



## **POLICY AND PROCEDURE FOR DEALING WITH ALLEGATIONS OF RESEARCH MISCONDUCT**

### **1 INTRODUCTION**

This document has been approved by, and is subject to biennial review by the Research Strategy Committee.

### **2 DEFINITIONS**

For the purposes of this document, the following definitions will apply:

#### **2.1 'research misconduct':**

includes, but is not necessarily limited to, scientific misconduct, fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting results of research; deliberate, dangerous or negligent deviations from accepted practice in carrying out research and includes the facilitation of misconduct in research by collusion in or concealment of such actions by others. In respect of scientific research, it includes but is not necessarily limited to, failure to follow established protocols, particularly where this failure result in unreasonable risk or harm to humans, animals or the environment.

Actions which are deemed to be research misconduct would include, but are not necessarily limited to, deliberate, reckless or negligent: failure to obtain appropriate permission to conduct research; failure to obtain appropriate ethics approval to conduct research; deception in relation to research proposals; unethical behaviour in the conduct of research, for example in relation to research subjects; deviation from the College's guidelines on good research practice (section 6, refers) where this results in unreasonable risk of harm to humans, 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 the expected results; dishonest interpretation of results; publication of data known 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; incitement of others to commit research misconduct.

#### **2.2 'Complainant':**

a person or persons collectively making an allegation of research misconduct;

#### **2.3 'Respondent':**

the person against whom the allegation is made;

#### **2.4 'Recipient':**

the member of staff to whom the allegation is made (section 7.1.1, refers);

#### **2.5 Investigation Panel**

The panel convened in accordance with the requirements of sections 7.5.1 and 7.5.2 below, and with sufficient standing and expertise to investigate an allegation of research misconduct in accordance with 7.6 below and to report on the allegation in accordance with 7.7. below.

**2.6 'Respondent's Adviser/Adviser':**

section 7.3, refers.

**2.7 'Friend'**

A person chosen by the Respondent to accompany him/her to a hearing, and who is either an official of a recognised Trade Union or a work colleague. Consistent with the fact that investigatory and other meetings held in connection with allegations of research misconduct are internal proceedings, solicitors, family members and all other non-employees of the College are excluded from them.

**3 SCOPE**

The policies, regulations and procedures set out in this document apply to:

- i all employees of the Royal Veterinary College working at the time the misconduct is alleged to have occurred;
- ii visiting researchers and individuals who are not employees of the Royal Veterinary College but who are conducting research on the College's premises, under the College's auspices or using the College's research facilities.

**4 PRINCIPLES AND POLICIES**

- 4.1 The College expects that staff and other individuals permitted to work in the College will at all times observe the highest standards of integrity in relation to any research work which is supported by the College and/or conducted on its premises.
- 4.2 The College does not regard as research misconduct matters of honest difference of academic opinion between colleagues. Neither does it regard as research misconduct, cases of honest error or honest differences in design, execution, interpretation or judgment in evaluating research methods or results unrelated to the research process
- 4.3 The College is committed to investigating fully all allegations of research misconduct.
- 4.4 The College is committed to protecting its staff and other individuals permitted to work in the College, from malicious, frivolous or vexatious allegations of research misconduct (section 8, refers).
- 4.5 The College reserves the right to reject allegations made maliciously, frivolously or vexatiously (section 8, refers).
- 4.6 The College will take action, including, where appropriate, disciplinary action, against any individual(s) who have brought malicious, frivolous or vexatious allegations. In such cases the College will, in consultation with the respondent, also take steps that it considers reasonable to restore

or repair any damage, real or perceived to the professional reputation of the individual about whom such an allegation has been made.

- 4.7 All Complainants will be treated equally, regardless of their status or seniority and will not be treated adversely as a result of their having made an allegation. Whether or not such allegations are upheld on investigation, Complainants are entitled to protection by the College from victimisation in connection with or as a result of the allegation.
- 4.8 All staff, students and other persons permitted to work on College premises are expected to report possible research misconduct.
- 4.9 Each allegation will normally be considered individually, although depending on the circumstances, where a series of allegations involves the same subject matter or individual(s), the College may consider those allegations collectively.
- 4.10 Where at any stage an allegation against an individual is made the subject of a formal discussion or Hearing both the Complainant and Respondent may each be accompanied by an Adviser (section 7.3, refers).
- 4.11 The process whereby an allegation of scientific or research misconduct is investigated is distinct from the College's disciplinary procedures. However, where such an investigation leads to a disciplinary hearing, that investigation will contribute to the investigation stage required by the College's disciplinary procedures. The Complainant and the Respondent will be informed of the outcome of the investigation.

#### 4.12 **Mediation**

The College recognises that the investigation of allegations of research misconduct, whether or not such allegations are upheld, can impact upon working relationships. In such circumstances the College will consider the provision of mediation in order to help facilitate a professional working environment. Such mediation would not normally be instigated until the completion of all relevant procedures.

