

Cardiff Metropolitan University

Policy on Research Misconduct

1. Background

- 1.1 This policy applies to all individuals who are engaged in research at Cardiff Metropolitan University. This includes all staff and postgraduate and undergraduate students as well as other individuals who conduct research on Cardiff Met's premises.
- 1.2 This is the third iteration of the Policy which was first approved by Research & Enterprise Board in June 2007.

2. Links to other policies and procedures

- 2.1 It should be noted that this policy is concerned with the investigative process to be undertaken when an allegation of research misconduct is made rather than any subsequent disciplinary procedures which may be invoked. The precise nature of those procedures (if invoked) will be determined by the nature of the misconduct in question.
- 2.2 This policy focuses solely on misconduct in the context of research activity. This being the case, it complements, rather than replaces, other Cardiff Met policies and procedures, in particular:

For staff:

Disciplinary procedures for members of staff
Whistleblowing Policy
Research Ethics Procedures

For students:

Student Disciplinary Regulations
Examination Regulations
Unfair Practice Procedure
Research Ethics Procedures

3. Definition of research misconduct

- 3.1 The institution endorses the definition of research misconduct provided by Research Councils UK in its Policy and Guidelines on Governance of Good Research Conduct (which has been formally adopted by UKRI). This being the case, research misconduct will include the following, whether deliberate, reckless or negligent:
 - failure to obtain appropriate permission to conduct research;
 - deception in relation to research proposals;

v1 agreed by Academic Board Feb 2008

v2 approved by Research & Enterprise Board Sept 2016

v3 approved by Research & Innovation Committee Dec 2018

- unethical behaviour in the conduct of research, for example in relation to research subjects;
- unauthorised use of information which was acquired confidentially;
- deviation from good research practice, where this results in unreasonable risk of harm to humans, other animals or the environment;
- fabrication, falsification or corruption of research data;
- distortion of research outcomes, by distortion or omission of data that do not fit expected results;
- dishonest misinterpretation of results;
- publication of data known or believed to be false or misleading;
- plagiarism, or dishonest use of unacknowledged sources;
- misquotation or misrepresentation of other authors;
- inappropriate attribution of authorship;
- fraud or other misuse of research funds or research equipment;
- attempting, planning or conspiring to be involved in research misconduct;
- inciting others to be involved in research misconduct;
- collusion in or concealment of research misconduct by others.

3.2 Fraud or other misuse of research funds or research equipment may be dealt with under Cardiff Met's financial regulations.

4. Procedure in the case of suspected research misconduct

4.1 Cardiff Met will investigate allegations of research misconduct fully and expeditiously whilst also ensuring that researchers are protected from malicious, mischievous or frivolous allegations.

4.2 Anyone who may be unclear on what might constitute research misconduct, either in general or in relation to a specific incident, may seek advice from Research & Innovation Services.

4.3 Allegations of research misconduct should be made in writing and be no longer than c1000 words in length. The allegation should be directed in the first instance to the Director of Research who will undertake an initial investigation to establish whether a *prima facie* case of misconduct exists. In the case of an allegation which implicates the DoR, the initial investigation will be undertaken by the Deputy Director of Research.

4.4 Where it is decided that no *prima facie* case can be established, the complainant will be informed in writing and will have the right to appeal against the decision. Appeals will be referred to the Director of Learning Enhancement who will undertake a second initial investigation. The outcome of the appeal process will be final.

4.5 In the event that a *prima facie* case is deemed to exist, the case will be referred to the Pro Vice Chancellor (Research) who may take immediate action via the appropriate disciplinary regulations or, if considered appropriate, may instigate further investigations into the allegation.

4.6 If further investigations are necessary, they will be carried out either by the PVC(R) or by an appropriate individual appointed by the PVC(R). This individual will be referred to as the

Investigating Officer and will be supported by a member of administrative staff from Research & Innovation Services.

