



Academic Guidance 8:

Procedures for Dealing with Misconduct in Research (Staff)

2023-24

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Section 1

Introduction

1. We firmly believe in the quality of UK research and in the integrity of our researchers. This process forms part of a wider obligation to maintain these standards, a shared commitment to support rigour, integrity and excellence in research and a demonstration of our responsibilities.

UK Research and Innovation (UKRI) requires all Higher Education Institutions (HEI) to demonstrate that there are agreed principles and procedures in place to deal with allegations of misconduct in research. Whilst UKRI explores how best to establish the national research integrity committee in accordance with the 2018 Commons Science and Technology Committee report of an inquiry into research integrity, HEI procedures are expected to conform to the policies and processes of the former Research Councils UK (RCUK) and Research England in conjunction with the 2019 updated Universities UK Concordat to Support Research Integrity.

Kingston University is committed to acting in accordance with the principles and 5 commitments outlined in the Concordat to Support Research Integrity. This document specifically describes the processes for Commitment 4:

1. *We are committed to maintaining the highest standards of rigour and integrity in all aspects of research.*
2. *We are committed to ensuring that research is conducted according to appropriate ethical and legal and professional frameworks, obligations and standards.*
3. *We are committed to supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice and support for the development of researchers.*
4. ***We are committed to using transparent, robust and fair processes to deal with allegations of research misconduct should they arise.***
5. *We are committed to working together to strengthen the integrity of research and to reviewing progress regularly and openly.*

2. These procedures have been informed by the recommendations of:
 - the MRC's Policy and Procedure for Inquiry into Allegations of Scientific Misconduct
 - The UK Research Integrity Office's Code of Practice for Research
 - RCUK Policy and Code of Conduct on the Governance of Good Research Conduct
 - 2019 Concordat to Support Research Integrity

At any time, an employee may have confidential discussions and consultation about concerns of possible misconduct with the Director of Human Resources or their nominated representative and seek advice about appropriate procedures to report allegations.

Staff who believe that a serious case of research misconduct has occurred are encouraged to use the [University Procedure for the Disclosure of Information on the Grounds of Public Interest \(Whistleblowing\)](#) available from the University Secretary, otherwise, the following three stage procedure can be used. This procedure is intended to identify whether research misconduct has occurred and if so, the seriousness of the misconduct (usually Serious Misconduct, or if significant and/or extensive, potentially Gross Misconduct). Procedures for resulting disciplinary action are covered by the [University Disciplinary Procedure](#).

Where complex concerns may cross multiple University policies, each aspect must be investigated according to the appropriate policy. However, it is expected that investigations and hearings be aligned as far as possible to allow parallel concurrent consideration and to minimise stress to subjects. E.g.:

- Allegations of fraud are handled in accordance with the procedures set out in the [University Fraud Response Plan](#).
- Procedures relating to alleged bribery are handled in association with the University [anti-bribery policy](#)
- The dignity at work policy covers unacceptable behaviour in the workplace, including harassment, bullying, victimisation and discrimination.
- The University Disciplinary Procedure (as above) covers other issues that are not the subject of a specific policy.
- The procedures relating to investigation and discipline of students for misconduct in the prosecution of research, are set out in the [Academic Misconduct \(Research Degrees\)](#) and [Student Disciplinary Regulations](#).

These procedures are designed to apply to current staff. They also apply to consultants who are contracted by the University to work on investigations on behalf of the University. The procedures are only applicable in regard of misconduct which is alleged to have occurred during the time that they have been employed. The procedures do not apply to persons who are employed by other organisations, even if those individuals were engaged in collaborative research with staff of the University.

The University does not have powers to require former employees or students who are now employed elsewhere to comply with investigations, but will act within its powers to establish the truth of any allegations and to right any wrongs identified. Where potential misconduct may span institutions the University will collaborate where joint investigations may be warranted and terms of reference can be agreed.

These procedures will be subject to review by the University Research & Knowledge Exchange Committee every 2 years or at need.

Section 2

Definitions

Term	Definition
Contact Point	Our contact point will retain a log of all formal processes instigated in response to allegations of staff research misconduct. They can also be contacted to allege Research Misconduct. The current contact is Juliet Parry , Head of Research Systems Governance & Funding.
Instigator	The person making the allegation (this may include external organisations such as journals). 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 procedures and of the University's expectation that they will participate in the procedures and comply with their requirements.
Subject	the person accused of misconduct
Working days	When periods of days are referred to in this document, unless otherwise stated a 'day' is normally a University working day, which is any day except weekends, bank holidays and the period between Christmas and New Year when the University's administrative offices are closed. This applies even when some areas of the University, such as libraries and learning spaces, are open during these times.

