley (Policy, Project and Employee Relations Specialist). Emailed to equality@salford.ac.uk 2 nd June 2017		
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1.0 Purpose

The University of Salford is committed to excellent research with impact. The University's Research Code of Practice has been developed to promote good conduct at all stages of the research process and to ensure that research is of the highest quality. Research misconduct is characterised by actions or behaviours that fall short of the expected standards outlined in the Research Code of Practice, such as fabrication, falsification and plagiarism.

The purpose of this policy and procedure is to inform staff about the types of activity or behaviour that constitute research misconduct and how such matters will be dealt with by the University.

2.0 Scope

This Policy and Procedure applies to all University staff, visiting or emeritus staff, associates, holders of honorary and clinical contracts, contractors and consultants and others working on University premises or carrying out research activity in the name, or on behalf of, the University of Salford, and across all subject disciplines and fields of study, hereafter referred to as 'Researchers'.

Researchers are responsible for the professional conduct and publication of their research, for the work of colleagues and students under their direction, and for the reporting of suspected conflicts of interest, poor practice or potential misconduct. Researchers should be aware of, and adhere to, current good practice and any statutory obligations relating to their research area.

Allegations of research misconduct made against students (except where staff are also University students) will be managed through the [Academic Misconduct Procedure](#) or [Student Disciplinary Procedure](#).

This Policy and Procedure is overseen by the Deputy Vice-Chancellor.

The University reserves the right to inform relevant professional organisations of research misconduct as appropriate.

3.0 Policy Statements

3.1 Principles

The University takes all allegations of research misconduct seriously. All investigations into allegations of research misconduct will be conducted fairly, transparently, robustly, with the highest standards of integrity, and without bias.

The University acknowledges that there are two sides to every allegation. All parties will therefore be given the opportunity to present evidence in support of or response to the allegation.

All parties will be given full written details of allegations, evidences, outcomes and actions.

Investigations into allegations of research misconduct will be conducted in a timely manner according to the timescales laid out in this Policy and Procedure.

Written records of research misconduct allegations, investigations and outcomes must be kept. The information produced when handling a disclosure will be kept confidential, limiting access

to those people relevant to the investigation, and will be kept in accordance with the Data Protection Act 1998.

Appropriate levels of confidentiality will be maintained by all parties and at all stages of this Procedure.

Persons making allegations of research misconduct will be protected by the University's [Whistle-Blowing Policy](#) and will not be victimised or harassed for making an allegation and, where necessary, will receive appropriate support.

If an individual is found to have made a malicious or vexatious allegation, they may be subject to action under the University's Disciplinary Policy.

Unreasonable refusal to cooperate with an investigation through this policy may be deemed to be wilful and action may be taken also under the University's Disciplinary Policy.

3.2 Procedure for dealing with allegations of research misconduct

It is a requirement of this Policy and Procedure that all those investigating or assessing concerns or allegations of research misconduct should be unbiased, have no involvement in the research in question and have no relationship which could reasonably represent a conflict of interest or bias with either the person(s) making the allegation, or the person(s) against whom the allegation has been made.

If the allegation is of a serious nature, and carries an imminent or likely risk of harm to people, animals, the environment or the University's reputation, the Deputy Vice-Chancellor (DVC) will take immediate appropriate action to ensure that any danger or actual harm is mitigated, prevented or eliminated. It is the responsibility of all staff to report such risks to the DVC as soon as they become apparent.

The Named Person in this policy is the Associate Director Research, or nominee.

This Procedure is part of, and runs parallel to, the University's Disciplinary Policy and Process. It also runs in parallel with any necessary investigations by legal/regulatory bodies.

3.2.1 Informal Resolution

Before making a formal allegation of research misconduct, staff should make all reasonable efforts to resolve concerns informally through their direct Line Manager, Research Centre/Group/Programme Lead, Associate Dean Research & Innovation (ADRI) or Dean of School. If the allegation is thought to have a relationship issue at its centre, informal mediation support may be sought from Human Resources. This approach may be most useful where there may be a misunderstanding or breakdown of communication between individuals. The person with whom the informal concern is raised should keep and retain a record of the concern, the actions taken and the outcomes.

If the person is not satisfied with the outcome of informal resolution attempts, the formal allegation process should be followed.

3.2.2 Formal Allegation

Formal allegations of research misconduct must be made in writing and sent to the Named Person at: research-misconduct@salford.ac.uk. All allegations must detail the exact nature of the allegation and be supported by any and all evidence available to the person making the

allegation, including any records relating to the informal resolution stage. Unless under exceptional circumstances, formal allegations of research misconduct should be accompanied by supporting evidence, rather than made on the basis of suspicion, perception or on hearsay alone. Those making formal allegations should be aware that a summary of their allegation and supporting evidence will be forwarded to the person(s) against whom the allegation is made, except under very exceptional circumstances when this would compromise the wellbeing or safety of the person making the allegation.

The Named Person will formally acknowledge receipt of the allegation in writing and within 2 working days.

If a formal allegation is sent to any individual other than the Named Person, that individual should send it to the Named Person within 2 working days, where possible.

If the allegation is against the Named Person, it should be made directly to the Dean of Research.