## 5 **CONFIDENTIALITY/DATA PROCESSING**

- 5.1 All parties to the allegation and individuals who have been involved in any related investigation and/or the management and/or administration of the investigation process will observe the requirement for confidentiality. Confidentiality means that the Complainant and Respondent will not inform any third party of the details of the allegation except as is necessary for a full and fair investigation. While confidential information will need to be disclosed in order to consider the allegation, it will be disclosed only to those individuals involved in the consideration of the allegation or otherwise as envisaged by this policy. In addition, confidential information may be disclosed to governmental, police or regulatory authorities as required by law.
- 5.2 All personal information will be processed by the College in accordance with the Data Protection Act 1998.

## 6 **RESEARCH AND SCIENTIFIC PRACTICE**

- 6.1 Guidance both from external bodies and the College provides the institutional framework for research and scientific work.
- 6.2 Members of staff, students and individuals permitted to work in the College are personally responsible for ensuring that their research or scientific work is conducted within these parameters.

### **Notes for guidance**

- i Relevant external guidance includes, but is not necessarily limited to the following and any subsequent versions of the following:

The Joint Code of Practice For Research issued by the Biotechnology and Biological Sciences research Council, the Department for Environment, Food and Rural affairs, the Food standards Agency and the Natural Environment research Council.

Health and Safety Legislation and statutes, DEFRA Animal health and Welfare research requirements Document and Animal scientific procedures Act, including terms and conditions of relevant licences.

- ii Royal Veterinary College guidance, which is reviewed regularly, includes but is not necessarily limited to:

The Royal Veterinary's Policy on Good Research Practice, The Royal Veterinary College General Policy Statement and all departmental Health and Safety guidelines.

## **7 PROCEDURE**

### **7.1 Notification of an allegation of research misconduct**

7.1.1 The allegation must be made in writing and submitted by the Complainant to:

- a the Head of Department in which the Complainant resides, or
- b the Principal where the allegation concerns the Head of Department, or
- c the Principal where the Complainant is not located within the College, or
- d to the Assistant Principal & Secretary to Council where the allegation concerns the Principal, who will ensure that the matter is dealt with by another party; who for this purpose will be referred to as the recipient.

The Complainant should include with the allegation any evidence to support it as they consider appropriate.

### **7.2 Preliminary action by the Recipient**

7.2.1 Having determined whether, in his or her professional opinion, the allegation falls within the definition of research or scientific misconduct (section 2.1, refers), the Recipient (or nominee) will consider the allegation and determine whether an investigation is warranted. The Recipient may make his/her decision just on the basis of the allegation or with reference to such other information as he/she considers appropriate. If an investigation is deemed to be warranted, the Respondent will be told of the allegation at this stage.

#### **7.2.2 Risk**

- i Where an allegation concerns activities which may be placing humans, animals or the environment at risk, the Recipient will take appropriate measures to ensure removal of that risk.
- ii The Recipient will ensure that the Risk is recorded in the appropriate Risk Register

### 7.2.3 Where an allegation may be vexatious or frivolous

Should the Recipient (or nominee) have reason to believe that the allegation may be frivolous or vexatious, he or she will refer the matter to the Assistant Principal (section 8, refers).

### 7.2.4 Where the Recipient judges that an investigation is not warranted

- i Where, on the balance of probability, the Recipient judges that an investigation is not warranted, he or she will record his or her reasons for that decision and inform the Complainant and Respondent accordingly.
- ii The Recipient will ensure that the Risk Register is amended as appropriate.
- iii Where the Respondent is dissatisfied with this outcome or the Recipient believes that the reputations of any of the parties will remain in jeopardy should the matter not be subject to independent investigation and assessment, the Recipient will proceed to the next stage of this procedure (section 7.2.5, refers).

### 7.2.5 Where the Recipient judges that an investigation is warranted

- i Where, on the balance of probability, the Recipient judges that an investigation is warranted, and without prejudice to the Respondent and/or the outcome of the investigation, the Recipient has the power to request such research records and materials as they think appropriate. Where appropriate, these items will be returned to the Respondent after the investigation and any subsequent hearing;

#### *Note for guidance*

*The purpose of such sequestration is to ensure a fair and thorough investigation and as far as is reasonably practicable, the Recipient will ensure that copies of sequestered documentation are provided to the Respondent.*

- ii The recipient will inform the Respondent in writing of the substance of the allegation and give him or her the opportunity to respond;
- iii The recipient will provide the Respondent with a copy of this document

## 7.3 Respondent's Adviser

- i The Respondent may be accompanied by a Friend (see 2.7 above) at any formal hearing or meeting at which the matter is to be discussed.