Forms of Research Misconduct

Breach of duty of care	<p>which involves deliberately, recklessly or by gross negligence:</p> <ul style="list-style-type: none"> 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. Failure to follow University procedures and processes in
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Term	Definition
	<p>respect of research and management of research, especially where pertaining to human subjects or their data.</p> <ul style="list-style-type: none"> • where acting on behalf of another, e.g. managing a project during absence, inappropriate redirection of their ideas, intellectual property or work (written or otherwise), without acknowledgement or permission, beyond reasonable expectation of independence of the role . • research is often a collaborative process and there is an expectation that the process will be collegiate at all stages. Shared ideas or outcomes may sometimes be taken in different directions by different members of the group. This should involve collaborative discussion to ensure the intended direction will not prevent or limit other group members from using those ideas or outcomes. Purposeful limitation may be considered a breach of duty of care especially where it blocks career advancement.
Fabrication	This includes the creation of false data or other aspects of research, including documentation and participant consent.
Falsification	This includes the inappropriate manipulation and/or selection of data, imagery and/or consents.
Misrepresentation	<p>Including:</p> <ul style="list-style-type: none"> • Misrepresentation of data, for example suppression of relevant findings and/or data, 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 funders 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.

Term	Definition
Mismanagement or inadequate preservation of data and/or primary materials	Including failure to: <ul style="list-style-type: none"> • keep clear and accurate records of the research procedures followed and the results obtained, including interim results; • hold records securely in paper or electronic form; • make relevant primary data and research evidence accessible to others for reasonable periods after completion of the research; • manage data according to the research funder’s data policy and all relevant legislation; • wherever possible, deposit data permanently within a suitable repository.
Plagiarism	This includes the general misappropriation or use of others’ ideas, intellectual property or work (written or otherwise), without acknowledgement or permission.
Safeguards	<p>An allegation of misconduct in this context is potentially defamatory and, therefore, actionable in law. For the protection of the Subject and the Instigator, these Procedures must be conducted in strict confidentiality and disclosed only to those identified as having a role in the Procedures.</p> <p>A presumption of innocence is maintained until the investigation process is complete and complainants who have made allegations in good faith, whether substantiated or not, will be protected.</p>
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Section 3

Procedures

Informal Process

3. Kingston University recognises that mistakes and honest errors can be made in any field of human endeavour and that less experienced researchers in particular may make minor infractions where there is no evident intention to deceive.

If line managers suspect such infraction may be occurring through limited experience, they should invite the employee to an informal meeting. This discussion should take place as early as possible and as part of normal day to day management.

It should explore if errors have occurred, and if they have, ways to redress them and seek ways to increase understanding informally through mentoring, education and guidance. If the informal process proves insufficient, if the infractions are not minor or if repeated the process shall move to stage 1.

If a formal complaint has been made, internally or externally, including referral through the whistleblowing process, a formal response is mandatory. This process would therefore commence at stage 1.

Formal Process

There are three stages and an appeal process.

Stage 1 - Initial screening

4. The Instigator makes an allegation of misconduct, in confidence. This may take place in writing to the Dean of the Faculty, to the contact point or to the whistleblowing service. (If the Dean is the subject of the allegation, an alternative member of the Senior Leadership Team (SLT) will substitute). The Dean will be responsible for examining the allegation.
5. At this point in the process the Dean MUST log all allegations with the current staff Contact Point: j.parry@kingston.ac.uk, who will maintain a log of ongoing investigations and outcomes. The outcome of each stage as it progresses should also be notified to the Contact Point for logging.
6. There is an initial screening to assess if the allegation is deemed to fall within the scope of these Procedures. The Dean may perform the screening themselves or may appoint a senior colleague, that is equal or higher in grade to the subject and independent from the allegation, to consider the issue and report. They may seek confidential legal or other expert advice. The Dean must then inform the Instigator within ten working days that either:
 - i) the allegation falls within the Procedures and warrants initial screening or
 - ii) the allegation has been dismissed as either outside the scope of the procedures or unwarranted.

Where appropriate, the Dean may refer the allegation to an alternative procedure (see 2).

7. If i), the Dean or their appointee shall undertake an initial screening by informing the Subject of the nature of the allegation and invite a response, while maintaining the anonymity of the Instigator. The Subject shall be given ten working days to respond. This may be extended by up to 5 days if the Subject is uncontactable on planned absence.
8. Within five working days of the receipt of the response from the Subject, the Dean shall inform the Instigator and the subject of the decision which may be either:
 - iii) that the allegation is dismissed or
 - iv) that the Subject's response is not satisfactory and the allegation will be considered under Stage 2 of the Procedures.