3.2.3 Preliminary Assessment

The Named Person, or nominated alternative, will undertake an initial assessment of the allegation against the criteria outlined in this policy and the Research Code of Practice. If it is determined that the allegation does not fall within scope of this policy, and/or there is insufficient evidence to support further investigation, the matter will be dismissed or, where relevant, referred for informal resolution and/or other internal procedures. The Named Person will inform the person making the allegation of the outcome in writing, and normally within 5 working days of receiving the allegation.

If it is determined that the allegation is obviously vexatious or malicious, the Named Person will refer the matter to Human Resources and make recommendations for further action.

If the allegation is deemed to be an urgent or serious matter (see 3.2), the Named Person will refer it immediately to the DVC.

If it is determined that the allegation falls within the scope of research misconduct, the Named Person will proceed to the Formal Investigation stage of this process.

The Named Person will inform Human Resources that an allegation of research misconduct has been referred to the Formal Investigation stage.

3.2.4 Formal Investigation

The Formal Investigation stage is intended to determine whether there is prima facie evidence of research misconduct.

The Named Person must notify the person(s) against whom the allegation has been made that a formal investigation of the allegations is to take place. This notification should be made in writing, normally within 5 working days of receiving the allegation.

The Named Person will ask the ADRI of the School or head of Professional Services division of the person(s) against whom the allegation has been made to appoint a senior member of academic staff normally within 5 working days as the Investigating Officer to undertake an investigation into the allegation,. The Named Person will forward the allegation and supporting evidence to the Investigating Officer. Where the allegation concerns the Dean, an ADRI or a

head of Professional Services division, the Named Person will ask an ADRI from a separate School to appoint an Investigating Officer.

The Investigating Officer, supported by HR and Research & Enterprise, will gather evidence from any individuals they deem appropriate and relevant. This will include the allegation and supporting evidence provided by the person making the allegation, any comment and supporting evidence from the person(s) against whom the allegation has been made, and background information relevant to the allegation. The Investigating Officer may also commission external advice, in confidence and with the approval of the Named Person.

The Investigating Officer will submit the investigation report to the Dean of School of the person(s) against whom the allegation has been made normally within 20 working days of being appointed. It is not the role of the Investigating Officer to suggest findings or propose actions. The Dean of School will consider the report and determine whether the matter should progress to a disciplinary hearing.

A hearing will be convened in line with the University's Disciplinary Policy. The Hearing Panel will be chaired by the Dean of School of the person(s) against whom the allegation has been made, and will comprise the ADRI who appointed the Investigating Officer, and a second ADRI or nominee. The panel will be supported by an HR representative. Consideration should be given to the gender balance of the Panel. The hearing process and any subsequent action taken will mirror the process set out in the University's Disciplinary Policy.

3.3 Additional Measures

The Procedure for dealing with allegations of research misconduct will be terminated prior to completion only in exceptional circumstances and only with the agreement of the DVC. For example, the termination of contracts of employment of any parties involved will not automatically lead to a termination the Procedure.

The DVC should be informed as soon as possible if, during the course of investigation, any of the following come to light:

- An immediate health hazard
- An immediate need to protect University or an external agencies funds or equipment
- An immediate need to protect those making the allegation, those complained against or any of their associates
- Evidence of practice which breaches the University's Academic Ethics Policy
- A reasonable indication of a possible criminal act
- Incidents involving personal data should also be reported to the University's Head of Information Governance

The DVC should also be informed as soon as possible if the Named Person feels that the investigation itself may be jeopardising current and future research funding, the appropriate use of research funds or the protection of public interest.

The DVC should consider whether to suspend the research project for the duration of the investigation. If the researcher is a non-EEA national and the research project is suspended (or withdrawn) then the matter should be discussed with Human Resources who may need to refer or report the matter to UK Visas and Immigration.

The University will comply with the requirements and regulations of its funding bodies in relation to notification of formal investigations into allegations of research misconduct. The DVC will make the decision about whether information about the allegations will be disclosed to specific parties, including the research funder.

Additional measures not outlined in this Policy and Procedure or the University's Disciplinary Procedure may be required following the conclusion of an investigation into allegations of research misconduct. For example:

- Termination of the research project, including abrogation of the research findings
- Requirement for retraction/correction of articles in journals
- Withdrawal/repayment of funding
- Notifying misconduct to regulatory bodies
- Notifying other employing organisations
- Notifying other organisations involved in the research, including, but not limited to:
 - Professional bodies
 - Editors
 - Publishers
 - Research partners
- Notifying the police of a possible criminal act
- Consideration of implications for other projects the researcher has been and is involved in
- Adding a note of the outcome of the investigation to the employment record of the person(s) against whom the allegation has been made
- Review of governance, training and supervisory processes
- Review of lessons learned from allegations of research misconduct.

4.0 Policy Enforcement

The Research & Enterprise Division, under the leadership of the Dean of Research, is responsible for overseeing the procedure and ensuring it is correctly implemented and enforced.

If you require further information regarding this Policy and Procedure, please contact: research-misconduct@salford.ac.uk.

5.0 Research Misconduct Flowchart