- ii Consistent with the fact that they are internal proceedings, solicitors, family members and all other non-employees of the College are excluded from being an “Adviser” into any investigations into possible research misconduct.

7.3.3 Where a Respondent intends to be accompanied by an Adviser at any Hearing or meeting, the Respondent:

- i should notify the Chairperson of the Investigation Panel of the name, role and affiliation of the Adviser five (2) working days beforehand;
- ii is responsible for ensuring that the person accompanying them is provided with all and any documentation and information they consider necessary, including the date, time and location of the hearing.

## 7.4 Formal investigation

7.4.1 The purpose of the formal investigation is:

- a to examine and evaluate all relevant facts to determine whether or not there are sufficient grounds to support the allegation,
- b to consider the seriousness of the alleged misconduct, and
- c to identify the individual who may be responsible.

7.4.2 The Recipient will:

- i notify both the Respondent and the Complainant in writing, and remind them that they are expected to co-operate in the investigation and maintain confidentiality throughout;
- ii *where the Respondent is a member of staff registered for a research degree, also notify the Respondent's research supervisor(s) that an allegation of research misconduct has been made and that an investigation is to be conducted;*

### **(Note for guidance)**

As part of its investigation, the Investigation Panel (section 7.5, refers) would, as a matter of course, normally expect to interview and to consider the role of the research supervisor(s).)

- iii where the allegation is made by an individual or body external to the College, ensure that the individual or body concerned is made aware of the policies and procedures set out in this document and of the College's expectation that they will comply with its requirements;
- iv within fourteen (14) days of his or her decision to proceed with an investigation, or as soon as possible thereafter, and having due regard to the distress allegations of research misconduct place on those directly involved, appoint an Investigation Panel (section 7.5, refers) and identify a suitable person to act as Clerk to the Panel and provide any administrative support that may be required by the Panel;
- v notify the Respondent and Complainant of the membership of the Panel;

- vi define the subject matter of the investigation for the Investigation Panel by providing the Investigation Panel with a full copy of the allegation and any other papers that the Recipient has and confirming the Recipient's initial decision that the matter should proceed to a full investigation.;
- vii provide the Respondent with a full copy of the allegation and any other papers that the Recipient has.;
- viii Advise the respondent where it is likely that the investigation will not be concluded within ninety (90) days of the appointment of the Panel, stating the reasons for this and the expected timescale for the completion of the investigation.

## 7.5 Investigation Panel

### 7.5.1 In appointing the Panel, the Recipient will:

- i ensure that its members have no conflicts of interest either with the Respondent, the Complainant or the area of research work concerned. The fact that a member of the Panel knows the Complainant or the Respondent will not of itself create a conflict of interest and it will be for the Recipient to assess whether any relationship gives rise to a conflict of interest;
- ii ensure that the Panel has the expertise necessary to examine the evidence, interview the witnesses, and conduct the investigation;
- iii have due regard for the need to maintain confidentiality, in particular, in relation to the intellectual property of the parties to the allegation, the Royal Veterinary College, its subsidiaries and clients and will therefore ensure that any external member has entered into a confidentiality agreement prior to his or her being provided with any details of the allegation.

### 7.5.2 Composition of the Investigation Panel

- i The Investigation Panel will normally be composed of two (2) members of the academic or research staff of the College, at least one of whom shall be an experienced researcher and one (1) further member from outside the College with expert knowledge of the area of research work involved.
- ii For the proper conduct of the investigation, the Recipient has the power to appoint additional members to serve on the Panel.
- iii The decision of the Recipient as to the composition and membership of the Panel is final.
- iv The Panel will appoint one of its internal members as Chairperson.

The Panel will normally be advised on matters of procedure by the Director of Human Resources (or nominee).

## 7.6 Investigation Process

### 7.6.1 Conduct and recording of interviews

- i A narrative record (in summary rather than verbatim transcription) will be made of all interviews conducted by the Panel and a copy will be included as part of the Investigation Report.
- ii the taking of audio recordings of interviews by any of the parties involved is not permitted, except in limited circumstances, for example, on grounds of disability of the respondent (with reasons provided by the Respondent in writing), where the Chairperson of the Panel may, at his or her discretion, and with the prior written consent of all persons who will be present, decide to allow such recording to take place.
- iii The Investigation Panel will:
  - a normally commence its investigation within five (5) working days of its appointment or as soon as possible thereafter;
  - b normally examine all documentation including, but not necessarily limited to, relevant research data materials, proposals, publications, correspondence, memoranda, and notes of telephone calls;
  - c interview the Respondent;
  - d. interview the Complainant
  - e whenever possible, interview all individuals involved in making the allegation, and other individuals who might have information regarding key aspects of the allegation;
  - f where appropriate, re-interview the Respondent in order to allow him or her an opportunity to respond to matters which have arisen during the course of the investigation;
  - g conclude its investigation and submit an Investigation Report to the Recipient, normally within ninety (90) days of its appointment or as soon as possible thereafter (section 7.7, refers).