It is not expected that this process would usually exceed the timescale outlined above. If doubt remains after responses have been screened, the process should proceed to step 2 and review evidence rather than extending the period. If Subject personal circumstances make this unviable, advice should be sought from the Director of HR. Any change in timeframe advised in response should be informed to the Contact Point and the Instigator.

9. The Dean will then require all necessary documentation and material to be secured and shall inform the Contact Point who shall refer the matter to the appropriate independent Senior Leadership Team member.

In circumstances where an allegation relates to research misconduct which may be placing others at risk, the Contact Point will notify the Director of Human Resources of the issue, who will advise the Vice Chancellor if there are grounds for suspension of the employee concerned. The Vice Chancellor will ensure removal of the risk or, if necessary, suspend the respondent on full pay pending the outcome of the investigation.

Stage 2 - Determining whether there is evidence

The purpose of this stage is to determine whether there is *prima facie* evidence of misconduct.

10. The responsible SLT member shall appoint a panel of three experts, to advise her/him in strict confidence. The panel must include at least one who is familiar with the area of research concerned, and at least one who is external to and independent from the Subject's organisational unit. These experts should not have already been involved in the screening process, unless no other single expert at an appropriate level is available within this area.
11. The Subject shall be invited to explain any apparent inconsistencies or irregularities in a written response, nominating any evidence they feel is pertinent and enclosing any which may not otherwise be available. This response should be provided within 20 working days. This process shall maintain the anonymity of the Instigator and the Subject.
12. The panel shall consider the evidence within 60 working days of the receipt of the Subject's response. The panel shall provide a copy of the report to the Subject and invite a written response within 20 working days.

13. The panel shall then make a final recommendation to the responsible SLT member within ten working days of the receipt of the Subject's response. responsible SLT member may determine that:
 - there is insufficient substance to warrant a formal investigation or
 - the allegations should be subjected to a formal investigation under Stage 3 of these Procedures.
14. The Subject and the Instigator shall be informed of the Stage 2 outcome by the responsible SLT member within ten working days of the panel submitting its final recommendations.

Stage 3 - Examining evidence and deciding seriousness of misconduct

The purpose of this stage is to examine the evidence and decide if research misconduct has been committed and, if so, the seriousness of the misconduct. Given the quasi-judicial nature of this stage and the human resource implications, both the University Secretary and the Director of Human Resources or their respective nominated representatives should be informed in confidence by the responsible SLT member.

15. In serious cases the question of suspension may need to be addressed, but this should only arise where the presence of an individual is likely to hinder an investigation or where it would be difficult to perform their duties while this stage of an investigation is being conducted.
16. Where an investigation is about someone funded by or engaged with RCUK (including as a supervisor for an RCUK postgraduate student or engaged with peer review activities), even if it is about work not connected with a grant from a UK Research Council, the case must be reported to the relevant Council at this stage, and the Councils reserve the right to take appropriate action, after consultation with the University, about any duties being performed for RCUK. Where the investigation relates to someone involved with other funding bodies, they must similarly be notified according to their own procedures.
17. The responsible SLT member shall establish a panel of three members with the necessary expertise to examine the evidence, interview witnesses and conduct the investigation. The panel must include at least one who is familiar with the area of research concerned, and at least one who is external to and independent from the Subject's organisational unit.
18. Given the importance of having sufficient expertise in the panel, some of the members may have been involved in screening at stage 1 or as members of the panel in Stage 2. The members should have no conflict of interest and they should appoint their own chair.
19. The responsible SLT member shall notify the Subject of the composition of the panel within five days of its establishment and inform the Subject of the right to object in writing to the inclusion of any of the members.
20. The Subject must provide details of any objections within five working days or the composition will be deemed to be acceptable.
21. Where an objection is received within the timescale, the responsible SLT

member may replace the panel member. No further objection is possible.