- 4.7 Whilst it is preferable that the Investigating Officer will have expert knowledge of the area of research involved, of paramount importance will be their independence from the complainant and the subject of the complaint. In cases where it is not possible to satisfy both of these provisos, the Investigating Officer may decide to consult an external expert. Similarly, the Investigating Officer may seek legal advice where appropriate.
- 4.8 The individual or individuals against whom the allegation is made shall be informed in writing of the nature of the allegation, of the decision to appoint an Investigating Officer and details of who the Investigating Officer will be. Full details of the investigation process will also be provided. They shall be given the opportunity to request an alternative Investigating Officer on the grounds of conflict of interest.
- 4.9 The Investigating Officer shall require the production of such records as are necessary to enable the investigation to proceed and shall ensure their safekeeping. The Investigating Officer may interview the person or persons accused and the person or persons making the allegation, together with anyone else who may have relevant information. Anyone attending for interview may be accompanied by a friend or representative.
- 4.10 The Investigating Officer shall take all reasonable steps to:
- preserve the anonymity of the person or persons accused and the person or persons making the allegation, unless this would compromise the investigation.
 - Ensure that the investigation is undertaken as expeditiously as possible.
 - Ensure that the person or persons accused have full access to the evidence being presented against them prior to being interviewed by the panel.
- 4.11 Once the investigation has been concluded, the investigating officer will prepare a report setting out the evidence received, accounts of any interviews conducted and conclusions reached. Both the complainant and the person or persons accused shall have an opportunity to comment on the report. The report, together with any comments received, will then be submitted to the PVC(R).
- 4.12 The Investigating Officer may also make recommendations to promote best practice in the conduct of research and any such recommendations will be brought to the attention of Research & Innovation Committee and Academic Board.
- 4.13 In cases where the person or persons accused is a member of staff or a student at Cardiff Met, on receiving the report, the PVC(R) shall proceed in one of the following ways:
- i. In the event that no evidence of misconduct has been found, the complaint shall be dismissed.
 - ii. In the event that a complaint is upheld but the offence found to be insufficiently serious to warrant formal disciplinary proceedings, the matter may be referred to the Dean of School, or other appropriate individual, for resolution.
 - iii. If the investigation has uncovered *prima facie* evidence of serious misconduct, then the matter shall be dealt with under the appropriate disciplinary procedures. Action may be taken in respect of members of staff under the Disciplinary Procedure for Members of

Staff. Action may be taken in respect of students under the Student Disciplinary Regulations, Unfair Practice Regulations or Examinations Regulations.

- 4.14 In cases where the outcome implicates someone who is not subject to Cardiff Met's disciplinary procedures, the PVC(R) shall bring the report to the attention of any appropriate disciplinary body.
- 4.15 If the Investigating Officer finds the allegations to have been malicious or mischievous in nature, the PVC(R), will consider whether disciplinary action should be taken against those making the allegation.
- 4.16 Where the research in question is funded in whole or in part by an external grant, the institution will refer to guidance issued by that funder regarding cases of alleged research misconduct. The PVC(R) will ensure that any such body is provided with appropriate and timely information regarding the instigation and process of an investigation and any referral under disciplinary regulations.
- 4.17 Where an allegation of misconduct is upheld against an individual who is subject to the regulation of a professional body, the PVC(R) will consider whether it is appropriate to inform the professional body of any finding.
- 4.18 Where the individual has published research, especially research relating to the misconduct investigation, the PVC(R) will consider whether it is appropriate to inform journal editors or others of any finding.
- 4.19 In cases where the individual resigns their post during the misconduct investigation, the investigation will continue to its conclusion.

5 Timescales

- 5.1 Individuals involved in the investigative process shall take all reasonable steps to ensure that the investigation is undertaken as expeditiously as possible.
- 5.2 Of paramount importance is that a full and thorough investigation is undertaken, in order that the integrity of the institution, its staff, students and associates is maintained. However, it is recognised that the welfare of those accused must also be protected and should not be compromised by a protracted process. It is therefore recommended that all incidences of alleged research misconduct are investigated within a 12 working week timeframe, from the date of receipt of the original allegation.
- 5.3 If an investigation is likely to take longer than 12 working weeks, both the complainant and the accused will be informed in writing of the reasons for this and given an indication of when the investigation will conclude.
- 5.4 An indicative timeline for the investigative procedure is appended to this policy.

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v2 approved by Research & Enterprise Board Sept 2016

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Research Misconduct Investigation Procedure and Indicative Timeline

