

- 2.4 The basis for reaching a conclusion that an individual is responsible for research misconduct relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct of any aspect of their research

3. Responsibilities

All staff (including honorary and associate staff) and students, and individuals permitted to work on University premises or use University facilities, have a responsibility to report any well-founded suspicions of research misconduct. Suspicions reported in confidence and in good faith will not lead to disciplinary proceedings against the person making the complaint. In the event, however, of a frivolous, vexatious and/or malicious allegation being made, action may be taken against persons making the allegations.

4. Procedures for investigation

- 4.1 Allegations of research misconduct may come from others in

actions do not constitute research misconduct as defined in these procedures) or it is frivolous, vexatious or malicious or it should be dealt with under another applicable University policy or procedure. Allegations which are considered to be frivolous, vexatious and/or malicious may be subject to disciplinary or other actions.

- 4.12 The Contact may also determine that the matter can be addressed through some form of arbitration. This does not rule out moving to a full investigation at a later point.
- 4.13 The Contact will provide the Complainant with a written determination summarising the reasons for the decision reached following the preliminary investigation.
- 4.14 In the event that the nature of the allegation is such that it is necessary to notify legal or regulatory authorities, any investigation led by a legal or regulatory body will take precedence over this procedure. This procedure may need to be suspended to be concluded at a later date, or may be deemed unnecessary.
- 4.15 If the Contact determines that there is a case which requires further investigation, the Contact shall inform the Vice Chancellor and, in the case of a staff member, the Director of HR about the investigation, providing the identity of the Respondent and the Claimant (unless the Claimant remains anonymous) and any other relevant details such as collaborators or funding. This information will be treated in confidence and neither the Vice Chancellor or the Director of HR will play any role in the investigation.
- 4.16 The Contact will establish a Panel to assess the allegations.
- 4.17 The subject of the allegation, hereafter the Respondent, shall be informed by the Contact of the decision to set up the Panel and of the membership of the Panel. They shall also be informed that any information gathered during the research misconduct procedure may also be used as information and evidence in any other relevant University procedure.
- 4.18 The Panel shall normally consist of three members who will each be an experienced researcher in their own right, meaning they will be a Professor and/or have acted as a Principal Investigator or Research Project Lead, a Director of Studies or a Research Centre/Unit or Group lead and a secretary, normally an RKE Facilitator. Further:
- at least two members will have expertise in the relevant research area
 - at least one member will be from outside the School of the Respondent who will normally act as Chair
 - one member may be external to the University but may not act as Chair.
- Members of the Panel must have no conflict of interest, including no line management or any other relationship with the Respondent.
- 4.19 The Panel will be provided with such records as are necessary to enable the investigation to proceed. The Panel must ensure these are stored confidentially
- 4.20 The Panel may interview both the Complainant and the Respondent, and any other persons, whose evidence may, in the Panel's view, assist it in

- that there is sufficient evidence for there to be a case to answer in relation to all allegations.
- b) that there is sufficient evidence for there to be a case to answer in relation to some of the allegations – in this instance the panel should make clear which allegations have sufficient evidence and which do not.
 - c) that there is not sufficient evidence for there to be a case to answer in relation to any of the allegations.
 - d) that the allegations were found to be frivolous, vexatious or malicious.
- 4.25 Where there is a sufficient case to answer in relation to the allegations concerned, those allegations will proceed to be considered further under the University's Staff Disciplinary procedure. The report of the Research Misconduct Investigation Panel will form the basis of the evidence in that disciplinary procedure and therefore the case will normally be referred to a disciplinary hearing without the need for further investigation. All the information collected and brought to light through the Procedure for dealing with Allegations of Research Misconduct will be shared with any Disciplinary Hearing Manager or Panel appointed to consider the case under the staff disciplinary procedure.
- 4.26 Where **there is sufficient evidence for there to be a case to answer** in full or in part and the respondent is a student, the contact will refer the matter to the Registrar to be dealt with under *Student Disciplinary Procedures*.
- 4.27 In all cases where **there is sufficient evidence for there to be a case to answer** in full or in part, the Contact will notify the Head of School.
- 4.28 In the event **there is sufficient evidence for there to be a case to answer** in full or in part relate to someone who is not subject to the University's disciplinary procedures, the Contact may determine to notify other institutions, which have a legitimate interest in the outcome of the procedure and the individual's continued use of the University's premises and facilities may be curtailed.the Head of School.

writing to the Complainant. In order to support the reputation of the Respondent and the research project(s) concerned the Contact will consider notifying any appropriate external organisations or authorities.

5. Procedures for review of the decision of the Panel

- 5.1 The Complainant may request a review of the decision of the Panel on the following grounds:
- (a) that these procedures have not been correctly followed
 - (b)