22. Advice should be taken from the University Secretary and the Director of Human Resources or their respective nominated representatives and others, as appropriate.
23. The panel shall then interview witnesses and provide both the Subject and the Instigator an opportunity for a meeting in confidence. Individuals have the right to be accompanied by a trade union representative or a workplace colleague. The investigators/HR will liaise with the individual and the trade union representative or workplace colleague to agree dates for a meeting within a reasonable period of time.
24. The panel should conclude its investigation within 60 working days by the production of a final report. There are three possible outcomes of the investigation:
 - i) no misconduct has occurred and the Procedures are complete
 - ii) misconduct has not occurred, but serious scientific errors have been identified
 - iii) misconduct is confirmed.
25. In all cases, the responsible SLT member should ensure that the Subject, and the Dean of the faculty concerned are provided with a copy of the report which must maintain the anonymity of the Instigator. The Instigator should be informed that proceedings are concluded, the general outcome, and of any detail or rectification that affects them or their interests specifically. These should be done within five working days of the panel submitting its report.
26. If the panel judges that the allegations are malicious, the responsible SLT member shall refer the matter to the Dean for disciplinary action, usually through the formal disciplinary procedure.
27. In the case of (ref point 24.)
 - i) steps should be taken to protect the reputation of the Subject. A clear statement should be made to any individuals who will have been aware of the allegations and need to know the outcome.
 - ii) the Dean should ensure that immediate action is taken to rectify the errors. It may be appropriate to inform the University Research Ethics Committee and/or (where the case involves study for a research degree) the relevant Faculty Research Degrees Committee, and disciplinary action may be considered, usually through the formal disciplinary procedure.
 - iii) the responsible SLT member and the Dean, with advice from the Director of Human Resources or their nominated representative, will consider the appropriate action to be taken. This may include, inter alia, informing any grant awarding body, the editors of any relevant journals, relevant statutory or regulatory bodies. If the Subject was registered for a research degree, action may be required to terminate the registration or rescind the qualification. Disciplinary action may be considered under the Disciplinary Policy and Procedures (usually proceeding directly to the disciplinary hearing stage).

The outcome of the investigation will be reported to the University Research & KE Committee maintaining the anonymity of the individuals concerned.

Stage 4

Appeal

28. Any appeal regarding the findings of the investigation shall be made to the Vice- Chancellor whose decision is final. Such an appeal must be in writing, with supporting material and within ten working days of the Subject being provided with the panel's report. Grounds for appeal are:
- i) The appropriate procedure was not followed correctly which would have made a material difference to the outcome
 - ii) The disciplinary penalty was inappropriate/disproportionate given the evidence available
 - iii) New evidence is available that may have an impact on the decision.

The Vice- Chancellor will consider what action may be necessary on a case by case basis and will make an initial response in writing within 15 working days, notifying the Subject of any necessary process.

Section 5

Abortive Termination of Procedures at Any Stage

29. If procedures are terminated at any stage (for example, by the resignation of an individual) without conclusion that the complaints should be dismissed, the University will consider the seriousness of allegations outstanding, the strength of evidence supporting the allegations, the potential need for corrective action and the implications for the future career of the individual.
30. Where serious concerns remain that misconduct may have occurred which have not been resolved, the individual complained against should be advised of this and be asked to see the investigation or hearing through to conclusion.
31. Where they do not agree to this, they should be advised that the details of the outstanding case may (without prejudice) be passed to any future employer or 'bona fide' enquirer about their career at the University, and may also be passed to any appropriate regulatory or professional supervisory body.

32.

Summary Table

Process	Details
Informal Process (limited applicability)	
Responsibility	Line Manager
Process	Informal meeting
Process Timescale	As early as possible within day to day management
Outcome	Mentoring, education and guidance
Outcome Timescale	Within meeting
Formal Process Screening (1)	
Responsibility	Dean (or senior appointee)
Process	Assess if falls into research misconduct procedures Initial screening based on allegation. Subject to respond.
Process Timescale	Tell instigator whether proceeding within 10 days Subject has 10 days to respond.
Outcome	No case or proceed with formal process
Outcome Timescale	Within 5 days of subject response
Formal Process Investigation (2&3)	
Responsibility	SLT member - convenes a panel.
Process	If others are at risk a suspension may be arranged. 1. Subject invited to explain. 2. Panel consider written evidence. 3. Make recommendation to SLT member. 4. Formal panel, confidential interviews.
Process Timescale	1. 20 days 2. 60 days, with 20 days for subject to respond 3. Decision within 10 working days 4. Notify of panel members within 5 days of appointment, 5 days to object.
Outcome	i) no misconduct has occurred and the Procedures are complete ii) misconduct has not occurred, but serious scientific errors have been identified (rectification, possible disciplinary) iii) misconduct is confirmed (any inform relevant bodies, cancel registrations, Disciplinary action as appropriate (straight to Disciplinary Hearing).
Outcome Timescale	Panel conclude within 60 working days
Appeal	
Responsibility	Vice Chancellor
Process	Appeal in writing within 10 days of decision. Case by case decision
Outcome	VC decision is final
Outcome Timescale	Initial response within 15 working days