## 7.7 Investigation Report

### 7.7.1 The Investigation Report must:

- a include a copy of the Statement of Case (section 7.4.2, vi, refers),
- b state how the investigation was conducted and record the advice, data and documentation received by the Panel,
- c describe how and from whom information relevant to the investigation was obtained,
- d state the findings, which will be either that they do not find evidence of research misconduct and recommend no action under the relevant disciplinary procedure or that they decide that there is evidence that research misconduct has occurred, and recommend action under the disciplinary procedure
- e explain the basis for those findings,
- f have appended to it any written response received from the Respondent under the terms of section 7.7.3,

7.7.2 The Chairperson of the Panel will provide the Respondent with a copy of the report and evidence considered by the Investigation Panel.

7.7.3 The Respondent may submit a written response to the report within twenty (20) days of the date on which it was sent to him or her and the written response will then be appended to the Investigation Report.



7.7.4 The Panel will submit the completed Investigation Report to the Recipient who, as necessary, may seek further clarification from the Panel before taking further action.

## 7.8 Further action by the Recipient

7.8.1 Where the allegation is not upheld:

Where the findings of the investigation are such that on the balance of probability, there is no evidence of research misconduct, the Recipient will:

- i take no further action in the matter and will make a confidential report to that effect to the Research Strategy Committee of the Academic Board;
- ii ensure that all references to the matter are expunged from the Respondent's personal file;
- iii notify in writing the Complainant(s) and all persons who have been interviewed or otherwise informed of the investigation that the allegation has not been upheld;
- iv ensure that the Risk Register is amended as appropriate.

## 7.8.2 Where on the balance of probability, there is evidence that research misconduct has occurred

The Recipient will send a copy of the Investigation Report to the Director of Human Resources for possible further action.

The process whereby a formal allegation of research misconduct is investigated is set out in this procedure, which is distinct from the College's staff disciplinary procedures. However, where such an investigation leads to a disciplinary hearing, this investigation will contribute to the investigation stage required by the College's disciplinary procedures.

## 8 MALICIOUS, FRIVOLOUS AND/OR VEXATIOUS ALLEGATIONS

8.1 Where there is reason to believe that an allegation may have been made either maliciously, frivolously or vexatiously, the Recipient will refer the matter to the Assistant Principal who will conduct an investigation and take advice from appropriate officers of the College. Where, on the balance of probability, the Assistant Principal judges the allegation to be malicious, frivolous and/or vexatious, he or she will write to the Complainant, within ten (10) working days' of its receipt or as soon as possible thereafter, rejecting the allegation. Conversely, the Assistant Principal will refer the matter back to the Recipient if they find that the complaint has not been made maliciously or frivolously.

8.2 Where at any point an allegation is found to be either malicious, frivolous or vexatious, the College reserves the right to institute disciplinary proceedings against Complainants who are members of staff of the College. The College may take legal action against other malicious, frivolous or vexatious Complainants.

## 9 INTERFACE BETWEEN THE RESEARCH MISCONDUCT POLICY AND THE DISCIPLINARY PROCEDURES

The process whereby an allegation of research misconduct is dealt with by the College is distinct from the College's disciplinary procedures although, in some circumstances, the investigation of an allegation may result in the College taking disciplinary action against a member of staff. Such

proceedings and their outcomes are confidential and the Complainant is not entitled to challenge their outcome. However, the Complainant may raise any concerns about the way the College has administered this process through the College grievance procedure.

#### **10 RESTORATION OF REPUTATION**

The Royal Veterinary College will take reasonable action to restore the reputation of the Respondent where at any point, including any point in any subsequent disciplinary process, he or she is found not to have committed the alleged misconduct.

#### **11 HARASSMENT AND BULLYING**

Staff who believe they have been subjected to victimisation should refer to the College 'Dignity at Work' policy.

#### **2 EXTERNAL FUNDING BODIES**

Where the research work is funded wholly or partly through external funding, the College will have proper regard for the guidance issued by the relevant funding body and/or any relevant terms or conditions attached to the grant of funds and will make timely and appropriate notification to such bodies of any decision to investigate an allegation of research misconduct in connection with work funded by the body concerned and of the outcome of that investigation.

#### **13 PROFESSIONAL AND STATUTORY REGULATORY BODIES**

In the event of a finding of research misconduct, where the Respondent is subject to the regulation of a professional or statutory regulatory body, the College shall consider whether, at the conclusion of the process, it is appropriate to inform the professional body of any finding.

Where the Respondent has published research, especially research to which the misconduct relates, the College shall consider whether, at the conclusion of the process, it is appropriate to inform journal editors or others of any finding.